



OFFICE OF THE  
**DISTRICT ATTORNEY**  
Stephanie A. Bridgett  
County of Shasta

**Benjamin L. Hanna**  
Chief Deputy District Attorney

**Joseph Hendrix**  
Chief Investigator

November 15, 2022

Chief Bill Schueller  
777 Cypress Avenue  
Redding, CA 96001

RE: February 7, 2021 Officer-Involved Shooting  
Redding Police Department case 21R008026  
Shasta County Sheriff's Office case 21S004364  
Shasta County District Attorney BOI #21GC0085  
Involved Officers: Jeremiah Kasinger, Brett Leonard, and Nate Sweeney  
Involved Person: Brooke Blair (DOB 08/09/93)

Chief Schueller:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced officer-involved shooting incident. For purposes of this review, the District Attorney's responsibility is to review the evidence and determine whether there is sufficient evidence to support the filing of criminal charges. Issues of policy, training, tactics, or civil liability were not considered. For the reasons set forth below, we conclude that the shooting was lawful.

The lead agency in this investigation was the Redding Police Department, with the assistance of the Shasta County District Attorney's Office. In conducting the investigation, investigators and officers from the Shasta County Sheriff's Office and allied agencies interviewed witnesses and collected physical evidence in an effort to gain a full and complete picture of the events that resulted in the fatal shooting of Brooke Blair. The findings of the District Attorney are based upon a review of the totality of the materials compiled in the multi-agency investigation.

## FACTUAL SUMMARY

On February 7, 2021, at approximately 11:25 am, a civilian motorist called 9-1-1 to report an unknown male on the Cypress Street bridge holding a gun in the air. The witness described the male as wearing a hat, dark clothing, and a heavy jacket. She also stated the male was in the company of another male and a female. Ms. Hanes could not describe whether the subjects were engaged in any type of argument.

At 11:28 am, Corporal Robert Garnero of the Redding Police Department went to the area to respond to the call. As he drove eastbound onto the Cypress Street bridge in a marked patrol SUV, he saw three subjects (two males and one female) on the south side walkway of the bridge. Corporal Garnero stopped his vehicle and drew his firearm. Corporal Garnero ordered the three subjects to raise their hands in the air and slowly approach the walkway guardrail. The two males complied. They were later identified as Jeremy Justinger and Joseph Simmons. The female, later identified as the decedent, Brooke Blair, became argumentative and did not comply with Corporal Garnero's orders.

Officers Kasinger, Leonard, and Sweeney arrived shortly after Corporal Garnero. These three officers drew their firearms and took positions behind Corporal Garnero's SUV for cover. Officers Kasinger, Leonard, and Sweeney were also yelling commands at the subjects to keep their hands up. Soon after the three officers arrived, Officer Bland also came on scene.

One of the males had climbed over the railing and was beginning to kneel on the ground as ordered by the officers. At this time, Blair lowered her hands and placed one of them into her jacket pocket. Officer Bland described Blair's actions as if Blair were fumbling with something in her pocket. Officer Bland yelled at Blair to put her hands up and to show her hands. Blair removed a black object from her left pocket. Blair raised the object in front of her body. Officer Bland identified the object as a firearm and yelled, "She has a gun!" Blair continued to raise the gun to her own temple.

The other officers on scene also reported seeing the gun. In later statements, Officers Kasinger, Leonard, Sweeney, and Travis Williams reported that it looked as if Blair were pointing the gun at the officers on the scene and one of the males next to her.

Officer Leonard saw Blair raising the gun and felt Blair had an advantage over the officers because the officers were in a position of reacting to Blair's actions. Blair's gun was out and appeared ready to fire as soon as it cleared her clothing. Officer Leonard estimated it took Blair less than one second to lower her hands from about shoulder height, retrieve the object from her waistband area, and raise it up toward the officers and then her own temple.

Officer Leonard pointed his firearm at Blair and as she raised her gun, he fired his weapon at her. Officer Leonard had already made the decision to discharge his weapon and was pressing the trigger when he observed Blair pulling her gun toward her own temple. Officer Leonard had no time in between his decision to fire his gun and seeing Blair put her gun to her temple.

Officer Kasinger also remembers being caught at a disadvantage due to Blair's drawing her gun so quickly. Officer Kasinger saw that Blair had appeared to point her gun in the direction of himself and Officer Sweeney. While he didn't see Blair point the gun directly at him, Officer Kasinger felt Blair's actions presented an immediate threat to himself and other officers. He decided he needed to use lethal force to prevent Blair's use of the gun.

Officer Sweeney saw Blair as she raised the gun from her waistband area towards her head. Officer Sweeney described Blair's holding the gun in an angle of about 40 to 45 degrees away from her body. He remembered Blair's pointing the gun in the direction of himself and the male civilian standing next to her as she raised the gun to her temple. Officer Sweeney also felt that he was at a disadvantage due to Blair's drawing her gun so quickly. Officer Sweeney decided that he had to use lethal force to prevent Blair from using her gun.

Officers Kasinger, Leonard, and Sweeney each decided that less lethal tools were not an option in this instance. Due to their distance from Blair, they could not use their batons. Similarly, the distance would have made the effectiveness of the pepper spray less reliable. The Taser was not an option due to the distance and other objects in the area, such as the roadside railing and the two males on the scene. Finally, due to Blair's quickly drawing the gun, the officers did not have time to use any other de-escalation tools.

Officers Kasinger, Leonard, and Sweeney were the only officers on scene who fired at Blair. They fired a total of 9 rounds. Blair was struck multiple times.

Officers on scene rendered medical aid to Blair until emergency response personnel arrived and transported Blair to the hospital. Unfortunately, Blair succumbed to her injuries at the hospital. A later autopsy determined her cause of death to be a gunshot wound to the head. While methamphetamine metabolite was detected in her blood, it did not contribute to Blair's death.

After the scene had been rendered safe, the officers inspected Blair's gun, which was near her body. Officers determined the gun was a BB gun designed to appear like a real pistol. Blair's gun resembles popular pistols manufactured by gunmakers such as Sig Sauer and Ruger. (See Figure 1.)



**Figure 1: Evidence photograph of the gun recovered at the scene.**

Investigators interviewed Simmons. He told them he had seen Blair with the gun prior to the incident. He said that after the officers told him, Blair, and Justinger (whom he had just met) to put their hands up, he saw Blair pull the gun from her jacket and put it to her head. Simmons said that he could tell that it was an airsoft gun because he could see the compartment where an air canister would attach in the gun. Simmons said that he didn't think the officers would have been able to see the compartment from their positions.

Investigators also interviewed Justinger after the incident. Justinger said that at the time of the shots being fired, he was kneeling facing away from Blair. Justinger said he did not see any of Blair's actions nor those of the officers. He did say that he heard the officers tell Blair to put her hands up. Justinger said that he did not think Blair had the gun on her person at the time of this incident. Justinger also said that he had spent the night prior with Blair. He said that he had seen Blair with the gun. Justinger said that he had seen Blair put the gun in her purse as well as having it on her waistline, patting his right hip when asked for clarification.

Investigators spoke to several firefighting and emergency medical response personnel. Four of those interviewed remembered seeing Blair's gun on the pavement when they arrived on the scene or were rendering aid. All four thought it was a real gun. One, in fact, thought it was an officer's gun.

Blair had recent non-violent convictions for felony and misdemeanor child endangerment.

### **LEGAL STANDARD**

Penal Code section 835a sets forth the law regarding peace officers' use of deadly force. Peace officers may only use deadly force when necessary in defense of human life, taking into

consideration the particular circumstances of each situation (Section 835a(a)(2)). “The decision of an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight” (Section 835a(a)(4) and (e)(3)). An officer may use deadly force when he or she reasonably believes, based on the totality of the circumstances that the force is necessary “to defend against an imminent threat of death or serious bodily injury to the officer or to another person” (Section 835a(c)(1)(A)).

As mentioned above, the situation is evaluated based on the totality of the circumstances. This means “all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” (Section 835a(e)(3).)

Deadly force is defined as “any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm (Section 835a(e)(1)).

An imminent threat is one in which “a person has the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person” (Section 835a(e)(2)).

### **LEGAL ANALYSIS**

In this case, officers were dispatched to a man with a gun call. A civilian called 9-1-1 to report seeing a man waving a gun in the presence of two other people. When officers arrived at the scene, they found three people in the area the citizen described. Officers approached the three subjects with caution. Blair put officers on alert when she immediately became both verbally and physically non-compliant.

Officers Kasinger, Leonard, and Sweeney saw Blair point a gun in their direction and toward of one of the males with her. That gun, while not a real firearm, appeared to be a real firearm to the officers at the scene of the incident, as well as other emergency personnel who arrived to render medical aid. All three officers feared Blair would shoot one of them or the male civilian standing next to her.

This incident unfolded in mere seconds. Officers did not have enough time to use less lethal options nor try to de-escalate the situation by other means. Officers repeatedly told Blair to put her hands up and to show her hands. Blair refused to do so. To the officers it was imperative they stop the threat posed by Blair and the gun she was holding. Blair left the officers with no alternative but to shoot her to stop that threat and ensure the safety of the people at the scene.

There is no doubt that a reasonable officer under these circumstances would believe that Blair presented an imminent threat to their safety and the safety of the public. She was armed with an item that convincingly mimicked a real firearm and used that item in an offensive manner. In the brief time the officers had to make a split-second decision, they acted reasonably.

**CONCLUSION**

Under these circumstances, Officers Kasinger, Leonard, and Sweeney were justified in using deadly force in response to Blair's actions. I find the shooting to be lawful and will take no further action in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephanie A. Bridgett". The signature is fluid and cursive, with a large initial "S" and "B".

STEPHANIE A. BRIDGETT  
DISTRICT ATTORNEY

cc: Bill Schueller, Redding Police Department  
cc: Michael Johnson, Shasta County Sheriff's Office