



SAN LEANDRO POLICE DEPARTMENT

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Jeffery J. Tudor

Chief of Police

Professional Standards and Training Unit

Officer Involved Shooting 2019-25646

Michelle Woods
Police Officer

Use of Force Review: Policy 300.4 – Use of Deadly Force

Findings: The use of deadly force was determined to be within policy.

Recommendation:

I, Jeffrey Tudor, Chief of the San Leandro Police Department, have reviewed all relevant documents, videos and/or evidence in this case. I agree / ~~disagree~~ with the findings and recommendations made by the Professional Standards and Training Unit and with the recommendation of the Bureau Captain of Services.



Chief Jeffrey Tudor

9.2.20

Date



SAN LEANDRO POLICE DEPARTMENT

901 East 14th Street
San Leandro, CA 94577



PROFESSIONAL STANDARDS **AND TRAINING UNIT**

Officer-Involved Shooting
2019-25646

Anthony Gomez
Officer M. Woods

June 11, 2019 @ 1604 hours

█ Martin Blvd. San Leandro, CA

Synopsis

At 1604 hours on June 11, 2019, Officers were called to the scene regarding Gomez walking around the neighborhood, possibly intoxicated, driving at a high rate of speed, later exposing his penis to children, and carrying a machete.

When Officers arrived, Gomez walked onto the porch of █ Martin Boulevard while a female was also present on the porch. Officers did not know the relationship between the female and Gomez, nor did they know his relationship with the home. It was later discovered that the female was his mother, whom he resided.

Officers requested Gomez to exit the porch, but he refused. His mother eventually walked away from Gomez, and officers escorted her away from the home. Officers did not know who else was inside the house and feared Gomez would enter the home, possibly hurt potential victims, and barricade himself.

To prevent this from occurring, officers decided to approach Gomez. As they walked towards him, Gomez reached down to his side, took a shooting stance with an object in his hand, and pointed it at the officers. While doing so, Gomez yelled, "Let's go, mother fuckers." Officer Woods believed Gomez had a weapon and was going to shoot at them, so she fired one round, which struck Gomez in the neck. He fell backward and dropped the weapon, which turned out to be a dark, painted piece of wood. Officers' performed first aid on Gomez until paramedics arrived. At 1626 hours, Gomez was pronounced deceased at the scene.

Finding

Our Use of Force Policy (300) recognizes an inherent right to use deadly force to protect oneself or others from death or great bodily harm. Deadly force can be used when the circumstance creates a substantial likelihood of causing death or very serious injury.

Section 300.4 states

Use of deadly force is justified in the following circumstance:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

In this case, Officer Woods conduct and statement immediately before and after the shooting show, she honestly and reasonably believed Gomez took a shooting stance, pointed a gun at her as well as other officers, and believed Gomez fired a round at her and the officers.

Several facts support this:

Gomez quickly stood up and stated, "Let's go, mother fuckers."
Gomez took a shooting stance with both arms extended out
Gomez had an object in his hand that appeared to be a firearm
Gomez pointed that object straight at Officer Woods
Officer Woods believed the sound of gunfire first came from Gomez

This is also supported by:

Several officer statements who were at the scene
The videos from the officer's body-worn cameras

In this case, the evidence shows Officer Woods acted within our Use of Force Policy when using deadly force and did not violate any section within our policy.

I have also reviewed the following documents regarding this incident-

- SLPD Use of Force Policy #300
- Officer Woods Training File-Range Qualification Confirmation Forms
- Alameda County Sheriff's Office Crime Laboratory Examination Report
- Sergeant B. Anthony's Criminal Report
- Photographs of the scene
- Written supplementals from all employees who were at the scene or who had any involvement in this case
- Viewed the body-worn camera video from officers involved
- Report from the Alameda County District Attorney's Office

Summary

A thorough review of the evidence, in this case, shows the following:

On Tuesday, June 11, 2019, approximately 1604 hours, San Leandro Police received a call from [REDACTED]. [REDACTED] told a dispatcher that a male, later identified as Gomez, was showing his penis to his young siblings and was striking a tree with a machete. Gomez threatened to stab the children, and [REDACTED] said Gomez appeared to be intoxicated. [REDACTED] also said Gomez was driving up and down the street in his vehicle at a high rate of speed. [REDACTED] told Gomez he was going to call the police on him. Gomez responded by stating that he would kill the cops if they came because he does not like the police, and he would not go down without a fight.

Prior to arrival, Officer Olivera read notes in the dispatch call that stated Gomez made threats of killing cops. Officer Olivera relayed that information over the radio to officers responding to the incident.

Officer Woods was the first officer to arrive on the scene. She parked her marked police vehicle one block east of the scene. A few seconds later, Officer Olivera arrived on scene and parked in the same area as Officer Woods.

Officer Woods exited her vehicle and observed Gomez in the middle of the street, holding a machete. Officer Woods followed Gomez at a safe distance while Officer Olivera stayed in his car and made announcements over his PA system for Gomez to drop the weapon. Officer Olivera made several announcements telling Gomez to drop the machete/weapon. Gomez continued walking and ended up on the porch of [REDACTED] Martin Boulevard.

Sgt. Teng asked dispatch for medical personnel to stage in the area. Officer Mally (K9 Officer) and his partner Rohan arrived and parked in front of [REDACTED] Martin Boulevard.

More officers arrived on scene, which included Officers Mund, Albert, Andruha, and Pantoja. All officers involved in the incident were in full uniform and identifiable as police officers. They were also driving fully marked black and white police vehicles equipped with lights and a siren. Also, officers involved were wearing their assigned body-worn cameras, which were activated during the incident.

Officer Olivera had prior contact with Gomez and continued the dialogue with him. Officers set up around the front of the house and noticed a female now on the porch with Gomez. At that time, none of the officers knew who the female was, and they did not know if Gomez resided at that home. Because they did not know the relationship between the female and Gomez, the officers feared that she was in harm's way. Officers drew their duty weapons and had them at a low ready just in case Gomez reacted in the form of harming the woman.

Officer Olivera advised the other officers that Gomez had thrown the machete in another location. For the next minute, Officer Olivera continued to speak with Gomez and attempted several times to de-escalate the situation. He asked Gomez to step down from the porch and speak to him. Officer Olivera told Gomez that the police were not there to hurt him and only needed to speak with him. Gomez refused his request and was not willing to leave the porch. About three minutes into Officer Olivera's video footage; the female comes down from the porch. This female was later identified as Gomez's mother.

Sgt. Teng wanted to prevent Gomez from entering the home because they still didn't know his relationship to the house. The officers developed a plan while Officer Mund retrieved the ballistic shield. The plan was to move forward and approach Gomez to prevent him from entering the home and harming anyone that may be inside as well as barricading the house.

Officer Woods was assigned to be the lethal coverage, which meant she would have her firearm at the ready position. Officer Olivera would be the negotiator. Officer Mund was assigned less-lethal coverage and carried the FN303. Officer Mally would be the K9 officer along with his partner Rohan. Officer Pantoja was also part of the team to move forward.

As the team moved toward the porch, Gomez was in a seating position. Gomez suddenly reached down with his right hand and took a shooting stance with both arms extended out as if holding a gun. Gomez yelled, "Let's go, mother fuckers" and was seen holding an object in his hand that represented a gun. Officer Woods fired one round at Gomez, which struck him in the neck. Gomez dropped the object and fell back against the exterior wall of the home. Officer Mally released Rohan from the leash as officers demanded Gomez to show them his hands. As the officers approached Gomez, Officer Mally commanded Rohan to release his bite. Rohan was on the bite for approximately 21 seconds.

Officer Mally ran back to his vehicle to secure Rohan inside his vehicle. Officer Mund requested the medical kit so they could provide medical aid to Gomez. While performing first aid on Gomez, other officers conducted an interior search of the home for any possible victims. There were no victims found inside the house.

At 1626 hours, Gomez was pronounced deceased by Paramedic Jones from the Alameda County Fire Department.

Officer Woods was interviewed and, in summary, stated she fired her handgun one time because she believed Gomez was a threat to her and the other officers' lives. She believed Gomez stood up holding a firearm when he took a shooting stance. When Officer Woods heard the shot, she thought it came from Gomez's weapon and feared she was too late on shooting her firearm. Officer Woods was anticipating the round striking her because she said Gomez was looking straight at her when he pointed the object at her while yelling, "Let's go, mother fuckers." Officer Woods did not realize it was a piece of wood until she approached the porch and looked for the gun.

Officer Woods described Gomez as holding a dark object that appeared to be a gun. With the combination of pointing the object that appeared to be a gun, taking a shooting stance, and yelling, Officer Woods believed Gomez purposely and deliberately made those movements and comments to force her to shoot him.

Firearms Training

I have reviewed Officer Woods training file, specifically her firearm range qualifications. According to our policy, officers must qualify on an annual basis.

On March 30, 2019, she qualified with her on-duty handgun (Glock 17) and passed successfully. On the same day, she also passed the shotgun qualification.

On December 20, 2018, Officer Woods passed her 2018 qualification with the same on-duty handgun, Glock 17.

Officer Woods was up to date with her firearms training and qualifications.

Lieutenant J. Molettieri