

**COMMUNITY REVIEW BOARD**

**TEAM # ■**

**CASE # 2019-0588**

**Date of Incident:** September 16, 2019  
**Time of Incident:** 1522 Hours (3:22 PM)  
**Location of Incident:** ■■■■■■■■■■, San Diego, Ca  
**Date of Complaint:** September 16, 2019  
**Investigator:** Detective Sergeant John Denny  
**Date Assigned to CRB:** July 16, 2020  
**Date Review Complete:** November 13, 2020  
**Date CRB Presentation:** December 8, 2020

**CONFIDENTIAL: FOR EXCLUSIVE USE OF COMMUNITY REVIEW BOARD AND SDPD  
IN ACCORDANCE WITH RESTRICTIONS ON CONFIDENTIAL PERSONNEL RECORDS  
PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 832.5, 832.7, and 832.8**

**OFFICER INVOLVED:** **STONIER, Roger A., ID #5292, POII** **BWC**  
Date of Hire: 10-02-1995 (23 yrs.)  
S.D.P.D., Central Division  
■■■■■, Age: ■■■■

**WEAPON USED:** **.45 caliber Glock, Model 21, SN ■■■■■■■■■■**  
**Personally owned firearm**

**OFFICER INVOLVED:** **WOODS, Kyle, ID #7695, and POII** **BWC**  
Date of Hire: 05-18-2017 (2 yrs.)  
S.D.P.D., Central Division  
■■■■■, Age: ■■■■

**WEAPON USED:** **9mm Glock, Model 17 Gen 4, SN # ■■■■■■■■■■**  
**Department issued firearm**

**SUSPECT:** ■■■■■■■■■■  
■■■■■ ■■■■■■■■■■  
■■■■■

**WEAPON USED:** **.45 caliber Smith & Wesson, Model 4506, SN # ■■■■■■■■■■**

**WITNESS OFFICER:** **VINA, Jordan T., POII, ID #7190** **BWC**  
Date of Hire: 02-21-2014 (5 yrs.)  
S.D.P.D., Central Division  
■■■■■, Age: ■■■■

**CIVILIAN WITNESSES:**

[REDACTED]  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]

Allegation	Description	Subject Officer(s)	Witness(es)	IA Finding	Team Finding
1. FORCE (OIS)	On Sept. 16, 2019, Patrol Officer Jordan VINA initiated contact with [REDACTED] who attempted to flee after pointing a gun at Officer VINA. Officer VINA reported the foot pursuit of an armed suspect on SDPD radio. Officers Roger STONIER and Kyle WOODS arrived in less than a minute. They intercepted [REDACTED] and shots were fired. [REDACTED] received non-life threatening injury.	STONIER WOODS	VINA, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], RODRIGUEZ, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]	WP	A
<b>Investigator's Notes:</b>					

### **CASE NOTES:**

This case has been delayed due to prioritization of cases with Sustained findings in the heavy case load following COVID-19 shut-down in March, April and May 2020.

During its review of this case, the team found that the District Attorney's letter which outlines its review of the case and its determination of findings mischaracterized the facts of the shooting. As will be detailed in this review, [REDACTED] was not the first to fire his weapon in his exchange with subject Officers Stonier and Woods. In its conclusion, the DA writes: "Body worn cameras and videos taken by civilians captures the moment that [REDACTED] leveled his gun towards Stonier and Woods and fired multiple shots, prompting both officers to return fire." The team expresses its concern that the San Diego District Attorney's Office would represent such a critical point of fact regarding an officer involved shooting inaccurately.

<b><u>Check = Reviewed</u></b>	<b><u>Resource Item</u></b>
	Complaint Documents
	Medical Records of Complainant
	Video from Complainant
	Audio Recording from Complainant
	Photographs from Complainant
	Additional Materials provided by Complainant
X	IA Investigation Report



X	Police Officer Reports
X	Police Officer Body Worn Camera (BWC) video
X	SDPD HR Profile Sheet(s)
	SDPD Sally Port video
	SD Sheriff Jail Intake video
	SD Sheriff Property Form
	SD Sheriff Medical Intake Questionnaire
X	Interview Audio of Complainant
X	Interview Audio of Witnesses
X	Interview Audio of Witness Officers
X	Interview Audio of Subject Officers
	Interview Audio of Others Contacted
	SDPD Policy & Procedures
X	Other: (1) Homicide Team 3 Report (2) Facebook records

### **INCIDENT SUMMARY:**

Around 3:22 PM on September 16, 2019, Officer Jordan VINA was on patrol, driving southbound on National Avenue in the area of [REDACTED] [REDACTED]. He observed what appeared to be a hand-to-hand narcotics transaction taking place between two Hispanic males. He recognized one of the males, [REDACTED], as a "Logan" gang member. Officer VINA stopped his patrol vehicle and got out to contact [REDACTED] and his accomplice. The second male, later identified as [REDACTED], took off running and Officer VINA initiated a foot pursuit. [REDACTED] produced a silver handgun and pointed it at Officer VINA who drew his handgun. As Officer VINA followed [REDACTED] running along National Avenue, both of them ducking in and out around parked cars and a motor home. Neither of them fired any shots.

Officer Roger STONIER and Officer Kyle WOODS arrived on scene approximately 45 seconds after Officer VINA aired the foot pursuit. They observed [REDACTED] running toward them and saw the silver gun in his hand. When [REDACTED] pointed his handgun at them, Officer STONIER and Officer WOODS both fired their handguns multiple times at [REDACTED] who returned fire. No officers were struck by the gunfire. [REDACTED] was hit and fell to the ground on the north sidewalk of [REDACTED]. The two officers approached and Officer STONIER kicked [REDACTED] handgun away from him.

[REDACTED] was taken into custody. He sustained one "through and through" gunshot wound to his right side. His injuries were not considered life threatening. After receiving treatment UCSD, [REDACTED] was booked into Central County Jail for numerous charges including three counts of Attempted Murder (187(a) PC), plus weapons, drug and parole violations.

Homicide Team 3 was called to the scene and undertook the investigation.

## **DISCUSSION AND CONCLUSIONS:**

On Sept. 16, 2019, Patrol Officer Jordan VINA initiated contact with [REDACTED] who attempted to flee after pointing a gun at Officer VINA. Officer VINA reported the foot pursuit of an armed suspect on SDPD radio. Officers Roger STONIER and Kyle WOODS arrived in less than a minute. They intercepted [REDACTED] and shots were fired. [REDACTED] received A non-life threatening injury.

Applicable SDPD Procedure is 1.04, "Use of Force", dated January 23, 2019, which states in part:

### **V. PROCEDURES**

#### **H. Use of Firearms**

##### **2. No officer shall discharge a firearm in the performance of duty except:**

- c. When necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the inflection or threatened inflection of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon and the suspect's escape would pose an imminent threat to the officer or others....*

Officers STONIER and WOODS responded to a radio call reporting a foot pursuit of a male suspect who was armed with a handgun. They arrived at the scene from the direction of the fleeing male's course, in position to intercept him. They stopped their patrol car in the middle of the street and exited the vehicle. After seeing the shiny silver gun in [REDACTED] hand, both officers yelled at him to drop the gun but he did not comply. In his IA interview, Officer STONIER described seeing [REDACTED] start to raise his gun. Both officers drew their weapons and engaged in an exchange of gunfire. Officer STONIER said he fired the first shot. Once [REDACTED] was hit, he was taken into custody without further incident.

The Firearms Unit Laboratory examined Officer STONIER's and Officer WOODS' weapons and found all ammunition was Department approved and both guns operated normally. IA reported that Officer STONIER was authorized to use his personal Glock 21 as his duty weapon; his most recent qualification with that gun was July 22, 2019. Officer WOODS was using the authorized Department-owned Glock 17; his most recent qualification with that gun was July 8, 2019.

Numerous witnesses were interviewed for the Homicide investigation. They were not re-interviewed by IA. Witnesses [REDACTED] and [REDACTED] heard the officers shout commands at [REDACTED]. Witnesses [REDACTED] and [REDACTED] saw [REDACTED] running with a silver gun in his hand and heard multiple gunshots. Witnesses [REDACTED] also heard gunshots. Witnesses [REDACTED] saw [REDACTED] pointing his gun at the officers. Witnesses [REDACTED]



██████████ saw either ██████████ or officers or both firing their weapons. Witness ██████████ was not sure who fired the first shot.

Officers VINA, STONIER and WOODS were interviewed for the Homicide investigation. They were not re-interviewed by IA. During their interviews, all three officers described a situation in which they feared death or serious bodily injury for themselves, the other officers and many civilians in the immediate vicinity. BWC video from the three officers confirms the events as they described.

The review conducted by San Diego District Attorney concluded:

*Considering the danger presented to them and the community, Officer Stonier and Officer Woods lawfully fired their weapon in self-defense of themselves and others. Officers Stonier and Woods bear no state criminal liability for their actions in this incident.*

Based on all the evidence, statements from the officers and witnesses, BWC video, and the legal analysis of the District Attorney, IA found this shooting by Officers STONIER and WOODS to be **WITHIN POLICY** and **Team 1 agrees**.

**NO CHANGES MADE DURING CASE REVIEW**

<b>CRB Team 1 Endorsement</b>	Signature	Signature	Signature
	Date	Date	Date
	██████████	██████████	██████████

**TEAM CONCERNS AND ISSUES:**

The team expresses its concern for the inaccurate representation of a critical fact related to an officer-involved shooting which was found in the District Attorney's letter. This letter outlines its review of an officer involved shooting and its findings related to the case. It is our belief that this undermines the public trust by communicating as fact inaccurate information, and to that end, we believe this issue should be resolved by correcting the outcome letter for purposes of public record.