



Office of the District Attorney Stanislaus County

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PRESS RELEASE

For Immediate Release

Date: May 6, 2021

Re: Shooting by Officers Found to be Justified

For More Information Contact:

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Phone: (209) 525-5550

Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that, after a thorough review of all the relevant evidence gathered during the investigation of the officer-involved shooting that occurred on May 25, 2020, the shooting has been determined to be justified.

A copy of the letter provided to the Modesto Police Department is attached to this press release.

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Realistic-looking firearms can lead to very serious consequences. One law reviewer has stated:

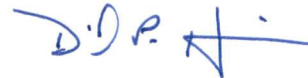
In 2016, the Washington Post did an analysis of police shootings involving “ultra-real-looking pellet guns, toy weapons and non-functioning replicas.” According to the Washington Post's database of fatal police shootings, over the two years prior to the article's publication, police had shot and killed eighty-six people in such encounters. Half of these shootings occurred at night. Police report that in sixty cases the suspect pointed the gun at them, and in virtually all of the cases the suspect failed to comply with their instructions. Significantly, in a large percentage of these cases-- thirty-eight out of eighty-six--the suspect had a history of mental illness.**** Police confirm that it is “virtually impossible” to train officers to distinguish between actual guns and imitations from a distance. [Citations omitted.]
Barbara E. Armacost, Police Shootings: Is Accountability the Enemy of Prevention?, 80 Ohio St. L.J. 907, 970–71 (2019)

CONCLUSION

Based on the law in its current form, past form and under the Fourth Amendment standard, all of the legal elements for self-defense are present making this shooting justified. It is therefore our determination that the conduct of Officer John Carrico and Officer Ryan Owens was legally reasonable and necessary, and their actions were justified. This office views the matter as closed and no further action need be taken.

Very truly yours,

BIRGIT FLADAGER
District Attorney



David P. Harris
Assistant District Attorney

cc: Off. John Carrico
Off. Ryan Owens