



Sacramento County District Attorney's Office

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Samuel D. Somers, Jr., Chief of Police
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5770 Freeport Boulevard, Suite 100
Sacramento, CA 95822

RE: Officer-Involved Shooting: Case No. SPD-15-135081
 Shooting Officer: SPD Mark Redlich #739
 Person Shot: Matt Coates (DOB: 6/11/1972)

Dear Chief Sommers,

The District Attorney's Office has completed an independent review of the above-referenced officer-involved shooting. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Mark Coates. For the reasons set forth, we conclude that the shooting was lawful.

The District Attorney's Office received and reviewed written reports and other documentary items. These items included the following: Sacramento Police Department Report 15-135081; video and audio recordings; dispatch calls; witness interviews; photographs; diagrams; a Sacramento County District Attorney Laboratory of Forensic Services report; the Sacramento County Coroner's Final Report of Investigation; and evidence logs.

FACTUAL SUMMARY

On May 15, 2015, at approximately 3:32 p.m., Norman Peterson called the Sacramento Police Department to report that his neighbors, Matt Coates and Sonja Morrow, were fighting and disturbing the peace.

At approximately 5:35 p.m., Sacramento Police Department Officers Mark Redlich and Jeffrey Daigle responded to the call at 61st Street. When they arrived at 2010 61st Street, they made contact with the complainant, Mr. Peterson. Mr. Peterson told the officers that his neighbors had lived in the other side of his duplex for three years and that their fighting was an ongoing problem. He stated that he called the police on approximately 20 prior occasions to report their conduct. Mr. Peterson stated that he heard fighting earlier in the day and went to their residence to contact Matt Coates. Mr. Coates told Mr. Peterson to "Get the fuck out of here," and then

punched him in his face. Officer Redlich observed a red mark on Mr. Peterson's face. Mr. Peterson also told Officer Redlich that Mr. Coates apologized for hitting him.

Officers Redlich and Daigle approached Coates' side of the duplex. Officer Daigle knocked on the front door while Officer Redlich looked around the front and side of the house. After a few minutes, Sonja Morrow opened the door. She told Officer Daigle that she had been sleeping when he knocked on the door and that her boyfriend was not home. She said, "No, he's gone. He's already left, he left a while ago."

Officer Redlich told Ms. Morrow that he was going to go inside her home to ensure that her boyfriend was not there. Ms. Morrow refused and said, "No, you're not going in." He explained that in a domestic violence situation the officers needed to do a welfare check for both parties to ensure that they were safe. Ms. Morrow then said, "You're not going in my house unless I go with you." The officers agreed. At this point, Ms. Morrow was cooperative. When they entered the home, Officer Daigle again asked Ms. Morrow if there was anyone else in the house. Ms. Morrow stated that no one was there and that Coates had already left. Officer Redlich observed a baby gate in the living room and asked Ms. Morrow if she had a dog. Ms. Morrow replied that she did have a dog and that he was friendly.

Officer Redlich explained that he was going to check the other side of the home. He walked through the kitchen, observed it was messy, and noted the presence of multiple kitchen knives on the counter. Officer Redlich suspected that Mr. Coates was in the home. Officer Redlich checked the garage with negative results. He then observed a back door of the garage that led outside. He noticed the door was partially open and yelled, "Did he go out the back?" Ms. Morrow responded that she did not know and that he had been gone for "a while." Officer Redlich again noticed several more butcher or kitchen knives next to the door. Officer Redlich returned to the living room and found Ms. Morrow talking to Officer Daigle. There were two closed doors off the small hallway, one on the left and one on the right. He asked if anybody was in these rooms. Ms. Morrow replied, "No."

Officer Redlich entered the hallway and announced "Police Department." As he approached the closed doors, Ms. Morrow told him to check the right door because her dog was in the left room and would "lose its mind" if Officer Redlich opened the door. She told him the dog would get mad and bark, and directed him to the door on the right. Officer Redlich reminded Ms. Morrow that she had just told the officers the dog was friendly. Officer Redlich found the situation "weird," and his suspicion grew that Mr. Coates was inside the room on the left. Ms. Morrow told Officer Redlich that the room on the right belonged to her son. Officer Redlich cleared the son's room. Ms. Morrow again stated that there was no one in the other room, and that Officer Redlich could not go inside.

At this point, Officer Redlich had a strong suspicion that Ms. Morrow's boyfriend was in the room. He opened the door and announced "Police Department." As Officer Redlich opened the door, he observed a small dog. The dog was calm and not threatening. He again stated, "Police Department," and pushed the door open further. As Officer Redlich entered the room, he noticed a blanket between the bed and the wall that "just didn't look right." He had the impression that something was hidden under the blanket. Given the nature of the domestic violence call, Officer

Redlich did not rip the blanket off. Rather, he said, "It's the Police Department. If you are under there, make yourself known." There was no response. Officer Redlich then tossed a light object on the blanket to see if there would be a response. There was none.

At this point, Officer Redlich told Officer Daigle that he believed someone was hiding under the blanket. Officer Redlich observed the blanket moving up and down as if someone was breathing. Officer Redlich said, "Show me your hands, show me your hands, get your hands up." Officer Daigle grabbed Ms. Morrow by the right arm in order to place handcuffs on her. He was concerned that Ms. Morrow lied about being alone in the residence and that he would need to assist Officer Redlich. Ms. Morrow immediately started fighting and trying to resist.

Officer Redlich shouted for the person under the blanket to show his hands. In response, the person raised one hand and extended his middle finger at Officer Redlich. Officer Redlich shouted, "Show me your other hand." As Officer Redlich was shouting commands, he was aware that Ms. Morrow and Officer Daigle were involved in a physical altercation in the living room. Officer Redlich became fearful that Ms. Morrow could get to the room or interfere with him physically.

Officer Redlich continued to shout commands at the person to show him his hands. Suddenly, Mr. Coates "just popped up" from under the blanket, got up as fast as he could, and was now standing on the bed. He was approximately 2-3 feet away from Officer Redlich. Mr. Coates kept his right hand behind his back. He said, "Well, you're gonna have to do it, you're gonna have to fucking shoot me." Officer Redlich drew his gun and continued to shout at Mr. Coates to show him his hands. In response, Mr. Coates said something to the effect of, "You're gonna have to fucking shoot me," or "Go ahead and shoot me," or "You're gonna have to do it." He started moving toward Officer Redlich.

Officer Redlich backed out of the room until they were approximately 8 to 10 feet from each other. Officer Redlich was very concerned for his safety. He was aware that Officer Daigle was occupied in a physical struggle with Ms. Morrow, Mr. Coates had been hiding from him, he was in a small hallway, there were knives strewn about in unusual places, and Mr. Coates' hand was behind his back as he was moving toward him. Officer Redlich considered his options (baton, taser, physical fight) and realized he may have to engage in a physical fight with the suspect. The area was too small for a baton and he did not have enough time to use his taser.

As Officer Redlich began backing out of the enclosed space of the hallway, he radioed that he needed "Code 3 cover." Mr. Coates moved into the hallway from the bedroom and brought his hand out from behind his back. His hand was empty. He immediately reached up onto a shelf in the hallway and grabbed a black handgun. Officer Redlich told Officer Daigle, "He's got a gun, he's got a gun." Then he told Mr. Coates to "Drop the gun, drop the gun." Mr. Coates had the gun at his side and said, "Fuckin' do it, you're gonna have to shoot me." Mr. Coates then pulled the gun up to about shoulder height and racked it. Mr. Coates pointed the gun directly at Officer Redlich. Officer Redlich believed he stated on the radio, "He's got a gun." Fearing for his life and the life of his partner, Officer Redlich then fired two shots at Mr. Coates and struck him. Mr. Coates collapsed and fell to the side, out of Officer Redlich's view.

Officer Daigle grabbed Ms. Morrow and began to back out of the house. Officer Daigle had Ms. Morrow in a control hold as they made their way to the patrol car. Officer Redlich kept his eyes on the house and provided cover. Officer Redlich radioed that they had been involved in a shooting. As they were backing out of the house, Officer Redlich kept saying that they needed to get cover because they could not see the suspect and whether he still had the gun in his hand. They did not know whether they were still at risk of being shot. They moved quickly back to the patrol car to protect themselves. Ms. Morrow was handcuffed and put into the back of the patrol car. The in car camera recording began at 5:45 p.m. She was extremely upset and shouting and crying. She can be heard saying, "You didn't have to shoot him! Why did you shoot him?" She also told the officers that the suspect had a fake gun.

Officer Redlich began coordinating units that were responding. He radioed the following: he had been involved in a shooting; the suspect had been shot and was still in the house; the suspect had a gun; the house had not been cleared; the suspect was laying in the hallway, and that he and Officer Daigle were not hurt.

As additional units arrived at approximately 5:46 p.m., Mr. Coates came crawling out of the residence. Ms. Morrow was screaming for the officers to help him. Mr. Coates stopped in a sitting position. His face and clothing were bloody. From his position, Officer Redlich could not determine whether Mr. Coates was still armed or if other people were inside the house. Officer Redlich and others were shouting commands at Mr. Coates to show his hands. Officer Daigle repeatedly shouted for him to lie on his stomach and put his hands behind his back so the officers could approach and help him. Officers approached Mr. Coates and began to offer first aid. At approximately 5:53 p.m., Officers Lo Teurn and Phillip Burnham rolled Mr. Coates on his right side. He was breathing and still conscious. Officer Teurn stayed with Mr. Coates and monitored his life signs until fire department personnel arrived and began rendering medical assistance.

After officers approached Mr. Coates, several responding officers moved in to clear the house. Officer Brian Webb observed a black handgun on the floor in the hallway. Although Officers Redlich and Webb believed the gun was real, a subsequent inspection of the gun revealed that it was a plastic BB gun. The gun did not have an orange tip or any other marking to suggest that it was not an actual firearm.

Mr. Coates was transported from the scene to the UC Davis Medical Center. During transportation, cardiopulmonary resuscitation was administered. After he arrived at the hospital, medical staff pronounced him deceased at 6:14 p.m. Coates's blood was tested by the Sacramento County District Attorney's Office Laboratory of Forensic Services and was positive for methamphetamine, amphetamine and delta-9-THC. The Sacramento County Coroner issued its Final Report of Investigation indicating Mr. Coates died of gunshot wounds. Mr. Coates was shot in the left side of his face, in the right side of his upper chest, and in his left forearm. Officer Redlich fired two shots, one of which caused two separate wounds. Based on Mr. Coates' position, it appeared that a single gunshot penetrated his left forearm, exited the arm and entered the left side of his face. The second bullet hit him in his upper right side of his chest and exited his back. Two gun casings were found at the scene.

Ms. Morrow gave a recorded statement to Sacramento Police Department Detective Shawn Ayers. Ms. Morrow described Coates' history of mental illness. She reported he previously attempted suicide in 2013 and had been diagnosed with bi-polar disorder in May 2015. Ms. Morrow confirmed that she and Mr. Coates often fought and that they were experiencing financial trouble.

As it relates to the shooting, Ms. Morrow claimed she did not know Mr. Coates was hiding in the home when the officers arrived. Although she could not see Mr. Coates when he came out of the bedroom, she heard Officer Redlich saying, "Put the gun down, put the gun down." She did not know why Mr. Coates came out of the room with the gun. She explained that the BB gun belonged to her son and she previously used it to shoot at rats in the home. She also stated the BB gun did not have an orange tip because it was broken and that the gun looked real at a "quick glance." Ms. Morrow stated the following: "I totally understand what they were doing because they were just trying to protect themselves. I totally understand and I'm not mad at the officers for shooting him." Ms. Morrow reported that Mr. Coates told the officers he had "mental problems" and was "sick" as he came out of the room, but did not say anything else before he was shot. She said she tried to tell the officers that the gun was fake and expressed confusion and sadness about why Mr. Coates was not provided immediate medical care upon exiting the house.

Later that evening at approximately 10:45 p.m., Ms. Morrow contacted Detective Brian DeDonder. Ms. Morrow had transported Mr. Coates' mother, Diana Everhart, so she could speak with Detective DeDonder. During this meeting, Ms. Morrow was completely uncooperative and had changed her story about the shooting. She told Detective DeDonder that Mr. Coates had a cell phone in his hand at the time he was shot and that police took the gun from her son's room and planted it. She continued to express outrage that Coates did not receive immediate medical attention. She stated that Mr. Coates was murdered and she was filing a lawsuit.

Ms. Morrow dramatically changed her original statement regarding the shooting after she learned Mr. Coates died. However, the evidence corroborates the statement Ms. Morrow gave to Detective Ayers. Officers Redlich and Daigle gave consistent statements about what happened inside the residence before the shooting. Most importantly, they stated that Mr. Coates grabbed a handgun from a shelf in the hallway, racked it, and pointed it at Officer Redlich. The officers that initially cleared the residence saw the gun dropped in the hallway and it was later photographed in that position by CSI. Two cellphones were observed on the coffee table and were photographed.

Based upon a careful examination of the evidence, and for all of the reasons outlined above, Ms. Morrow's statements to Detective DeDonder are not reliable. Ms. Everhart confirmed that Mr. Coates was bi-polar and was under psychiatric care for depression.

LEGAL ANALYSIS

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California Penal Code sections 196 and 197 specifically

provide that in a situation where it is reasonably necessary for an officer to defend himself or another person against death or serious bodily injury, the use of deadly force is legally justified. (See CALCRIM 505.) Additionally, an officer who has reasonable cause to believe a person has committed a public offense or is a danger to themselves or others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Gardner* (1985) 471 U.S. 1; *Graham v. Connor* (1989) 490 U.S. 386; *Kortum v. Alkrie* (1977) 69 Cal. App.3d 325; CALCRIM 2670.) An officer who attempts to arrest or detain a person need not retreat or desist from his efforts by reasons of the resistance or threatened resistance of the person; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (Cal. Pen. Code § 835a.) Police may use some degree of physical coercion or threat thereof to accomplish an arrest. The force used must be objectively reasonable, considering such issues as the severity of the crime, whether the suspect posed an immediate threat to police or others, and whether the suspect actively resisted arrest or attempted flight. (*Graham v. Connor* (1989) 490 U.S. 386.) The reasonableness inquiry takes into account those facts known to the officer at the moment he or she uses deadly force to apprehend a fleeing suspect. (*Ford v. Childers* (7th Cir. 1988) 855 F.2d. 1271, 1275; *Sherrod v. Berry* (7th Cir. 1988) 856 F.2d 802, 804.)

The person being detained or arrested may be subjected to such restraint as is reasonably necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d. 981, 985; CALCRIM 2670, 2671, 2672.) The rule “requires that the officer’s lawful conduct be established as an objective fact; it does not establish any requirement with respect to the defendant’s *men rea*.” (*People v. Jenkins* (2000) 22 Cal.4th 900, 1020.)

California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 3470.) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. (*Graham v. Connor* (1989) 490 U.S. 386.)

A review of the statements and physical evidence reveals the following: Matthew Coates struggled with mental illness; he was violent with his neighbor and girlfriend on the afternoon of the shooting; he had methamphetamine, amphetamine and delta-9-THC in his system, and had previously attempted suicide. When Officer Redlich encountered Mr. Coates, he was hiding under a blanket and was uncooperative with Officer Redlich’s commands. Mr. Coates suddenly came out from under the blanket and jumped up on the bed. He refused to show the officer his hands. As Officer Redlich backed out of the bedroom and into the hallway, he saw Mr. Coates retrieve what he appeared to be a firearm from a shelf in the hallway. Mr. Coates handled the apparent handgun in a manner consistent with loading it for immediate discharge, and Mr.

Coates pointed it directly at Officer Redlich. Officer Redlich reasonably believed that his life was in danger and fired two shots. Mr. Coates was struck two times, and he subsequently died as a result.

CONCLUSION

Applying the controlling legal standards with the factual record, we conclude that Officer Redlich was justified in using deadly force in this situation. The objective evidence supports a finding that his conduct was reasonable under the circumstances he encountered. Accordingly, we find the shooting to be lawful and will take no further action in this matter.

cc: Officer Mark Redlich
Detective Brian DeDonder
Francine Tournour, Office of Public Safety Accountability