OFFICE OF THE

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PRESS RELEASE
Findings and Conclusions
Officer Involved Shooting of Brandon Reuter (Plumas Bank Robber)
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Introduction

On December 7, 2009, Brandon Michael Reuter, age 20, was shot and killed by law enforcement officers following a bank robbery at the Plumas Bank at 2175 Civic Center Drive in Redding, California. The Shasta County Critical Incident Protocol was immediately initiated. This meant that peace officers from numerous agencies were called upon to investigate the shooting death to determine the propriety of the shooting. The purpose of the protocol is to involve other agencies in the investigation to eliminate any potential conflict of interest issues that might arise. The role of the District Attorney is to monitor the investigation and then to rule on the legality of the shooting, including a determination regarding any possible criminal charges against the officers involved.

First, I will address the integrity of the investigation itself. I have reviewed the voluminous reports filed in this case from a number of law enforcement agencies, viewed dozens of photographs, bank videos and many items of physical evidence. Because the bank robbery occurred in the City of Redding, the Redding Police Department investigated the bank robbery. However, because Redding Police Officers were involved in the shooting, the Shasta County Sheriff's Office was the lead agency in the investigation of the shooting. After review of all of the sources of information, it is my opinion that the investigation was properly conducted and I am satisfied that the information I have is accurate.

Second, I must determine the legality of the shooting and whether there is any criminal liability on the part of the police officers involved. To do this, I must first understand the facts involved in the case and the applicable law.

Facts

Because the case has generated interest, it is appropriate to provide a more complete rendition of the facts. Brandon Reuter was a 20 year old who grew up in the Los Gatos area but most recently lived in the Costa Mesa area. As recently as November 11, 2009, his mother had called police about his

instability, including the fact that he had recently dropped out of college and sold his car. Mr. Reuter had been experiencing erratic behavior, depression and suicidal thoughts.

For some unknown reason, Mr. Reuter traveled to Redding by bus, arriving at 11:59 p.m. on December 1, 2009. He checked into a room at the Stardust Motel and stayed there every night until his death. A search of his room revealed several "practice" robbery type notes that demanded compliance and money. Also, there were narrative descriptions of plans for avoiding detection such as wearing layers of clothing. Also, there was a receipt and a case for a BB gun purchased on December 4, 2009 at the local Sports Authority. It matched the style and type of handgun used by Reuter in the robbery and found near his body. Another receipt was for clothing and shoes from the local Big 5 store on December 2, 2009. There was also a backpack with several school papers, other papers and writings, and maps.

On December 7, 2009 at approximately 3:56 p.m., Mr. Reuter entered the Plumas Bank and approached a teller inside the bank. No customers were present and only two tellers were at their stations. Other employees were present, but not in view on the floor. The teller did not see Mr. Reuter enter the bank, but was suddenly confronted by Mr. Reuter who stated, "Give me your money…this is a robbery". He was also holding a handgun. Mr. Reuter was wearing a ski-type mask and aviator style goggles that covered his face. He wore other clothing apparently designed to conceal his appearance. Reuter demanded money in larger denominations. The teller described the gun as a dark-colored 9mm. She described Reuter as approximately 6 feet tall. The surveillance video shows all of Reuter's actions from the time he entered the bank until he exited the bank. These actions include pointing the handgun at each teller.

Reuter took money from each teller, totaling $3,065.00. He did not provide any bag for the money. Reuter carried the money from the bank in one hand and the handgun in his other hand as he exited the north doors. Immediately after he left, the teller told one of the other employees to call 911. The robbery took about one minute. Reuter was last observed by a bank employee walking eastbound on the sidewalk along Cypress Avenue.

At approximately 4:00 p.m. on December 7, 2009, officers of the Redding Police Department received a call of an armed bank robbery at the Plumas Bank on Civic Center Drive in Redding. Officers were told that the suspect was armed with a 9mm handgun and heading east on foot on Cypress. He was described as a thin, taller white male with a dark hooded sweatshirt. Almost immediately, several RPD officers began to respond to the scene- some came from the main RPD station on California Street and others were already in the vicinity.

Reuter continued walking eastbound on Cypress. Eventually he walked in the area behind the Cypress Street Car Wash. A citizen was sitting in her car in the back area of the car wash. She saw the defendant walk by her car going eastbound. Officer Solada observed a male that fit the general description of the bank robber. After looking at the officer, this suspect (Reuter) entered a bathroom located on the outside of the California Xtreme Auto business just east of the car wash and near the intersection of Cypress and Athens. The officer stationed himself behind cover and watched the bathroom door area. While waiting, other officers arrived and took positions around the bathroom area. Officer Kinneavy a canine officer, also arrived.

After only a few moments, Reuter exited the bathroom and was ordered to put his hands in the air and get on the ground several times by officers. The officers had their guns drawn on him. He stopped and looked at the officers positioned around him and did not comply with orders given. According to the officers, he appeared to be sizing up the situation. He then ran westbound behind the Extreme Auto parking lot toward the car wash. Officers gave chase, continuing to give commands to the suspect to stop and surrender himself. Canine Officer Kinneavy then released his police dog to subdue the suspect. The citizen who had observed Reuter earlier while sitting in her car, saw Reuter running west past her vehicle with the police dog chasing him.

The dog ran past officers and eventually caught Reuter. Reuter kicked and hit the dog as it grabbed onto his leg. At one point, Reuter hunched down and pulled what appeared to be a firearm from the front area of his waistband. Upon seeing the handgun, officers yelled out and radioed that the suspect had a firearm. Officer DiMateo observed the Reuter point the handgun at the dog as if he were going to "execute" the dog. Reuter was able to briefly break free of the dog and began running away from the dog. The dog continued to pursue and bite at Reuter as Reuter ran westbound over a bridge that spans the ACID canal. Reuter then turned north onto the west bank of the canal. As he ran north on the canal bank, the dog caught him once again. He struggled with the canine.

As officers closed in on Reuter, they yelled at him to drop the gun and drop to the ground. Reuter was heard yelling something inaudible. Then Reuter made eye contact with Officer DiMateo and raised his arm with the handgun at shoulder height directly at Officer DiMateo to the south. Reuter was not only pointing the handgun at the officer, but in a direction which would have been across Cypress Avenue and toward Crown Motors. At that time, fearing that Officer DiMateo would be shot, officers opened fire on the suspect. The suspect did not immediately drop to the ground and continued to struggle with the dog. Officers continued to fire until the suspect was down and no longer a threat. At the time of the shooting, officers were located approximately 15-20 yards from Reuter on west canal bank near the area of the bridge that crosses the ACID canal and on the canal bank directly east of Reuter's location. Officers then called for medical assistance for Reuter. As they approached Reuter, the dog was called off and Reuter was secured. He appeared to already be dead.

An Elite II "BB" gun was located near the body. The handgun is designed to be a replica of a firearm. The BB gun was not loaded. A demand note was located on the body, however, no money was found at the scene. The body was eventually delivered to the coroner's office for an autopsy.

An autopsy was conducted and revealed that Reuter had been struck approximately 14 times by gunfire. This was the cause of death. In addition, Reuter had some minor injuries to his legs due to dog bites. At the autopsy, $3,065 was located in Reuter's left boot- the exact amount taken in the robbery.

The weapons of all the officers on scene were taken and reviewed to determine how many shots were fired by the officers. Two officers did not discharge their weapons although one attempted to, but the firearm malfunctioned. Based on the number of "casings" found at the scene and the bullets each officer had remaining, it appears that 46 rounds were fired at Reuter. Based on the statement of civilian witnesses and the officers, the shots were fired nearly simultaneously and in only a couple of seconds. In their statements, each officer was conscious of their "site picture" including the dog, potential citizens in

the area, buildings and other potential risks to the public. The dog was not struck by any of the bullets and escaped the incident uninjured.

The Law

Under the law, I must determine whether the officers were justified in killing Mr. Reuter. To determine whether the officers were justified requires that I view the facts through the eyes of a reasonable officer facing the same or similar circumstances. Then I must determine whether a reasonable officer would have felt fear of death or serious bodily injury given those same facts. In other words, based on what the officers knew and saw at the time, was it reasonable for them to feel fear of death or serious bodily injury to themselves or another? If so, the officers were justified in using deadly force. So, the analysis begins with what the officers knew or saw at the time of the shooting.

Conclusion

Based on the information received of a "fresh" bank robbery in which the suspect used a handgun, the officers were appropriately on high alert. The area of the bank and Reuter's escape route created the potential for a hostage situation. The response of RPD was impressively quick. Officers rapidly took positions around the bathroom area where the bank robber was believed to be. Once Reuter exited the bathroom area, officers gave appropriate verbal commands to end the standoff. Instead of surrendering, Reuter fled on foot. Officers pursued him on foot. To reduce the risk of injury to officers, the police dog was deployed. The dog did his job by slowing Reuter's progress to allow officers to gain on Reuter. Up to this point the officers did not use deadly force because the situation did not warrant it.

However, in an attempt to fight off the dog, Reuter pulled out the handgun. Although the weapon was an unloaded BB gun, it has the obvious appearance of a 9mm handgun as was described by the bank teller. It is how the weapon appeared to the officers that matters. What it ultimately turned out to be is not relevant when analyzing the legal aspects of the situation.

Once the weapon was exhibited, Reuter escalated the situation to a potentially deadly one. Yet, officers did not fire, but continued to give commands to surrender and drop the handgun. Instead of complying Reuter then pointed the handgun directly at Officer DiMateo and raised his arm in a shooting stance much like he displayed in the bank video. Any reasonable person would feel fear of death or serious bodily injury. At that point, all officers present were justified in using deadly force to protect Officer DiMateo and using deadly force until each felt the danger was clearly gone. The number of shots needed to end the danger is completely dependant upon the situation. In this case, the defendant did not fall immediately. The officers were justified in continuing to shoot until the threat was over.

Clearly, this shooting by each officer was justified. The officers acted bravely, professionally and rationally. They employed different tactics to arrest the suspect short of deadly force, including verbal commands, foot pursuit, a canine pursuit and more verbal commands. Officers are not required to wait until the suspect actually discharges the weapon before using deadly force. Because the use of deadly force by all officers that fired their weapons was justified, no criminal charges were requested nor are any warranted. No charges will be filed.