



OFFICE OF THE  
**DISTRICT ATTORNEY**  
COUNTY OF SHASTA



**Stephanie A. Bridgett**  
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December 30, 2019

Chief William Schueller  
Redding Police Department  
777 Cypress Ave.  
Redding, CA 96001

Re: April 2, 2019 Officer Involved Shooting  
Shasta County Sheriff case 19S012259  
Redding Police case 19R020847  
Involved Officer: RPD Officer Leonard, #117  
Involved Person: Donnell Lang (DOB 10/6/70)

Chief Schueller:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced officer involved shooting incident. For purposes of this review, the district attorney's responsibility is to review the evidence and make a determination as to whether there is sufficient evidence to support the filing of criminal charges. Issues of policy, training, tactics, or civil liability were not considered. For the reasons set forth below, we conclude that the shooting was lawful.

Consistent with countywide officer involved shooting protocol, the lead agency in this investigation was the Shasta County Sheriff's Office with the assistance of the Shasta County District Attorney's Office and the Redding Police Department. In conducting the investigation, sheriff's personnel and officers from allied agencies interviewed witnesses and collected physical evidence in an effort to gain a full and complete picture of the events that resulted in the fatal shooting of Donnell Lang. The findings of the district attorney are based upon a review of the totality of the materials compiled in the multi-agency investigation.

## FACTUAL SUMMARY

At approximately 3:38 pm on the afternoon of April 2, 2019, SHASCOM dispatch received a call from a citizen on Crestlake Drive in Redding reporting that there was a male acting strangely in the area. This male had repeatedly walked past the citizen's home and was last seen walking onto the McConnell Foundation trail area. The caller was able to provide a physical description of the male, who was later identified as Donnell Lang. The caller believed that the male was possibly armed with a small caliber handgun. The caller based this opinion on the fact that he observed the outline of a possible gun in the waistband of the individual.

Redding Police officers were dispatched to the area and began to look for the unknown individual. Among the officers dispatched were Redding Police Corporal Rob Peterson and Redding Police Officer Brett Leonard. One of the responding officers, Redding Police Officer Braud, made contact with the original reporting party who provided additional information, telling the officer that he had watched the male through binoculars and saw him holding a black object, which he believed was a firearm.

While searching the area for the suspicious person, Corporal Peterson drove his police vehicle through the open gate of the Lema Ranch trail area. There he encountered Donnell Lang. Mr. Lang was walking in the area. Corporal Peterson spoke to Lang for a moment, but soon resumed his search, not realizing that Mr. Lang was the subject of the call. Shortly thereafter, Corporal Peterson reviewed the clothing description provided to dispatch and realized that the person he had spoken to was likely the person who was the subject of the call. Corporal Peterson then resumed his search and notified Officer Leonard.

Within a few minutes, Corporal Peterson located Lang walking eastbound on Hemingway Street toward Shasta View Drive. At this point, Corporal Peterson was concerned due to the nature of the call and the fact that a person potentially armed with a firearm was in a busy residential neighborhood near a school at a time of day when there was significant pedestrian and vehicular traffic. Because of these concerns, Corporal Peterson did not immediately contact Lang, instead deciding to notify Officer Leonard of his location and wait until Officer Leonard could arrive to assist.

While waiting for Officer Leonard, Corporal Peterson followed Lang in his police vehicle for approximately 30 yards. While doing so, he noticed Lang engaging in some strange behavior. Lang was walking in the street rather than on the sidewalk and was wet due being inappropriately dressed for the steady rain conditions.

Officer Leonard soon arrived on scene and the two officers converged in their vehicles in the area of 2151 Hemingway. Corporal Peterson was driving a marked Redding Police Ford SUV, and Officer Leonard was driving a marked Redding Police Ford Crown Victoria sedan. Both officers were wearing full Redding Police uniforms.

Based on the nature of the call, both officers positioned their police vehicles so as to provide cover from gunfire. Officer Leonard then exited his vehicle with his police-issued patrol rifle. The patrol rifle is a .223 caliber AR-15 model. After getting out of his vehicle, Officer Leonard began giving Lang commands to stop and get down onto the ground. The officers' plan

was to have Lang go to the ground in a prone position, so they could detain him in handcuffs and determine whether he was armed with a gun.

Corporal Peterson also exited his vehicle, holding his duty handgun.

Lang did not comply with Officer Leonard's commands. Instead, he looked over his shoulder as if searching for an escape route. He also reached into his pants pocket and manipulated something in the area of his waistband. This caused Corporal Peterson to fear that Lang was reaching for a firearm.

At around this time, Corporal Peterson moved from his area of cover behind his police vehicle to take cover behind a civilian vehicle parked along the roadway on Hemingway. This new location was closer to Lang and allowed Corporal Peterson to use the vehicle's roof as a steady platform for shooting if necessary. Once he got out of his vehicle, Corporal Peterson was also giving Lang commands to get down onto the ground. Lang continued to not comply with the officers' commands.

Eventually, Corporal Peterson took over the task of providing verbal direction to Lang. Peterson sought to deescalate the situation by changing the pitch and tone of his voice. He also explained to Lang that the police had received a call that he was armed and directed Lang to go down to his knees and then his stomach.

After a period of time, Lang began to comply with the commands. He went down to his knees, but was still grabbing at his pockets. According to Corporal Peterson, Lang's attention was focused on him during this process. Eventually, Lang went from his knees onto his stomach.

Corporal Peterson decided to approach Lang to handcuff him. He told Officer Leonard of this plan, and Leonard agreed to cover him with the rifle while Peterson approached Lang. Corporal Peterson holstered his handgun and approached Lang. Leonard also approached.

As the officers approached, Peterson told Lang to look away from them. Lang complied. Peterson arrived at Lang's location and grabbed Lang's left hand, intending to handcuff Lang from a prone position. Peterson placed Lang into an arm bar control hold in preparation to cuff him.

As Corporal Peterson was performing this hold, he felt that Lang was "checking his balance." Corporal Peterson described this as a technique that he is familiar with as a defensive tactics instructor where a person being placed in an arm bar hold can determine whether the arm bar is being done correctly and potentially escape from the hold. This action concerned Peterson as another sign of Lang's potential unwillingness to comply.

While Corporal Peterson was attempting to handcuff Lang, Lang almost immediately rolled onto his side and reached under his body toward his waistband. Peterson believed Lang was reaching for a gun. Peterson immediately disengaged from Lang and stepped back. As Corporal Peterson did so, Officer Leonard fired his patrol rifle at Lang three times, striking Lang in the chest.

Immediately following the shooting, Corporal Peterson broadcast a "shots fired" call over the radio and requested medical assistance to the location. Lang was handcuffed, and police

officers began providing medical care to Lang. Responding medical staff pronounced Lang dead at the scene. Additional Redding Police officers arrived at the scene to assist. The officer involved shooting protocol was also initiated and investigators from allied agencies began their investigation.

As part of the investigation into the shooting incident, investigators canvassed the area to find witnesses to the incident. Three witnesses living at 2121 Hemingway were in their garage area at the time of the incident and provided statements to officers. The house at 2121 Hemingway is approximately three houses down from 2151 Hemingway where the shooting took place. One of the witnesses at 2121 Hemingway reported seeing Lang walk past his house in an eastbound direction toward Shasta View Drive. Lang had a black rectangular object in his hand. Shortly thereafter, this witness saw the two officers arrive and position their vehicles. One officer was armed with a handgun and the other was armed with a rifle. Both officers gave repeated verbal commands to Lang to get onto the ground and take his hands out of his pockets. These commands were given several times. Eventually, Lang got onto the ground. As soon as an officer grabbed onto Lang, Lang began “flailing”. The witness heard the officers yell at Lang to “stop” and get his hands out of his pockets. Moments later, the witness heard three to four shots from the officer carrying the rifle. The officer with the rifle was the only officer who fired his weapon.

The statements from the other witnesses at 2121 Hemingway were consistent. They both noted that officers had given multiple commands to Lang to comply and that Lang was slow to comply. Once on the ground, Lang immediately began resisting once the officer attempted to handcuff him.

Another witness was in the yard of 552 Julian Street, which is across from 2151 Hemingway at the intersection of Julian and Hemingway. This witness saw two police officers approach Lang, one armed with a handgun and one armed with a long gun. Lang was slow in complying with officers’ commands. As an officer approached to handcuff Lang, Lang made a “jerking” motion as if he were trying to get away. This witness believed that both officers then fired their weapons.

As part of the investigation, the area of the shooting was also processed for items of evidence. Three expended shell casings from a .223 caliber rifle were located near Lang’s body. Crime scene investigators also located a large black wallet and a black key fob near Lang’s body. This key fob was later found to be associated with a rental vehicle rented by Lang and parked in the area. The wallet had identification in it that identified it as belonging to Lang.

Officers also conducted an extensive search of the neighborhood and trail area for a weapon or any other item potentially discarded by Lang. These searches were in vehicles and on foot and utilized police canines and the sheriff’s dive team. No additional items of physical evidence were located. No firearm was located.

The Shasta County Coroner performed an autopsy on Lang’s body to determine his cause of death. The examining forensic pathologist determined that Lang had died as a result of two gunshot wounds to his center left chest area. There were corresponding exit wounds on his back.

Investigators determined that Lang lived alone in an apartment in Redding. According to family members, Lang suffered from mental health issues, having received a diagnosis of schizophrenia and bipolar disorder. Lang moved from Southern California to attend a Redding church approximately two years prior to the shooting after choosing to address his mental health issues through prayer and spirituality rather than conventional mental health treatment. Lang was not known to be suicidal. Lang's neighbors reported instances of unusual behavior, including hearing loud disturbances and yelling in his apartment throughout the day and night. Lang was also known to walk extensively throughout Redding.

Lang had not been arrested in Shasta County. In October of 2018, Redding police received a report of Lang loitering in the Lema Ranch trail area and threatening passersby. This location is near where the shooting took place in 2019. In August of 2018, Lang's mother contacted Redding Police requesting a welfare check on her son, due to the fact that she had been unable to contact him for some time. Police attempted to contact Lang at his apartment but were unable to locate him.

### **LEGAL ANALYSIS**

California law allows a peace officer to use reasonable force in order to detain or arrest a person, prevent the person's escape, or overcome the person's resistance if the force used is reasonable and if the officer has reasonable cause to believe that the person has committed a public offense or is a danger to others. (California Penal Code §835a, CALCRIM 2670.)

Under certain circumstances, reasonable force includes deadly force. Use of deadly force by a police officer is appropriate when the officer *honestly and reasonably* believes he or she is in danger of death or great bodily injury. (CALCRIM 505, 507, 3470.) A police officer has the same right of self-defense as any other person. A police officer may also use deadly force in situations where other officers or members of the public are at risk of great bodily injury or death.

Whether force is reasonable is judged from the perspective of a reasonable officer on the scene. The concept of reasonableness should allow for the often split-second decisions that officers are forced to make in rapidly evolving situations. (*Graham v. Connor* (1989) 490 U.S. 386.)

In this case, officers were dispatched to a report of a person armed with a gun behaving strangely in a residential neighborhood in the middle of the day. Given the circumstances, the nature of the area, and the time of day, this was a priority call to which multiple officers responded. Once the officers arrived in the area, an officer recontacted the initial reporting party who confirmed the information he had provided to SHASCOM, adding the details that he had looked at Lang through binoculars and believed he had seen him carrying a weapon.

This information justifiably was of serious concern to law enforcement. An armed person acting unpredictably in a populated area could easily harm or kill civilians or police. The information known to Corporal Peterson and Officer Leonard informed their response. Corporal Peterson exercised caution by not contacting Lang alone and instead choosing to wait for Officer Leonard.

Once both officers were on scene, their priority was to detain Lang and determine whether he was armed and a threat. Based on the information that he was armed with a gun, they took appropriate steps in ordering him to the ground so he could be easily and safely handcuffed and searched. Given the nature of the call for service, merely approaching Lang on foot and engaging him in conversation was not a safe option.

Officers were also justified in pointing their weapons at Lang. They had credible information that Lang was armed. Use of their own weapons was an appropriate response to protect themselves and others.

Despite the commands of the officers, Lang did not immediately comply. Further, he reached towards his pockets and waistband, which are areas in which a gun would be kept. This is particularly true given the fact that it had been reported that Lang had a weapon in his waistband area.

Even after Lang went to the ground, he was not compliant. Almost immediately, he resisted Corporal Peterson's attempts to handcuff him. Instead, he rolled over onto his side and reached toward his waistband. Given the fact that Lang was potentially armed with a gun, this action demanded an immediate response. Had Lang been armed with a gun, he could have easily used it to shoot at the officers. Officer Leonard, as the cover officer, decided to respond to Lang's escalation of the incident with deadly force. Sadly, Mr. Lang died as a result of Officer Leonard's actions.

In this case, based on the facts of the entire scenario, Officer Leonard honestly and reasonably believed that Lang posed a deadly threat to himself, Corporal Peterson, and the public. Under the totality of the circumstances of this case, the officer's use of deadly force was not unreasonable.

#### CONCLUSION

Given the circumstances, I find the shooting to be lawful and will take no further action in this matter.

Sincerely,



STEPHANIE A. BRIDGETT  
DISTRICT ATTORNEY

cc: Tom Bosenko, Shasta County Sheriff  
Officer Brett Leonard, Redding Police Department