



COUNTY OF YOLO
OFFICE OF THE DISTRICT ATTORNEY
JEFF W. REISIG, DISTRICT ATTORNEY
MEMORANDUM

DATE: July 13, 2020

TO: Chief Darren Pytel
Davis Police Department
2600 5th St.
Davis, CA 95618

FROM: Yolo County District Attorney's Office
Jeff Reisig, District Attorney
Preston Schaub, Deputy District Attorney

RE: Officer-Involved Shooting Case No. DPD 19-5583

Shooting Officers: Benjamin Adams
Alex Torres
Francisco Talavera

Person shot: Christopher Gray (DOB: 08/15/1990)

The District Attorney's Office has completed an independent review of the above officer involved shooting. Issues of civil liability, tactics, and departmental policies and procedures were not considered. The sole issue at hand is whether there is legally sufficient evidence to support the filing of a criminal action in connection with the shooting of Christopher Gray. For the following reasons, we conclude that the evidence does not support criminally charging Officers Benjamin Adams, Alex Torres, or Francisco Talavera.

The District Attorney's Office received and reviewed written reports, statements, and audio/video recordings including:

- Davis Police Department (DPD) report number 19-5583 and related dispatch logs/audio;
- DPD Document containing previous contacts at suspect residence (e.g., CAD, RMS).
- DPD Officer Interview Transcripts;
- 911 and Dispatch audio recordings;
- Body Worn Cameras (BWC);
- Photographs and diagrams;
- Axon Taser Log Scene diagram
- West Sacramento Police Department (WSPD) report number 19-7523;
- County of Sacramento Coroner Report by Dr. Tovar.
- Report of Outside Expert David M. Blake, M.Sc.

FACTUAL SUMMARY

On December 19, 2019 at 0339 hrs., Davis Police dispatch received a 911 call from Carol Gray who resided at 435 Avocet Ave in the City of Davis with her son, Christopher Gray. Carol Gray called to notify law enforcement that Christopher Gray was being verbally abusive and making non-specified threats. Carol Gray told dispatch that Christopher Gray was “in the bedroom” and had no weapons. At this point, a male voice could be heard stating “I didn’t say I was gonna hurt you yet.” Carol Gray replied to the voice “Oh, not yet?” Carol Gray then screamed and the call disconnected.

While officers were on route to the residence, dispatch informed them that the 911 call was disconnected seconds after Carol Gray could be heard screaming. Dispatch also informed officers that there was a flag in the system stating the Christopher Gray was a “danger to others.” Dispatch attempted to call Carol Gray, but there was no answer. Call logs showed that on December 18, 2019 at 1952 hrs., Davis Police Department swing shift responded to the same residence at the request of Carol Gray. At that time, officers contacted both Carol Gray and interviewed Christopher Gray to see if a 72-hour mental health hold, pursuant to Welfare and Institutions Code § 5150, was appropriate. Officers determined that Christopher Gray did not meet the criteria for a 72-hour hold at that time.

On December 19, 2019 at 0350 hrs., Officers Torres, Adams, Talavera, and Wais arrived at 435 Avocet Ave and approached the front door. Officers Talavera and Wais positioned themselves at the front door, while Officer Adams moved to a large window just to the left of the front door. Officer Torres was positioned behind Officers Wais and Talavera. While looking through a tall and narrow window to the right of the door, Officer Wais informed the other officers “hey, there is a body on the floor.” The body appeared to be a female and was partially covered by a white sheet which appeared to have blood soaking through near the abdomen. Officer Adams relayed to the other officers that the person under the sheet appeared to be breathing and the he could see an individual, later identified as Christopher Gray, walking around the kitchen. Officer Wais knocked on the door and began to announce “Davis Police! Come out, Christopher!”

While Officer Adams was looking through the window, he observed Christopher Gray grab what appeared to be a knife from a kitchen drawer. Officer Wais opened the front door, saw Christopher Gray with multiple knives in his hands and ordered him to drop them. Officer Wais drew her firearm to provide lethal cover. Simultaneously, Officer Talavera who was positioned next to Officer Wais, provided less than lethal cover with his Taser. As Officers Wais and Talavera started communicating with Christopher Gray, Sergeant Kimberly Walker arrived at 435 Avocet Ave and broadcasted that officers had contacted a subject and were “negotiating”.

During these communications, Christopher Gray began to walk toward the front door with knives visible in both hands. Christopher Gray then raised a knife in his right hand, with the knife pointed downward, and stated “come in the house and fucking shoot me!” Officer Wais ordered Christopher Gray to step back as Officer Talavera deployed his Taser at him. Christopher Gray dropped to the ground, but the Taser was ineffective and he quickly stood up and retreated to the kitchen. Officers Wais and Talavera entered the residence and continued to give Christopher Gray commands. Christopher Gray quickly exited the kitchen and threw a knife in the direction of Officers Talavera and Wais. Officer Talavera had to take evasive action to avoid being struck with the knife. Christopher Gray then returned to the kitchen and retrieved more knives; he then proceeded to throw those knives toward the front door as the officers moved outside.

Due to the developing situation, Sergeant Walker requested additional units from the University of Davis Police Department to assist. As this request was made, Christopher Gray again returned to the kitchen and armed himself with more knives. Officer Adams, who was still observing the

situation through the window, notified other officers that Carol Gray was still on the floor under the sheet and still appeared to be breathing. It was then that Christopher Gray rapidly walked toward the officers with knives in both his hands. Officer Torres yelled "Stop it, Christopher!" as Officer Adams yelled "Here he comes! Here he comes!" Officer Torres ordered Christopher Gray to "drop it now!" With knives raised in both hands, Christopher Gray rushed the front door and struck Officer Talavera's left hand, causing him to experience a burning pain and drop his Taser. It is unclear if Christopher Gray struck officer Talavera with a knife or some part of his body. In response, Officer Talavera repositioned himself by turning his body 180 degrees and facing away from Christopher Gray. At this point, Christopher Gray and the officers are all standing on the walkway, just outside the front door. The lighting conditions in this area were poor and officers relied primarily on flashlights and ambient lighting from inside the house to see.

At 03:52:19 hours, Officer Adams fired a shot from his firearm, followed by Officer Torres firing a shot from his firearm. Officer Adams then fires two additional shots, followed by one more shot fired by Officer Torres. As a result, Christopher Gray fell to the ground while Officer Talavera was facing away from him. Sergeant Walker announced "shots fired" over the radio. Officer Talavera turned to face Christopher Gray, attempted to illuminate the scene with his flashlight, and drew his firearm as Officer Adams continued to order Christopher Gray to put the knives down. This is immediately followed by Officer Talavera firing two shots from his firearm. Approximately four and a half (4.5) seconds passed between Officer Torres firing his last shot and Officer Talavera firing his first shot.

While on the ground, Christopher Gray maintained possession of the knives despite multiple commands from officers to drop them. Officers Adams and Torres approached Christopher Gray and removed two knives from his left hand. Officers restrained Christopher Gray and began life saving measures. Officer Wais entered the residence and attended to Carol Gray, who remained on the ground in the living room. The Davis Fire Department arrived on scene and declared both Carol Gray and Christopher Gray deceased at 0402 and 0404 hrs.

After the incident, Officer Involved Shooting (OIS) protocols were initiated and the West Sacramento Police Department was requested to conduct the investigation. Over the next few days the involved officers were interviewed and the surrounding neighborhood was canvassed for witnesses. Officer Talavera sought treatment for a broken index finger on his left hand that occurred when Christopher Gray made contact with him on the front walkway. The involved officers recounted the events to investigators in a manner consistent with the video from their Body Worn Cameras (BWC). However, according to his statement, Officer Talavera perceived Christopher Gray to be still standing when he fired his two rounds. BWC shows Christopher Gray to be laying on the ground while these shots were fired. Officer Adams explained in his statement that it appeared to him that Christopher Gray was attempting to get up from the ground when Officer Talavera discharged his firearm.

A total of seven (7) knives were collected as evidence from both inside and outside the residence. Multiple bullets and casings were also recovered from the scene. In his Coroner's Report, Dr. Tovar described the autopsy of Christopher Gray and locating five (5) gunshot wounds on his body. Those included one entry wound to the right side of the chest, one entry wound to the left side of the chest, one entry wound to the stomach area, one entry wound to the upper groin area, and one entry wound to the right forearm. According to Dr. Tovar, any of the wounds to the chest or stomach could have been fatal. Firearm forensics indicated that Officers Adams, Torres, and Talavera each fired at least one bullet that could have been fatal to Christopher Gray. Dr. Tovar also conducted the autopsy of Carol Gray. He discovered multiple injuries, contusions, and lacerations, but attributed the cause of death to a single stab wound to the left side of her abdomen.

USE OF FORCE AND HUMAN FACTORS ANALYSIS¹

At the request of the District Attorney's Office and the West Sacramento Police Department, David Blake, of Blake Consulting and Training Group, assessed the use of force and human factors involved in this incident. He provides consultation and expert witness services in police practices, use of force, and human performance science consisting of perception, attention, total response time, reaction time, and memory. Blake is a retired California peace officer with over 20 years of experience at the Lawrence Livermore National Laboratory Protective Force Division, San Francisco Bay Area Rapid Transit Police Department, and Livermore Police Department.

Blake is certified as a Force Science Analyst by the Force Science Institute. The Force Science Institute is a team of physicians, psychologists, behavioral scientists, attorneys, and other professionals who study areas associated with human factors, including human movement, action/reaction times, how the mind works during rapidly unfolding events, and decision-making under stress to provide information on human behaviors to those who are tasked with evaluating and investigating the behavior of individuals involved in those types of events.

Blake is a Human Performance Science instructor with Human Performance Training Institute which provides specialized training and safety and risk management services to law enforcement, government agencies, and aviation. He teaches Human Factors; Threat and Error Management, which focuses on human behavior/psychological sciences and error mitigation. He also instructs in Force Encounters Analysis, which covers the human performance science applicable to an officer involved shooting or other use of necessary force. These courses explore the scientific underpinnings and real world applications of response time, attention, vision, perceptual distortions, physiology, neuroscience, and memory.

Blake has been a use of force and human factor subject matter expert contracted by CA-POST, academic institutions, and outside training organizations. Additionally, he has published articles in both academic peer reviewed journals and professional periodicals.

In reviewing this incident, Blake specifically evaluated the reasonableness of force used by Officer Talavera and what human factors may have been involved. This was the focus of Blake's analysis because of a specific request from both the Yolo County District Attorney's Office and West Sacramento Police Department to evaluate the approximate four and a half (4.5) second delay between Officer Torres firing his last round and Officer Talavera firing his first. This specific request also included an evaluation of Officer Talavera's perception that Christopher Gray was still standing at the time he discharged his firearm. Blake reviews and interprets video evidence, including the BWC and explains how the human factors of vision, perception, attention, and memory will almost ensure differences between the officer's experience and the same part of the impression provided by the video. In his evaluation, Blake relied on Officer Talavera's and Officer Torres' BWC because they provided "the most information proximal to Talavera firing his weapon." Blake also relied heavily on reports and transcripts summarizing interviews with the officers involved.

Blake came to two separate opinions. First, Officer Talavera utilized deadly force based upon the perception of an immediate threat. A detailed analysis of the fact pattern supports Talavera's perception and split-second decision to use necessary deadly force under the totality of the circumstances. Second, attention, perception, decision-making, and response time are all vital to determine reasonableness of human behavior in any situation. Blake discusses how acute stress, divided attention, Officer Talavera's need to transition from his Taser to his firearm, the pain he

¹ For full Human Factors & Use of Force Expert Report see Attachment A.

was experiencing in his hand, the poor lighting conditions, the time required to execute the fine motor skills required to use his flashlight and draw his firearm, and the likelihood of Officer Talavera experiencing perception/ memory distortions, such as auditory changes, tunnel vision, color distortion, and time distortion explain his capabilities and limitations while operating in a rapidly evolving, tense, and uncertain situation where split-second decision-making is necessary for self-preservation.

Blake believes that Talavera's use of deadly force was reasonable under the totality of the circumstances, explaining:

"[a] concern in this case was the delay in Talavera's shooting response comparative to other officers on scene. The results of my analysis indicate that attention, response time, and cognitive task load associated with a life-threatening dynamic environment were more-likely-than-not impactful on Talavera's response time. However, this application of human factors psychology is not intended to defer from fact that Christopher had just assaulted Talavera with a deadly weapon and was armed, moving, and possibly attempting to get up proximal to the time Talavera fired."

Specifically, regarding Officer Talavera's perception of Christopher Gray being in a standing position at the time he discharged his firearm, Blake states that:

"[w]hile this statement is not in line with the BWC video, it does not distract from the fact that Talavera had just been the victim of a deadly assault, lost visual of the threat, and upon regaining visual he perceived an immediate threat remained. That perception is supported by a forensic analysis of the case file."

In summation, Blake opines that:

"Talavera had just been assaulted by a violent felon, injured during the interaction, turned 180-degrees while transitioning to a handgun, and exposed to gunfire. He was essentially trapped in a corner within arm's reach of an armed suspect when he turned his back on Christopher to escape. Talavera then shot Christopher after turning and likely capturing a split-second low-light snapshot of Christopher still holding the knife out and away from his body while also moving. I believe the perception of an immediate threat necessitating deadly force would be reasonably formed by a peace officer under this context and specific circumstances."

LEGAL ANALYSIS

Effective January 1, 2020, the California Legislature amended California Penal Code § § 196 and 835(a); changing the standard for when a law enforcement officer can use deadly force from "reasonable" to "necessary". However, the incident at hand occurred on December 19, 2019. Therefore, this event will officially be analyzed in accordance with the "reasonable" standard as it was the law of the land on that date. For the sake of transparency, this memorandum will also include an unofficial analysis of use of deadly force under the new "necessary" standard.

The state of the law on December 19, 2019 was as follows. Any application of deadly force is unlawful unless it is either justified or excused. The use of force by a peace officer is governed by the Fourth Amendment. A police officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to detain or arrest the person, to prevent the person's escape, or to overcome the person's resistance. (California Penal

Code § 835a; CALCRIM 2670.) The United States Supreme Court in *Graham v. Connor* (1989) 490 U.S. 386, 394 defines objectively reasonable force in situations that are often tense, uncertain, and rapidly evolving. The Court states that when determining whether or not the force used was reasonable one must look at:

- (1) The severity of the crime,
- (2) The level of resistance, and
- (3) The threat (to officers/citizens) posed by the suspect's resistance.

An officer who detains or arrests a person does not need to retreat or stop his efforts if the person resists. Using reasonable force does not make an officer an aggressor or cause him to lose the right to self defense. (California Penal Code § 835a.) The person being detained or arrested has a duty to permit himself to be detained, and the person must refrain from using force or any weapon to resist arrest. (*People v. Allen* (1980) Cal. App. 3d 981, 985; California Penal Code § 834a; CALCRIM 2670, 2671, 2672.)

Lastly, CALCRIM 507 explains that an officer is not guilty of murder if the following are true.

- (1) The officer was a public officer
- (2) The killing was committed while arresting a person charged with a felony who was resisting arrest, or fleeing from justice, or overcoming actual resistance to some legal process, or performing some other lawful duty.
- (3) The killing was necessary to accomplish one of those lawful purposes, and
- (4) The officer had probable cause to believe that the victim posed a threat of death or great bodily injury, either to the officer or to others.

CALCRIM 507 later defines great bodily injury as “substantial physical injury” further elaborating that “it is an injury that is greater than minor or moderate harm.”

Officers Adams, Torres, and Talavera responded to a call to service where Carol Gray informed dispatch that she was having difficulty controlling her mentally ill son. During the recorded 911 call, Carol Gray could be heard arguing with her son and then screaming seconds before the call was disconnected. Officers responded to Carol Gray's home and immediately observed a person (later identified as Carol Gray) laying under a white sheet just past the front door of the residence. Carol Gray appeared to be breathing shallowly and a red liquid could be seen seeping through the white sheet. It appeared that she was seriously injured and needed immediate medical attention. When officers on scene attempted to make contact, they were confronted by Christopher Gray, who armed himself with knives from the kitchen. Christopher Gray would not follow commands to drop the knives, approached officers while armed, and raised one of the knives above his head as if to stab in a downward motion. Christopher Gray told the officers “come in the house and fucking shoot me!” As a result, Officer Talavera deployed his Taser in an attempt to take less than lethal measures to control the situation. Unfortunately, the Taser was not effective and Christopher Gray managed to retreat into the kitchen, retrieve more knives, and proceeded to throw them at Officers Talavera and Wais who were still standing near the threshold of the front door.

The officers retreated outside and Christopher Gray continued to ignore commands, pursuing the officers, until he himself was within striking distance of Officer Talavera on the front walkway. Officer Talavera's left hand was struck by Christopher Gray causing a “very intense burning sensation.” As a result, Officers Adams and Torres discharged their firearms at Christopher Gray, striking him multiple times as Officer Talavera turned his body 180 degrees away from

Christopher Gray. Next, Officer Talavera transitioned from his Taser to his firearm while simultaneously turning to face Christopher Gray and attempting to illuminate him with his flashlight. At this point, Christopher Gray is on the ground, still holding knives in his hands, and not complying with commands to drop the weapons. Next, Officer Talavera fired two shots from his firearm, striking Christopher Gray. Officer Adams later described Christopher Gray attempting to get up from the ground as Officer Talavera fired his weapon.

The fact that Christopher Gray appeared to have seriously injured his mother prior to the officers arriving, that Carol Gray was experiencing a medical emergency and needed immediate medical treatment, that Christopher Gray armed himself with knives, ignored commands to drop his weapons, and proceeded to throw knives at the officers while closing the distance between them and striking Officer Talavera's left hand, put all three officers in imminent fear that either they, Carol Gray, or their fellow officers were going to suffer great bodily injury or death in violation of Penal Code § 245(a)(1) assault with a deadly or dangerous weapon, Penal Code § 243(d) battery causing great bodily injury, and Penal Code § 187 murder. Therefore, it was reasonable for Officers Adams, Torres, and Talavera to use deadly force to stop Christopher Gray from carrying out further lethal action.

If this incident was evaluated under the new "necessary" standard which became effective on January 1, 2020, there still would be insufficient evidence to charge Officers Adams, Torres, or Talavera criminally. The newly amended Penal Code § 835(a) states:

(2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

[...]

(4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

Due to novelty of this standard, there is no published case law on point regarding the definition of "necessary" in a use of force context. However, Black's Law Dictionary (11th ed. 2019) defines necessary as "that is needed for some purpose or reason; essential" or "that must exist or happen and cannot be avoided; inevitable." The investigation shows that officers took action to avoid the use of lethal force against Christopher Gray, however it was inevitable given his violent response.

Specifically, officers began their contact with the observation that there was an injured individual in the home that needed emergency medical attention. When first contacting Christopher Gray, they begin a minute and a half dialogue with him, attempting to get him to drop his knives. This negotiation culminates with Christopher Gray approaching the officers, raising a knife above his head, and challenging the officers to shoot him. Officer Talavera responded by discharging his less than lethal Taser. The Taser caused Christopher Gray to briefly fall to the ground, before running back into the kitchen and retrieving more knives. He then returned to the living room and began throwing knives at the officers. For the next 40 seconds, officers continue to give commands to no avail. During this time, Christopher Gray is continuing to throw knives at the officers as they retreat outside of the residence. It is not until Christopher Gray charged the officers with knives in

his hands and struck Officer Talavera in the hand, that Officers Adams and Torres exercise deadly force against Christopher Gray. Lastly, due to the assault against him, Officer Talavera turned away from Christopher Gray, losing sight of him. It is not until Officer Talavera turned back toward Christopher Gray, transitioned to his firearm, and illuminated Christopher Gray with this flashlight, that he discharged his weapon. At this point other officers have exercised deadly force and, from David Blake's research and evaluation of the evidence, we see that Officer Talavera still perceived a threat to life and limb which resulted in the firing of his weapon.

As stated in the newly amended Penal Code § 835(a), we are to evaluate these cases from a reasonable officer's perspective, in the moment, without the benefit of hindsight, and in the totality of the circumstances. Here, it is not reasonable to believe that Officers Adams, Torres, and Talavera could hesitate in utilizing deadly force any longer. Anymore delay would have likely resulted in the death of, or infliction of great bodily injury to, themselves, Carol Gray, and their fellow officers on scene. It was no longer safe nor feasible to use other available resources.

The officers in this case demonstrated robust efforts to avoid using deadly force, including verbal de-escalation, the use of a less than lethal Taser, and retreating from the home in spite of Christopher Gray using deadly force against both them and Carol Gray. It was not until Christopher Gray charged the officers while holding knives and struck Officer Talavera, that Officers Adams and Torres took necessary action to defend themselves, Carol Gray, and the other officers. Because of Christopher Gray's attack, Officer Talavera was forced to turn away from the threat and transition to his firearm. When Officer Talavera turned back toward Christopher Gray he perceived an individual who was still a lethal threat due to him not following the officers' commands to drop his weapons. It is true that Officer Talavera inaccurately perceived that Christopher Gray was standing at the time he discharged his weapon. However, David Blake explains in his report why this inaccurate perception is reasonable given what we know about cognitive science, human factors, and the situation at hand. Finally, according to Officer Adams, Christopher Gray appeared to still be moving and attempting to get up as Officer Talavera fired his weapon. This demonstrates that even with the four and a half (4.5) second delay it took for Officer Talavera to effectuate the fine motor movements and cognitive function required to use deadly force and the inaccurate perception of Christopher Gray's position, it was still necessary for him to defend against an imminent threat of death or great bodily injury, because he still believed that Christopher Gray was capable of, and would continue to, carry out further lethal action.

CONCLUSION

The District Attorney's analysis of police conduct is for criminal prosecution only and represents the law as it was written on December 19, 2019. The reasonableness of the officers' use of force must be judged from the perspective of a reasonable officer on scene at the time of the event, not with 20/20 hindsight. Officers Adams, Torres, and Talavera were performing their jobs as police officers when they arrived at the home of Carol and Christopher Gray after receiving a 911 dispatch suggesting that an emergency was taking place. When they and other officers arrived they observed Carol Gray in need of immediate medical attention. The officers also encountered Christopher Gray, who had armed himself with kitchen knives and refused to follow the officers' commands. After Christopher Gray escalated the situation by threatening harm to the officers, throwing knives at them, charging toward officers while still wielding knives, and striking Officer Talavera with enough force to break his finger, Officers Adams, Torres, and Talavera perceived Christopher Gray as a threat of death or great bodily injury. Their actions were a direct and proportional response to the threat they perceived, and they were justified in using deadly force to protect themselves, Carol Gray, and their fellow officers. Under these circumstances, there is insufficient evidence to support the filing of criminal charges against Officers Adams, Torres, and Talavera for the December 19, 2019 shooting.

ATTACHMENT A

Blake Consulting & Training

P.O. Box 784, Brentwood Ca. 94513

Phone: 213.298.3517 Email: Dave@Blake-Consulting.com

Human Factors & Use of Force Expert Report

Davis Police Department

Officer Involved Shooting

Case #19-07523

David M. Blake

June 5, 2020

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June 5, 2020

Yolo County District Attorney's Office
301 2nd Street
Woodland, California 95695

Attn: Preston Schaub
RE: Davis PD OIS Case # 19-07523

Per the request from your office, I have reviewed the reports, statements, photographs, and video recordings provided to me concerning case #19-0928-01. Based on my knowledge, training and experience I opine as follows:

1. Talavera utilized deadly force based upon the perception of an immediate threat. A detailed analysis of the fact patterns involved support Talavera's perception and split-second decision to use necessary deadly force under the totality of the circumstances.
2. Attention, perception, decision-making, and response time are all vital to determining the reasonableness of human behavior in any situation. Therefore, an evaluation of the reasonableness of an officer's use of force decision should provide weight to the application of human factors psychology when considering the totality of circumstances. The following points are not meant to excuse negligent behavior, but rather to explain the capabilities and limitations of human beings operating in rapidly evolving, tense, and uncertain situations when split-second decision-making is necessary for self-preservation.

I expand and support my opinions in the attached report. I reserve the right to add, change, and delete any of my opinions based on any provision of additional information not reviewed at the time this report was completed.

David M. Blake

David M. Blake, M.Sc.

General Information

Expert Summary for David Blake

Police Practices. Mr. David Blake has over 20 years of experience in both federal and state law enforcement. Dave experience includes service with: (a) the Department of Energy as a Security Police Officer III (3 years), (b) the San Francisco Bay Area Rapid Transit Police Department as an Officer (2 years), (c) the Livermore Police Officer as an officer (11.5 years), and (d) the Alameda County Sheriffs Officer Regional Training Center as an Instructor (5 years).

Mr. Blake held the following positions during his employment: patrol officer, field training officer, acting sergeant, narcotics officer, gang unit detective, special weapons and tactics team (SWAT) member, force options training unit, assistant range master, public information officer (PIO), and RTC Instructor.

Mr. Blake has obtained the following law enforcement credentials (not all-inclusive): California peace officer standards and training (CA-POST) advanced certificate, Department of Energy SPO III certification, firearms instructor, arrest, and control instructor, force options simulator instructor, field training officer, police academy instructor, SWAT certification, explosive breaching certification, reality-based training instructor, and Taser © Instructor certification.

Mr. Blake previously held positions as an adjunct criminal justice professor at Delta College and Las Positas College, where he also instructed in each school's respective police academies. The POST courses Mr. Blake taught to police recruits include the following learning domains: (a) LD20; Use of force, (b) LD21; Patrol techniques, LD24; Disputes/Crowd control, LD35; Firearms/Chemical agents, and LD36; Information systems.

Mr. Blake has received over 2400 hours of law enforcement training and has provided over that number of hours of training to law enforcement personnel on topics such as; firearms, arrest & control, officer safety & tactics, patrol procedures, human factors, and federal/state law.

Psychology and human factors. Mr. Blake is a doctoral candidate (performance psychology) at Grand Canyon University. Having completed his doctoral coursework, Mr. Blake is conducting dissertation research on officer-involved-

1 shootings. He has received a Master of Science degree in Psychology from
2 Kaplan University, and a Bachelor of Science in Criminal Justice Management
3 from Union Institute & University. All accredited institutions of higher learning.

4 Mr. Blake has received ~84 hours of formal training on human factors science
5 and its application to critical incidents/use of force. The training includes the
6 CA-POST Officer-Involved Shooting Course, The Human Performance Training
7 Institute's (HPTI) Force Encounters and Human Factors courses, the Force
8 Science Analyst certification through the Force Science Training Institute ® as
9 well as attendance at the FSI annual conference in 2019 (24hrs).

10 Mr. Blake was previously contracted (5 years) with the *Human Performance*
11 *Training Institute* (HPTI) as their lead instructor. During that time, he taught human
12 factors psychology to law enforcement with a focus on the scientific application
13 to officer-involved shootings. The topics of training included response time,
14 attention, perception, vision, physiology, neuroscience, and memory.

15
16 Mr. Blake has experience as a police practices/use of force and human factors
17 subject matter expert for CA-POST, government contractors, academic
18 researchers, police agencies, district attorney's offices, and private law firms. He
19 has published over 30 articles in both academic peer-reviewed journals and
20 professional periodicals on police use of force and human factors psychology.
21 Mr. Blake is a member of the Human Factors and Ergonomics Society, the
22 American Psychological Association, the International Association of Chiefs of
23 Police, and the Academy of Criminal Justice Sciences.

24 See CV for full list of work history, experience, and accomplishments

Authorship

Peer-Reviewed Journals:

- *Holster & Handgun: Does Equipment Effect Response Time* – Law Enforcement Executive Forum (June 2018)
- *Cognitive Bias and Use of Force Investigations* – Investigative Sciences Journal (9(3) 2017)
- *De-Policing in America: The Effects of Media and Leadership on Officer's Discretionary Enforcement* – Law Enforcement Executive Forum (17(1) 2017)
- *Factoring Fatigue into Deadly Force Encounters: Decision Making and Reaction Times* – Law Enforcement Executive Forum (15(1) 2015)
- *LE Body Worn Cameras; Comparing Human & Device to Ensure Unbiased Investigations* – Law Enforcement Executive Forum (15(4) 2015)

Periodicals & Professional Journals:

- *Use of force: Time to "geek it up"* – Calibre Press
- *Why we cannot leave our safety to luck* – Police One.
- *Training day: Setting up use of force training for the community* – Police One
- *California battle over use of force legislation rages on* – Police One
- *Got Graham? How AB931 could impact California use of force law* – Police One
- *How human factors impact police safety during emergency driving* – Police One
- *8 -Ways to Prevent Blue-on-Blue Shootings* – Police One
- *External Vest Carriers – An Officer Safety Issue?* – International Law Enforcement Educators and Trainers Association Journal.
- *Does De-escalation Endanger Police Officers or Save Lives?* – Police One
- *2 Under-Discussed Issues with Body-Worn Cameras* – Police One (Special Editorial).
- *Force Options Simulators: An Underutilized Training Tool* – International Law Enforcement Educators and Trainers Association Journal (7(2) 2017).
- *Police Warning Shots: A consensus lacking agreement* – Police One
- *What we Don't Know CAN Hurt US: Training for Low-Light Encounters* – The Police Chief
- *Tactical Flashlights: What We Don't Know Will Hurt Us* – International Law Enforcement Educators and Trainers Association Journal (6(3) 2016)
- *Unpacking Implicit Bias in Policing* – Police One
- *Guardian v. Warrior: The many roles of a police officer* – Police One
- *Survey: Is proactive policing slowing down?* – Police One
- *How UOF evaluation is changing (how to improve UOF decision making)* – Police One
- *The "21-foot kill zone" myth: What officers really need to know* – Police One
- *How to improve officer training for high-risk traffic stops* – Police One

- *Officers Facing Criminal Charges: Faulty Decision Making?* - Internal Law Enforcement Educators and Trainers Association Journal (5(4) 2015)
- *Efficacy of Police Body Cameras for Evidentiary Purposes: Fact of Fallacy* – International Association of Chiefs of Police (May 2015)
- *Officer Fatigue and OIS – A Deadly Combination for Error* – International Law Enforcement Educators and Trainers Association Journal (5(1) 2015)
- *What agencies need to know about the limitations of body cam technology* – Police On
- *Officer Fatigue and Officer-Involved Shootings – A Deadly Combination for Error* – International Association of Chiefs of Police (Oct 2014)
- *2 Pedestrian Stop safety tips that could save your life* – Police One
- *Truly Test your officers with reality-based training* – Police One
- *Dispatchers don't need stress training – right?* – 911 Magazine
- *How to apply Force Science findings to policy and training* – Police One
- *Distance and Shielding equals' time: A safer approach to pedestrian contacts* – Academy of Criminal Justice Sciences

Legal Principles

Preliminary basis and foundational information for opinions

The following information provides a portion of foundational information for the expert opinions found within this report. This case occurred prior to changes in California PC196 and PC835a were enacted and therefore the previous standards are listed.

California Penal Code 196 defines justifiable homicide by public officers as:

1. In obedience to any judgment of a competent Court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with a felony, and who are fleeing from justice or resisting such arrest.

California Penal Code 243(f)(4) defines serious bodily injury as: “a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing and serious disfigurement.”

California Penal Code 835a states in part, “A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason

1 of the resistance or threatened resistance of the person being arrested; nor shall
2 such officer be deemed an aggressor or lose his right to self-defense by the use
3 of reasonable force to effect the arrest or to prevent escape or to overcome
4 resistance.”

5 **California Penal Code 834a** states, “If a person has the knowledge, or by the
6 exercise of reasonable care, should have knowledge, that he is being arrested
7 by a peace officer, it is the duty of such person to refrain from using force or any
8 weapon to resist such arrest.”

9 **Graham v. Connor 490 U.S. 386, 394 (1989)** defines objectively reasonable force
10 in situations that are often tense, uncertain, and rapidly evolving. Factors for
11 consideration include; (1) The severity of the crime, (2) The level of resistance,
12 and (3) The threat (to officers/citizens) posed by the suspect's resistance. (also
13 see; “Reasonable Force” and “totality of circumstances”).

14 **Reasonable Force** is a standard term defining how much and what kind of force
15 a peace officer may use in each circumstance. Judgment criteria must include:
16 (1) the perspective of a reasonable officer, (2) applying only information known
17 to the officer at the time force was applied, (3) based on the totality of facts
18 and circumstances confronting the officer without regard to the officer's
19 underlying intent or motivation, and (4) based on knowledge the officer acted
20 properly under established law at the time.

21 **Totality of Circumstances** are the facts and circumstances known to the officer
22 at the time force was used and may include: (1) number of officers vs. suspects,
23 (2) prior contacts, (3) age, size, and relative strength, (4) special
24 knowledge/skills, (5) injury/exhaustion, (6) mental illness/intoxication, (7)
25 environmental factors, and (8) proximity to potential weapons.

26 **Scott v. Harris 433 F. 3d 807 (2007)** reaffirms the Graham (1989) standard of
27 reasonableness yet focuses upon weighing the nature and quality of the
28 intrusion on the individual's Fourth Amendment interests against the importance
29 of the governmental interests alleged to justify the intrusion (e.g., public safety).
30 The court held that an officer did not violate the Fourth Amendment by
31 ramming the car of a fleeing suspect whose “reckless driving posed an actual
32 and imminent threat to the lives of any pedestrians who might have been
33 present, to other civilian motorists, and to the officers involved in the chase.”

1 **Plumhoff v. Rickard, 571 U.S. ____ (2014)** held that an officer acted reasonably
2 when he fatally shot a fugitive who was intent on resuming a chase that posed
3 a deadly threat for others on the road. The court also held that: "It makes sense
4 that, if officers are justified in firing at a suspect in order to end a severe threat to
5 public safety, they need not stop shooting until the threat has ended."

6 **Tennessee v. Garner, 471 U.S. 1 (1985)** provides guidance on judging the
7 reasonableness of using deadly force to seize a fleeing subject. In summary, the
8 "fleeing felon rule," as it is often called, states where the officer has probable
9 cause to believe that the suspect poses a threat of serious physical harm, either
10 to the officer or to others, it is not constitutionally unreasonable to prevent
11 escape by using deadly force. Thus, if the suspect threatens the officer with a
12 weapon or there is probable cause to believe that he has committed a crime
13 involving the infliction or threatened infliction of serious physical harm, deadly
14 force may be used if necessary to prevent escape, and if, where [471 U.S. 1, 12]
15 feasible, some warning has been given.

16 **Judicial Council of California Criminal Jury Instructions (2019)** provides guidance
17 on evaluating both civilian (Calcrim No. 505) and law enforcement (Calcrim No.
18 507) standards for the use of deadly force.

Human Factors Psychology Overview

Preliminary basis and foundational information for opinions

Human Factors (HF) Psychology focuses on human behavior within a “system” and the influences each has upon the other on performance outcomes. HF science is employed to enhance performance and build safer systems through an understanding of human capabilities and limitations.

The following is a summary of the HF Psychology topics that may influence all human performance, including an officer's performance during critical high-stress incidents.

Fight or Flight Response

Anxiety. An emotion characterized by apprehension and somatic symptoms of tension in which an individual anticipates impending danger, catastrophe, or misfortune. The body often mobilizes itself to meet the perceived threat: Muscles become tense, breathing is faster, and the heart beats more rapidly. Anxiety may be distinguished from fear both conceptually and physiologically, although the two terms are often used interchangeably. Anxiety is considered a future-oriented, long-acting response broadly focused on a diffuse threat, whereas fear is an appropriate, present-oriented, and short-lived response to a clearly identifiable and specific threat.¹

Fear. A basic, intense emotion aroused by the detection of an imminent threat, involving an immediate alarm reaction that mobilizes the organism by triggering a set of physiological changes. These include rapid heartbeat, redirection of blood flow away from the periphery toward the gut, tensing of the muscles, and a general mobilization of the organism to take action (see fear response; fight-or-flight response). Fear differs from anxiety in that the former is considered an appropriate short-term response to a present, clearly identifiable threat, whereas the latter is a future-oriented, long-term response focused on a diffuse threat. Some theorists characterize this distinction more particularly, proposing that fear is experienced when avoiding or escaping an aversive stimuli and that anxiety is experienced when entering a potentially dangerous situation (e.g., an animal foraging in a field where there might be a predator).

¹ APA Dictionary of Psychology.

1 Whatever their precise differences in meaning, however, the terms are often
2 used interchangeably in common parlance.¹

3 **HPA Axis.** A major mammalian system maintaining body homeostasis by
4 regulating the neuroendocrine and sympathetic nervous systems as well as
5 modulating immune function. Consisting of the hypothalamus in the center of
6 the brain, the pituitary gland directly underneath, and the adrenal glands on
7 top of the kidneys, the HPA axis helps regulate such widely varied processes as
8 food consumption, digestion, energy usage (in the form of glucose metabolism),
9 reproduction and sexual behavior, cardiovascular functioning, memory
10 acquisition and retrieval, and emotion, and it also forms the core of the
11 physiological response to stress.²

12 **Physiological Response Stress (Fight or Flight).** A pattern of physiological
13 changes elicited by activity of the sympathetic nervous system in response to
14 threatening or otherwise stressful situations that leads to mobilization of energy
15 for physical activity (e.g., attacking or avoiding the offending stimulus), either
16 directly or by inhibiting physiological activity that does not contribute to energy
17 mobilization. Specific sympathetic responses involved in the response include
18 increased heart rate, respiratory rate, and sweat gland activity; elevated blood
19 pressure; decreased digestive activity; pupil dilation; and a routing of blood flow
20 to skeletal muscles.³

21 **Stress, Arousal, and Performance**

22 Academia has not agreed upon a singular definition of stress. However, stress is
23 often described as individually realized based upon perceived demand,
24 perceived capability, and perceived ability to cope with the demand⁴

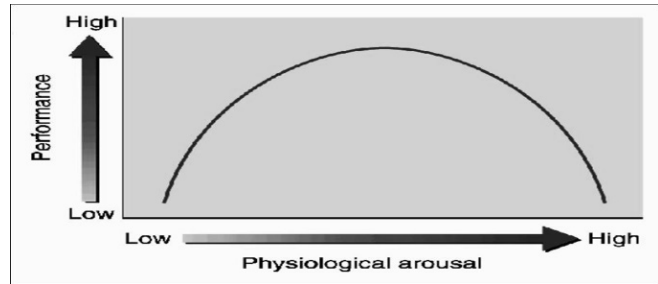
¹ APA Dictionary of Psychology.

² APA Dictionary of Psychology.

³ APA Dictionary of Psychology.

⁴ Weinberg, R. S., & Gould, D. (2011). *Foundations of sport and exercise psychology* (5th ed.). Champaign, IL: Human Kinetics.

Stress in threatening and even challenging situations causes physiological arousal (fight or flight). Physiological arousal is based upon a process involving the nervous system and the endocrine system. An acute stress response results in performance and behavioral consequences that science most often presents based upon an inverted-U.¹



Perception and Attention

Perception.² The process or result of becoming aware of objects, relationships, and events by means of the senses, which includes such activities as recognizing, observing, and discriminating. These activities enable organisms to organize and interpret the stimuli received into meaningful knowledge and to act in a coordinated manner.

Attention.³ A state in which cognitive resources are focused on certain aspects of the environment rather than on others, and the central nervous system is in a state of readiness to respond to stimuli. Because it has been presumed that human beings do not have an infinite capacity to attend to everything—focusing on certain items at the expense of others.⁴

Conscious awareness of environmental stimuli can only occur as a result of attention. Attention is a finite resource. This means that it is impossible to perceive all available stimuli within one's environment. Attention must be focused for moments in time for the processing of information. Increased arousal is synonymous with a focus of attention to salient stimuli in the environment. For instance, a loud noise will often subconsciously orient a human's attention toward the direction of the noise. There are several types of attention that require a short introduction.

¹ Schmidt, R. A., & Lee, T. D. (2014). *Motor learning and performance: from principles to application* (5th ed.). Champaign, IL: Human Kinetics.

² APA Dictionary of Psychology

³ APA Dictionary of Psychology.

⁴ Ibid.

1 **Selective Attention.** Describes the concentration on certain stimuli in the
2 environment and not on others, enabling important stimuli to be distinguished
3 from peripheral or incidental ones.¹ A method of understanding selective visual
4 attention is to compare it to a flashlight beam. The flashlight beam provides a
5 clear central focal point in which items may be viewed very clearly, but its
6 effects are limited. As the flashlight beam dims towards the periphery, the ability
7 to perceive peripheral information diminishes. Information outside the lit area of
8 the flashlight beam is not available for perception (not seen). Selective attention
9 aims the “flashlight beam” toward what is essential in the visual field. Extreme
10 cases of selective attention are “tunnel vision.”

11 **Visual fixation.**² The orientation of the eyes so that the image of a viewed
12 object falls on each fovea.

13 **Visual Saccade.**³ A rapid eye movement that allows visual fixation to jump from
14 one location to another in the visual field.

15 **Inattention Blindness.**⁴ It defines a failure to notice unexpected but perceptible
16 stimuli in a visual scene while one’s attention is focused on something else in the
17 scene. The concept is demonstrated in this [video](#)⁵.

18 **Change Blindness.**⁶ It defines a failure to notice changes in the visual array
19 appearing in two successive scenes. This is surprisingly common whenever the
20 brief movement (the transient) that usually accompanies a change is somehow
21 masked or interrupted. The concept is demonstrated in this [video](#).⁷

22 **Tunnel Vision.**⁸ Defines a visual field defect producing the effect of perceiving
23 the world through a long tunnel or tube. Peripheral vision may be entirely lost.

¹ Ibid.

² Ibid.

³ Ibid.

⁴ APA Dictionary of Psychology

⁵ <https://www.youtube.com/watch?v=x9EdlxbZAyE>

⁶ APA Dictionary of Psychology.

⁷ <https://www.youtube.com/watch?v=ubNF9QNEQLA>

⁸ APA Dictionary of Psychology.

Total Response Time

Response time is generally considered to comprise both reaction and movement time parameters. Reaction time is usually considered as a cognitive process, while movement time consists typically of observable behaviors.

Reaction time is influenced by factors including the familiarity and level of expectancy of the stimulus, the complexity of the relationship between the stimulus and response, whether the response is difficult to perform, and the sensory modality of the stimulus used. More-complex decisions therefore result in longer reaction times. Reaction times for visual stimuli are longer than for those for auditory stimuli. Movement time is a physical process involving the execution of motor patterns devised during the reaction time phase. Movement time is generally dependent on the complexity of the movements required.¹

Firearms related RT science is useful for a baseline understanding that in under the absolute best conditions: (a) there will always be a delay between the presentation of a threat stimulus and the pull of a weapon trigger, (b) what may be considered an excessive number of rounds can be fired over the course of 1 or 2 seconds, (c) there will always be a delay between the removal of a threat stimulus and the cessation of repeated trigger press.

Relevant Handgun PRT Research.

Several studies explore PRT in ways that are relevant to an officer firing their handgun. However, these laboratory studies are guidelines and many variables must be considered before applying the numbers as a one-size-fits-all model. For instance, these studies are conducted in a controlled environment, have little stress due to threat, require no or little decision making, and participants are typically anticipating their response.

Video Evidence

- Care must be taken in interpreting video evidence. Human factors such as vision, perception, attention, and memory will likely ensure differences between the officer's experience and some part of the impression provided

¹ Campbell, A., Roelofs, A., Davey, P., Straker, L. (2013). Response time, pistol fire position variability, and pistol draw success rates for hip and thigh holsters. The Journal of the Human Factors and Ergonomics Society, 55(2). 425-434. Doi: :10.1177/0018720812453466

1 by the video.¹ A passive observer must be aware of the biasing effects of
2 watching a video and assuming their experience is the same as those
3 operating in the actual environment.

- 4 • To alleviate some aspects of the biasing effects of video, frame by frame
5 analysis is essential. However, due to an observer's selective visual attention
6 and limited working memory, even video reviewed frame by frame could
7 allow for misinterpretation (e.g., change blindness, inattention blindness).

¹ Blake, D. (2015). Body Worn Cameras: Comparing Human and Device to Ensure Unbiased Investigations. *Law Enforcement Executive Forum*, 15(4). doi:10.19151/leef.2015.1504c

Case Information and Analysis

3. Information Reviewed

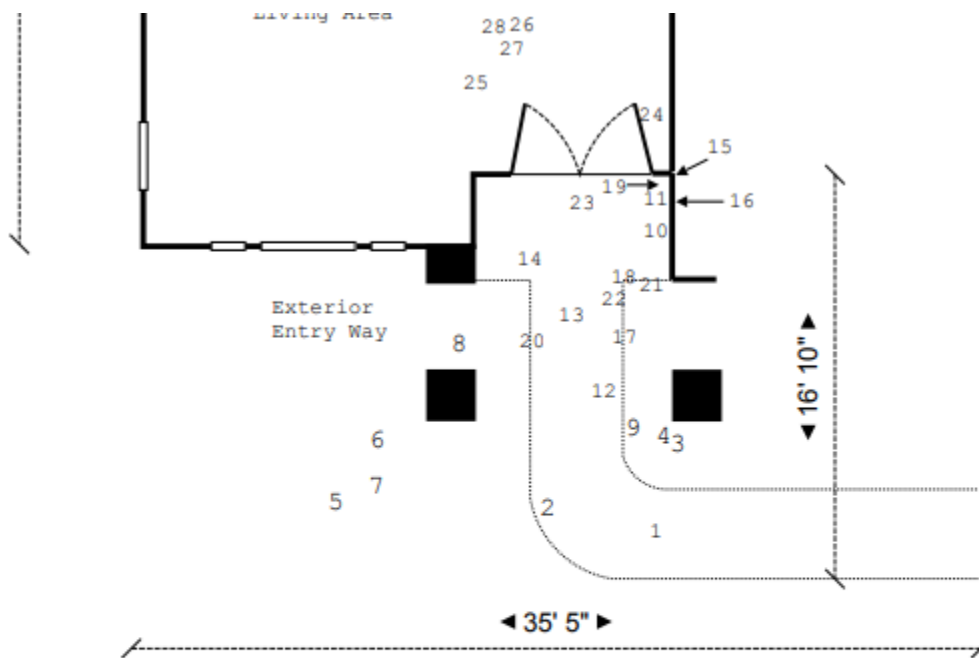
Document	Electronic File
WSPD supplemental report #19-07523 by Jerry Watson	WSP-19-07523 (1).pdf
County of Sacramento Coroner Report by Dr. Tovar.	WSP-19-07523 (2).pdf
WSPD supplemental report #19-07523 by King	WSP-19-07523 (3).pdf
WSPD supplemental report #19-07253 by T. Tamai (evidence)	WSP-19-07523 (4).pdf
WSPD supplemental report #19-072523 by B. Chabot (evidence)	WSP-19-07523 (5).pdf
Transcript: Alex Torres Transcript: Kim Walker	WSP-19-07523 (7).pdf
Transcript: Fiona Wais	WSP-19-07523 (8).pdf
Transcript: Benjamin Adams	WSP-19-07523 (9).pdf
Transcript: Talavera	WSP-19-07523 (9).pdf
Davis PD report 19-05583 (Homicide portion)	WSP-19-07523 (10).pdf
Davis PD report 19-05583 (supplements, crime scene log & evidence).	WSP-19-07523 (11).pdf
Davis PD Document containing previous contacts at suspect residence (e.g., CAD, RMS).	WSP-19-07523 (12).pdf
Davis PD Document containing previous contacts at suspect residence (e.g., CAD, RMS).	WSP-19-07523 (13).pdf
Axon Taser Log Scene diagram	WSP-19-07523 (14).pdf
Torres Body Worn Camera	Alex Torres 2019 12 19 03_48 WFC1-029931 Case-Arrest 65570017
Adams Body Worn Camera	Ben Adams 2019 12 19 03_48 WFC1-029456 Case-Arrest 26425719
Wais Body Worn Camera	Fiona Wais 2019 12 19 03_50 WFC1-042446 Case-Arrest 37790299

Talavera Body Worn Camera	Francisco Talavera 2019 12 19 03_51 WFC1-029930 UNCATEGORIZED 72760054
Walker Body Worn Camera	Kimberly Walker 2019 12 19 03_50 WFC1-030038 UNCATEGORIZED 37645233
Talavera Photos	23 photos of Talavera in uniform

1

2 4. SCENE

3 435 Avocet Avenue, Davis California 95616 scene diagram.



Case#: 19-5583

Title: Scene Sketch

Scale: 1/8" = 1'

Date: 12/22/2019

Address:

435 Avocet Ave

Davis Ca 95616

Drawn By:

Peel #123

4

5 Using the diagram scale, the distance from the edge of the left side door (when
6 closed) to the inside left corner is about 5 feet.



1
2 A visual of the area where Officer Talavera was when he fired. The left side door
3 was closed at that time.

4 The scene was described as having few streetlights and dark (Walker interview
5 p. 10).

6 **5. Round Count**

7 Round counts are described in Det. Kings supplemental report.

- 8 1. Officer Talavera began his shift with a 14 round magazine and one round
9 loaded in the chamber of his Glock 35. Upon inspection, he had 12 rounds
10 in his magazine and one round in the chamber (King p. 2 of 5).
- 11 2. Officer Adams began his shift with a 17 round magazine and one round
12 loaded in the chamber of his Sig Sauer P320. Upon Inspection, he had 14
13 rounds in his magazine and one round in the chamber (King p. 2 – 3 of 5).
- 14 3. Officer Torres began his shift with a 16 round magazine and one round
15 loaded in the chamber of his Smith and Wesson M&P. Upon inspection, he
16 had 15 rounds in his magazine and one round in the chamber (King p. 3 of
17 5).

6. Autopsy

1. Gunshot wound right side of chest, front to back, right to left, and downward.
2. Gunshot wound left side of chest, front to back, left to right, and downward.
3. Gunshot wound to the anterior right waist, front to back, left to right, and downward. Associated exit wound on the right inferior buttock.
4. Gunshot wound to the left side of the abdomen, front to back, left to right, and upward.
5. Gunshot wound to the posteromedial right forearm, upward and left to right. Associated exit wound on the posterolateral right upper arm.

7. Case overview

On 12-19-2019, approximately 0341 hours, officers from the Davis Police Department were dispatched to a 911 call at 435 Avocet Avenue in the City of Davis California. The 911 call came from the resident, Carol Gray who reported her son Christopher Gray was verbally aggressive and making threats.

Davis PD officers arrived and saw Carol Gray through the glass door. She was laying on the floor with blood stained sheet over her body. Officer's made entry to provide aid and were confronted by Christopher Gray. Christopher threw large kitchen knives at officers, forcing them to retreat outside. Officers attempted to neutralize the threat posed by Christopher by using non-lethal options (Taser). Unfortunately, non-lethal options were not successful.

Christopher charged officers at the front door while holding at least two knives. Body worn camera shows Christopher making physical contact with an officer at the front door and he was ultimately shot in self-defense. It was later determined Christopher Gray had stabbed his mother prior to officer's arrival.

8. Officer Statements

Davis PD Sgt. Walker said she saw Christopher Gray right after the shots. "He was on his back and there were still knives around him in the area where he could grab them" (Watson Report p. 5 of 7). Christopher was outside the house and within feet of officers when shots were actually fired. (p. 5 of 7). She said that after Gray was shot and, on the ground, she heard more commands of drop the knife by officers prior to Corporal Torres handcuffing him (p. 5 of 7). She took a public safety statement at the scene where Torres and Adams said they fired. She later learned Talavera fired (unknown how) (p. 6 of 7).

- I reviewed the Walker interview transcript and found the following quotes important.

1 ○ Walker said, "it was really hard for me to see as I mentioned about the
2 darkness of that area" (p.21).

3
4 ○ Walker said in reference to Gray sprinting towards the door, "I don't know if
5 I was breathing at the moment, I was very scared" (p.22).

6
7 **Davis PD Officer Talavera said,** "When he (Christopher Gray) rushed through the
8 door and I saw him coming at us; I was thinking he was still armed, and I didn't
9 want to get stabbed. When I transitioned from my Taser to my handgun; I was at
10 the same time trying to walk behind the door for cover and that is when I first
11 heard the shots. I do not remember how many shots were fired. I immediately
12 felt pain in my hand. I did not remember dropping the Taser when I was
13 transitioning to my handgun with my right hand. I tracked his upper body until I
14 fired two rounds. When he crossed the door, he was a foot and half to a foot
15 away from me, to my side. I tried to secure my Taser at the same time I moved
16 to my handgun because I knew he was coming to stop me; I did not see it any
17 other way. I was fearful for my life and I was afraid he was going to hurt me or
18 Officer Wais."

19 "I just remember looking, tracked him and looked at his stomach area. At that
20 point I transitioned and tried to put my Taser back in my holster. I did not see his
21 face; I just locked myself in that area where I could shoot him to bring him down.
22 That is what I did; I locked myself into the stomach and shot him with two rounds.
23 When I finished shooting, he was on the ground facing up. His body was pointed
24 in the southern direction, his head towards the street and his feet towards the
25 door. When he was on the ground, I was not looking at his hands. I looked at his
26 body and then immediately started checking my wound."

27 "I had my Taser in my hand so when I was transitioned, I don't remember just
28 holding the Taser with one hand but I assumed I tried to put the Taser back in my
29 holster. I had the Taser in one hand when he was already a few inches away from
30 me, like 12 inches away. He was running to the door and that's when everything
31 exploded. It was dark; I didn't really see what happened. When my hand got
32 injured and shots were being fired or a shot that I heard; I'm sure it was multiple
33 but a shot, I recall pulling my duty gun and then firing to the person, using one hand
34 only to stop him. I am guessing my Taser got ejected from my hand with whatever
35 hit me and broke my finger."

36 • I reviewed the Talavera interview transcript and found the following quotes
37 important.

38 ○ "Then I see him rushing the door. At that point, I believe he is coming at us
39 with a weapon, with a knife. I'm covering myself but at the same time,

1 trying to switch from Taser to handgun and when that happened, I'm
2 seeing now [sic] crossing the door. I am backing up, he's crossing the door
3 and I'm still trying to switch to handgun when I hear the first shot, then my
4 hand got struck with something. I felt a very intense burning sensation in my
5 hand and deploy my handgun at the same I'm dragging [sic] the body
6 and pulling my handgun and fire two rounds at the stomach area"

- 7 ○ Talavera said, "everything was too fast" (p. 28).
- 8 ○ "That's when, that's when he rushed through the door and at that point
9 when I saw him coming at us, thinking he's still armed, I didn't wanna get
10 stabbed so I'm trying to transition from Taser to my handgun and trying to
11 at the same time walk behind the door to keep my cover when I hear the
12 first shot happen. Immediately after that I got the pain in my hand and I'm
13 transitioning now to my handgun with one hand, with my right hand and
14 tracking his upper body until I fired the two rounds" (p. 14)
- 15 ○ "I have the Taser in one hand when he's already a few inches away from
16 me (12 inches). He is running to the door and that's when everything
17 exploded. It was dark, I did not see really what happened but then my
18 hand got injured and shots are being fired. And then I recall pulling my duty
19 gun and firing to the person, using one hand only, to stop him" (p. 26).
- 20 ○ "I just remember looking, tracking him and looking at his stomach area.
21 Because at that point I am transitioning, trying to put the Taser back in my
22 holster. I didn't see his face; I'm just locking myself in the closest area that I
23 can shoot him to bring him down. That's what I did, and I locked myself into
24 the stomach and shot him" (p. 27).
- 25 ○ Talavera goes on to state that he shot Gray in the stomach as Gray was
26 running out the door and still on his feet (p. 27).
- 27 ○ "I'm just guessing the Taser was ejected from my hand, whatever hit me
28 and broke my finger" (p. 26).
- 29 ○ "I was 100 percent worried about the lethal force he'd use at the point that
30 he's charging me. Charging me coming to the door because I'm in the line
31 of fire and trying to get away from the line of fire as soon as possible. At the
32 same time that I'm trying to transfer from Taser to handgun" (p.24).
- 33 ○ He said he was fearful for his life (p.24).

34
35 **Davis PD Officer Ben Adams said,** I looked back and he was continually throwing
36 knives and I estimate maybe five knives. He was throwing the knives overhand,
37 over his head. He wasn't lobbing them. I mean he was really tossing them like he
38 was trying to hurt somebody. He was throwing the knives overhead, like a fastball
39 pitch. At this point I feel we could have used deadly force. I am proud of our shift

1 that we didn't use deadly force at that time. If I wanted to, I could have shot
2 through the window, but I choose not to. I didn't do it because I didn't have a
3 great shot. At that point they haven't shot with knives being thrown at them
4 personally; so, I wasn't fearful for my safety. When I glanced over, I could see one
5 officer and it seemed to me he was kind of just ducking and dodging the knives.
6 I don't know if the knives were making contact with them or where they were
7 hitting. I just heard them getting stuff.

8 At this point he (Christopher Gray) throws, I'm guessing maybe five knives. He then
9 proceeded back into the kitchen and again retrieves more knives. At this point
10 he just sprinted to the front door. At that point there's no doubt in my mind that
11 he was coming to that front door to stab or kill somebody. Given the fact when I
12 looked over there, I knew officers were still in that area. Giving the fact the time,
13 he grabbed those knives and the distance, which I'm guessing maybe 30 feet;
14 there was no way those officers would have been able to retreat in a safe manner
15 without getting hurt. I think I even said, "He's coming out" or something to that
16 effect. I don't recall but I'm sure I said many things throughout.

17
18 Once I saw him sprint, I came back away from the front window to give myself a
19 little better angle. Once I saw him sprint out the front door, I still could see he had
20 the knives in his hand and I shot. I believe I shot three times. Given the distance
21 and how fast he was running there was no doubt in my mind he was coming out
22 the front door and his intention was to stab or kill one of us. He had two or three
23 knives in his hands and I don't remember which knives were in what hands. I think
24 my main concern was those officers were going to seriously get hurt. I thought if I
25 didn't come over there the likelihood of them getting stabbed or killed was
26 extremely high. When I saw him come out the front holding the knives, I had
27 seconds; I had to take this person down at that point. I'm guessing when I shot,
28 he was around five feet away from officers

29
30 I fired and then I heard more shots from my right which I believe were coming
31 from the walkway. **He (Christopher Gray) dropped and started to get back**
32 **up.** I heard several more shots, maybe three shots. I have no idea where those
33 came from. He eventually dropped down to his back and was still holding; I
34 believe two knives in his left hand. We were yelling at him, "Drop the knife",
35 "Drop the knives." I think his body just gave way and eventually his hand kind
36 of just dropped to the ground. I think I heard at least three shots when he tried
37 to get back up. I don't recall if he was on all fours or on his back. I just recall
38 him attempting to get back up. I believe this movement was he still wanted
39 to fight. I do think that the officer that shot was justified in their actions based
40 off what I observed. I'm guessing from the initial shots to the second set shots
41 I think it was seconds between them. I felt the force which was used was
42 justified.

- 1 • I reviewed the Ben Adams transcript and found the following quotes extremely
2 important:
- 3
- 4 ○ Adams said, "Once I saw him sprint out the front door, I could see that he
5 had the knives in his hand, and I shot (p.9).
- 6
- 7 ○ Adams said there was five feet between Gray and other officers when he
8 shot (p. 10).
- 9
- 10 ○ Adams said, "I think my main concern was that those officers are gonna get
11 seriously injured and I just thought that if I did not come over there that the
12 likelihood of them getting stabbed or killed was extremely high and I saw him
13 come outta that front holding those knives and I was just seconds. I had to
14 take this person down at that point" (p. 2).
- 15
- 16 ○ Adams said, "He drops, he starts to get back up. I hear several more shots.
17 He eventually drops down to his back. He's still holding (I believe) two knives
18 in his left hand" (p. 10).
- 19
- 20 ○ Adams described Gray getting up after the initial shots: "I don't recall exactly
21 if he was on all fours or if he was on his back. I just recall him attempting to
22 get up. That's all I can recall and then I heard what I believe was three shots
23 coming from somewhere" (p. 5).
- 24
- 25 ○ Adams is asked what Gray getting up meant to him: "That he's still ready to
26 fight. That he is attempting to still fight and attempting to hurt one of us."
27 (p.5).
- 28
- 29 ○ Adams is asked whether the last shots under discussion were justified by
30 policy: "Absolutely" – and he goes on to state that he saw knives in Gray's
31 hands when these last shots were fired (p.6).
- 32

33 **Davis PD Corporal Torres said:** I moved to a pillar and Sgt Walker told them to
34 back out. I ordered Wais to also back out and when she did, she ended up
35 behind me. At that point I had lethal down range. I was probably five to six feet
36 from the front door. The suspect (Christopher Gray) started to charge the front
37 door. He had two large knives in his left hand and one in his right. He got to the
38 mid-point between the door and the kitchen and just charged forward to the
39 open door. He had his chest forward with the knives in front of him. He was just
40 literally running out the front door and turned towards Talavera. I ordered him to
41 drop the knives twice. When he came out the front door, he was directly next to
42 Officer Talavera.

43 It happened so quick Talavera didn't have time back out. Talavera did not have

1 time to holster his taser and draw his gun and I shot. I would estimate the suspect
2 was within two and half to three feet as he was lunging forward with the knives as
3 he rounded the corner. He was within killing distance. I think I fired three times
4 because I heard three shots. I thought if I didn't fire my weapon, he was going to
5 stab Talavera and I was afraid for my partners life.

6
7 After the suspect (Christopher Gray) fell to the ground he was still gripped the
8 knives. He had two knives in his left hand and moving these around. He had
9 another knife near his leg. I kept ordering him to drop the knives, but he kept the
10 knives there. I then noticed his head was slightly back and he was looking straight
11 at me. Then it occurred me that I just shot him and due to his injury, he was not
12 responding to me. I holstered my weapon and went up to him and retrieved the
13 knives from his hand. Adams grabbed the knife by his leg, and I ordered Adams
14 to place handcuffs on the suspect.

- 15
16 • I reviewed the Torres's interview transcript and found the following quotes
17 important.
- 18 ○ "He (Gray) came to the threshold – beyond the threshold of the door.
19 Talavera was directly next to him. I saw him (Gray) make a motion with the
20 knives toward Talavera. I immediately though he was going to stab
21 Talavera, so I opened fire" (p. 2).
 - 22
23 ○ "The suspect fell down on the ground on his back in front of me. He was still
24 gripping the knives. Um, he is on his back with the two knives in his left-hand
25 kind of gripping him [sic] and moving his arms around. I kept ordering him to
26 drop the knives, but he kept the knives there.
 - 27
28 ○ When asked how Gray charged toward the door, Torres described him as,
29 "chest forward, knives out in front of em [sic] and then just literally running
30 out the door and turning towards Talavera. It happened so quick; Talavera
31 didn't have time to – all he could do was back out. He didn't have time to
32 transition from taser holster, draw gun [sic]" (p. 5).
 - 33
34 ○ Torres described Gray as two and a half to three feet from Talavera and
35 "within killing distance" when he fired (p. 5).
 - 36
37 ○ Torres thought he was the only one that fired (p. 5).
 - 38

39 **Davis PD Officer Fiona Wais** said, "I could still see the suspect and he came back
40 out of the kitchen and had multiple knives in his hands. The suspect then started

1 throwing the knives at Officer Talavera and myself. The suspect (Christopher
2 Gray) was saying stuff to us but I could not make it out. The first knife he threw I
3 was initially in the doorway. I then retreated to the back and was then replaced
4 by Corporal Torres. At this time, we could have used lethal force.

5 When we backed out of the doorway and I was behind Corporal Torres, I lost some
6 visual of the suspect. When I saw the suspect again, he was in the doorway. When
7 I saw the suspect, he still maintained an aggressive posture. He had knives in his
8 hands, and he was indiscernible to me at the time, but he was still yelling
9 aggressively. Officer Torres and Officer Talavera were still giving him commands
10 to drop the weapons and do not approach before he began to exit the
11 residence. The suspect raised his hands as if he was going to attack one of the
12 officers and at that point, I heard gunshots. He had one hand raised as if to bring
13 down a knife on one of the officers. The suspect was approaching our officers
14 and was moving fast enough that if our officers didn't respond at that time, I
15 believe he would have stabbed Officer Talavera or Corporal Torres. Before the
16 shooting I would say they were arms reach from each other.

17 After I heard the gunshots, Corporal Torres began telling him to drop the
18 weapons. The suspect maintained a grip on the weapons for approximately a
19 minute or two. Corporal Torres holstered his firearm while Officer Ben Adams and
20 I maintained our firearms on the suspect. Corporal Torres approached the
21 suspect and relieved him of those knives. I'm not sure but I believe I heard Sgt
22 Walker calling and staging AMR.

- 23
- 24 • I reviewed the Wais interview transcript and found the following quotes
25 important.
 - 26 ○ Wais stated that due to her position, "I lost some visual. The only time I saw
27 the suspect was when he was not in the doorway (p.12). I saw him still
28 maintaining that aggressive posture. He had knives in his hand. The suspect
29 raised his hands as if he was going to attack one of the officers and at that
30 point, I heard gunshots.
 - 31
 - 32 ○ Prior to the gunshots Wais said, "he had one hand raised as if to bring down
33 a knife on one of the officers" (p. 12). She also described Gray as moving
34 quickly while closing the gap to arm's length with officers before shots were
35 fired (p. 12).
 - 36
 - 37 ○ Wais said she was scared Gray was going to injure someone and that he
38 had already killed one person (p.13).
- 39

Detective Barreiro's Body Camera Evaluation (Supplemental p. 3 of 4):

Time	Description
52:19:13	Adams fires shot #1
52:19:16	Torres fires shot #2
52:19:20	Adams fires shot #3
52:19:28	Adams fires shot #4
52:20:01	Suspect falls to ground
52:20:13	Torres fires shot #5
52:23	Talavera turns to face suspect and draws his gun
52:24	Adams says, put down the knife
52:24:11	Talaveras fires shot #6
52:24:21	Talaveras fires shot #7
52:25	Multiple commands to put down the knife

Body Worn Camera Analysis

I viewed all BWC video associated with this event. I found Talavera and Torres BWC provided the most information proximal to Talavera firing his weapon. I review the specific aspects of those recordings here. Frames from both files were exported and stored in new folders (see work product file sent to District Attorney).

Torres BWC offers the most significant overview of the incident from a visual perspective. Therefore, Torres is the main analysis with Talavera's BWC providing additional information when appropriate.

Frame number	
6675	Gray appears as a silhouette. He is moving quickly and erratically toward the front door to the residence. He appears to have objects in both hands, but the video is not clear enough to identify a knife.
6682	Gray is a silhouette in the doorway and is in the process of moving forward with one arm extended in front of him. There are indications of an object in both his hands, but the lack of light does not allow for a definite identification. Officer Talavera is standing right outside and to the left of the front door. Talavera is pointing his Taser at Gray but there is no indication the Taser is operational (e.g., light or laser seen). The first shot is fired proximal to this frame.
6682 – 6715	Talavera contacts Gray's upper body with his Taser (6691). Gray turns to face Talavera who is now backed into a corner. The video is unclear, but Gray appears to move his arms toward Talavera in an offensive attack. Talavera moves forward into the doorway. Four

	<p>rapid fire rounds can be heard within these frames. The last round is fired proximal to frame 6715.</p> <table border="1"> <tr> <td>Talavera BWC 919 – 940</td><td>A portion of Gray is seen exiting the front door as Talavera extends his Taser. The Taser appears to be knocked from Talavera's hand and falls through the frames. Just after these frames a groaning noise is heard (Talavera?).</td></tr> </table>	Talavera BWC 919 – 940	A portion of Gray is seen exiting the front door as Talavera extends his Taser. The Taser appears to be knocked from Talavera's hand and falls through the frames. Just after these frames a groaning noise is heard (Talavera?).
Talavera BWC 919 – 940	A portion of Gray is seen exiting the front door as Talavera extends his Taser. The Taser appears to be knocked from Talavera's hand and falls through the frames. Just after these frames a groaning noise is heard (Talavera?).		
6715- 6760	<p>Talavera moves into the doorway and appears to be facing in toward the house briefly before turning almost 180 degrees. A light briefly illuminates from his center mass (6726). Talavera's right hand raises above his head and he appears to turn his head and body back toward the corner where he originally started. In the final frame within this series, Talavera has his back towards officers and Gray.</p> <table border="1"> <tr> <td>Talavera BWC 980 – 996</td><td>Talavera's BWC is oriented toward the staircase in the house. He appears to activate a flashlight in frame 6759.</td></tr> </table>	Talavera BWC 980 – 996	Talavera's BWC is oriented toward the staircase in the house. He appears to activate a flashlight in frame 6759.
Talavera BWC 980 – 996	Talavera's BWC is oriented toward the staircase in the house. He appears to activate a flashlight in frame 6759.		
6760 – 6784	<p>Talavera moves into the corner and is out of view due to adverse lighting. The flashlight beam fades to dark, but frame 6764 shows that Talavera's handgun is still holstered. His elbow is begins to move backwards as if he may be preparing to draw his weapon.</p> <table border="1"> <tr> <td>Talavera BWC 996 – 1037</td><td>The BWC is remains oriented toward the door as it moves to the side. Then the FOV rotates to the right and shows Talavera has moved some distance to the right of the front door.</td></tr> </table>	Talavera BWC 996 – 1037	The BWC is remains oriented toward the door as it moves to the side. Then the FOV rotates to the right and shows Talavera has moved some distance to the right of the front door.
Talavera BWC 996 – 1037	The BWC is remains oriented toward the door as it moves to the side. Then the FOV rotates to the right and shows Talavera has moved some distance to the right of the front door.		
6807- 6813	<p>A light source briefly emanates from Talavera's position and sweeps the area with peripheral light. The light then disappears, and the scene is dark.</p> <table border="1"> <tr> <td>Talavera BWC 1037 – 1044</td><td>A light source briefly splashes the wall adjacent to Talavera.</td></tr> </table>	Talavera BWC 1037 – 1044	A light source briefly splashes the wall adjacent to Talavera.
Talavera BWC 1037 – 1044	A light source briefly splashes the wall adjacent to Talavera.		
6838- 6851	<p>A light source emanates from Talavera's position. It illuminates the wall to the right of Gray and then moves downward. An officer yells: "Put down the knife". Gray's silhouette is moving but little detail is available. There is a dark long silhouette object laying next to him that is later identified as a knife. However, as the light source continues to move downward, a long knife is clearly visible in Gray's hand. The knife is visible up and away from Gray's torso. In the next several frames it moves towards the ground.</p> <table border="1"> <tr> <td>Talavera BWC 1044 – 1081</td><td>A light source emanating from Talavera's position illuminates the wall across from him. Both his hands can be seen together in a two-</td></tr> </table>	Talavera BWC 1044 – 1081	A light source emanating from Talavera's position illuminates the wall across from him. Both his hands can be seen together in a two-
Talavera BWC 1044 – 1081	A light source emanating from Talavera's position illuminates the wall across from him. Both his hands can be seen together in a two-		

		handed shooting stance with his weapon pointed downward.	
6852	Muzzle blast from Talavera's weapon. 4.5s after previous last shot fired by other officers.		
	Talavera BWC 1083	Slide movement – significant weapons blur and a shell casing ejection can be seen.	
6862	Muzzle blast from Talavera's weapon. .33s between rounds one and two.		
	Talavera BWC 1092- 1093	Significant weapons blur and hand movement. Shell casing ejection can be seen.	

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Enhanced Frame (Alex Torres_20191219_03_48_WFC1-029931_Enhanced0134.tif)



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Enhanced Frame (Alex Torres_20191219_03_48_WFC1-029931_Enhanced0220.tif)

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Opinions

9. **Opinion 1.** Talavera utilized deadly force based upon the perception of an immediate threat. A detailed analysis of the fact patterns involved support Talavera's perception and split-second decision to use necessary deadly force under the totality of the circumstances.

9.1. California peace officers are taught that probable cause is defined as a set of facts that would cause a person of ordinary care and prudence to entertain an honest and strong belief that the person to be arrested is guilty of a crime.¹ A legal training journal published for peace officers in California further clarifies probable cause by stating, "Probable cause requires neither a preponderance of the evidence nor any showing that such belief be correct or more likely true than false and that it requires only a fair probability, not a statistical probability."²

- Officers were dispatched to the Gray residence for a 911 call. Carol Gray reported her son was causing a disturbance. At some point the disturbance became physical and the 911 call disconnected (Watson report p. 1 of 5).
- On arrival, Talavera described seeing a body covered with a bed sheet (Interview p.8). He saw blood on the bedsheet. Talavera believed a physical confrontation had occurred and the person was injured. He also believed the person needed help (p.8).
- Gray came out of the kitchen a short time later carrying a knife. Gray did not comply with officers' commands and threw knives at officers (p.8).
- Any reasonable officer would believe a significant crime of violence had occurred and that entry into the home was necessary to provide aid.³ Christopher Gray prevented officers from providing aid through violent acts likely to cause great bodily harm or death.⁴

¹ CA POST LD #15 (2019). Laws of Arrest.

² ALCO Point of View. (2014). Principles of probable cause and reasonable suspicion.

³ Alameda County Point of View. (2010). Exigent Circumstances. Retrieved from https://le.alcoda.org/publications/point_of_view/files/EXIGENT_CIRCUMSTANCES.pdf

⁴ California Penal Code Section 245(c). Retrieved from https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=245

- 1
- 2 o Sgt Walker said, "...we had one person down that needed medical aid or
- 3 appeared to need medical aid...I felt really strongly and still do that it was
- 4 necessary to get him (Christopher) under control (Walker interview p. 14).
- 5

6 **9.2.** California peace officers are taught, "any peace officer who has

7 reasonable cause to believe that the person to be arrested has

8 committed a public offense may use reasonable force to effect the

9 arrest, to prevent escape or to overcome resistance. A peace officer who

10 makes or attempts to make an arrest need not retreat or desist from his

11 efforts by reason of the resistance or threatened resistance of the person

12 being arrested; nor shall such officer be deemed an aggressor or lose his

13 right to self-defense by the use of reasonable force to effect the arrest or

14 to prevent escape or to overcome resistance".¹

15

- 16 • Although this standard exists, officers in this instance took precautions to
- 17 reduce the possibility of force to include non-lethal options and retreat.
- 18
- 19 o Sgt. Walker had officer Wais stage and wait for resources which might
- 20 reduce the need for force (Walker interview p. 8). Regarding retreating
- 21 from Christopher as he charged officers; Walker said it was not an
- 22 option due to the angle of the front yard, slippery grass, and other
- 23 obstacles (p. 14).
- 24
- 25 o Officer Talavera placed his life in danger during an unsuccessful
- 26 attempt to use non-lethal force on an immediate lethal threat (Watson
- 27 report p. 4 of 7; Talavera interview p. 9). I
- 28
- 29 o Officer's described having the ability to use deadly force before it was
- 30 ultimately used (Torres interview p. 4; Walker interview p. 19; Wais
- 31 interview p. 11; Talavera interview p. 14)
- 32
- 33 o Officer's retreated out of the house after meeting resistance from
- 34 Christopher (Torres interview p. 4; BWCs).
- 35

36 **9.3.** California peace officers are taught, "If a person has knowledge, or by

37 the exercise of reasonable care, should have knowledge, that he is being

¹ California Penal Code Section 835a.

1 arrested by a peace officer, it is the duty of such person to refrain from
2 using force or any weapon to resist such arrest.”¹

- 3
- 4 • Officers knocked on the front door and announced, “Davis Police”.
- 5
- 6 • Once the door was opened, Christopher was communicating with officers
- 7 and ignored a series of commands (BWCs).
- 8

9 **9.4.** California peace officers are taught “any person who commits an assault
10 with a deadly weapon or instrument, other than a firearm, or by any
11 means likely to produce great bodily injury upon the person of a peace
12 officer or firefighter, and who knows or reasonably should know that the
13 victim is a peace officer or firefighter engaged in the performance of his
14 or her duties when the peace officer or firefighter is engaged in the
15 performance of his or her duties, shall be punished by imprisonment in the
16 state prison for three, four, or five years”²

- 17
- 18 • Christopher threw multiple kitchen knives at officers prior to charging them
- 19 with knives in hand. BWC video provides information that he more likely
- 20 that not slashed or stabbed Talavera (Torres BWC).
- 21

22 **9.5.** California peace officers are taught the severity of the crime, level of
23 active resistance, and the potential for injury to themselves or others are
24 prominent evaluative criteria for the use of force. They are also taught
25 their perspectives must be reasonable, based on what they know or
26 should have known, while considering the totality of the circumstances.
27 Lastly, California peace officers are taught they will be not be judged
28 from hindsight regarding decisions that are made in tense, uncertain, and
29 rapidly evolving situations. ³

- 30
- 31 • The severity of the crime involved in this case is homicide. The level of
- 32 resistance was deadly and the potential for injury was immediate and
- 33 severe (see 7.1.4).
- 34

35 **9.6.** California peace officers are taught they may utilize deadly force when
36 necessarily committed in overcoming actual resistance to the execution
37 of some legal process, or when necessarily committed in arresting persons

¹ California Penal Code Section 834a

² California Penal Code Section 245(c)

³ Graham v. Connor, 490 U.S. 386 (1989)

1 charged with a felony and who are fleeing from justice or resisting such
2 arrest.¹

3
4 9.6.1. "A person has probable cause to believe that someone poses a threat of
5 death or great bodily injury when facts known to the person would
6 persuade someone of reasonable caution that the other person is going
7 to cause death or great bodily injury to another...Great bodily injury
8 means significant or substantial physical injury. It is an injury that is greater
9 than minor or moderate harm."²

- 10
11 • Walker said he saw Christopher go towards the front door with a knife in
12 an upward raised manner with the blade facing out in a "stabbing
13 manner" (Walker interview p. 13). She said Christopher was outside the
14 house and within feet of officers (stabbing distance) when he was shot
15 (p. 15). Walker believed the use of deadly force was necessary to
16 prevent death to at least one of her officers (p. 22).
17
18 • Wais said she saw Christopher approach the door with a knife raised as
19 if he was going to bring it down on one of the officers. She places
20 Christopher just "out of arms reach" of officers when the shots were fired
21 (p. 12). Wais said that after the gunshots she saw Christopher
22 maintained his grip on the weapons (p. 14).
23
24 • Torres said he saw Christopher make a motion with the knives towards
25 Talavera. Torres said he thought Christopher was going to stab Talavera
26 which is why he opened fire (Torres interview p. 2). He also described
27 Christopher as "lunging forward with a knife" toward Talavera and
28 within "killing distance" (p. 5). Torres said Christopher fell on the ground
29 on his back while still gripping two knives in his left hand. Torres said,
30 "he's on his back with the two knives in his left-hand kinds gripping him
31 [sic] and moving his arms around" (p. 2).
32
33 • Adams said he saw Christopher sprint toward the front door with knives.
34 He believed Christopher intended on stabbing or killing someone.
35 Christopher said he did not believe the officers would be able to retreat
36 without being hurt. When he saw Christopher exit the door with knives in
37 hand, he fired (Adams interview p. 9). Adams said Christopher was
38 about five feet from officers when he fired. Adams said Christopher
39 began getting back up after the initial shots. He then hears several
40 more shots from his right. Adams said Christopher then drops to his back
41 but is still holding two knives (p. 10).

¹ California Penal Code Section 196

² CALCRIM 507

- Talavera said, "Then I see him rushing the door. At that point, I believe he's definitely coming at us with a weapon, with a knife. I'm covering myself but at the same time, trying to switch from Taser to handgun and when that happened, I'm seeing now [sic] crossing the door. I'm backing up, he's crossing the door and I'm still trying to switch to handgun when I hear the first shot, then my hand got struck with something. I felt a very intense burning sensation in my hand and deploy my handgun at the same I'm dragging [sic] the body and pulling my handgun and fire two rounds at the stomach area" (Talavera interview p. 9)
- "I just remember looking, tracking him and looking at his stomach area. Because at that point I'm transitioning, trying to put the Taser back in my holster. I didn't see his face; I'm just locking myself in the closest area that I can shoot him to bring him down. That is what I did, and I locked myself into the stomach and shot him (Talavera interview p. 27).
- The body worn cameras do not capture sufficient visual information to determine whether Christopher raised up from the ground after being shot. The only detail that can be seen is a portion of Christopher's stomach seen when Talavera partially illuminates the area before firing. In those moments, Christopher can be seen with a knife in his left hand which is extended out and away from his body. The hand/knife slowly moves down to his left side. The shot is fired just after a reflection on the knife blade and it is still elevated with the point facing away from Christopher's body (Torres BWC).

9.7. Based on the case information, Talavera knew he responded to a physical disturbance that resulted in a 911 call. On arrival, Talavera knew the person under the sheet was likely injured and required emergency aid. He was confronted by Christopher Gray who would not allow officers to provide aid and did not obey commands. Christopher assaulted officers with deadly weapons demonstrating his willingness to cause serious bodily injury. Christopher then re-armed himself with knives and charged officers. As he exited the front door, BWC video indicates Christopher turned toward Talavera while likely stabbing or slashing at him.

Talavera feared for his life and attempted to escape the danger. The investigative information provides that after the initial contact with Christopher, Talavera turned 180 degrees, drew his firearm and flashlight, turned a second time, located Christopher who although on the ground, was still armed with a knife and within close proximity, moving, and

1 according to one officer still trying to get up. All while operating under
2 adverse lighting conditions.

3
4 Based on his statement, Talavera believed Christopher was still standing
5 when he aimed and fired two rounds. While this statement is not in line
6 with the BWC video, it does not distract from the fact that Talavera had
7 just been the victim of a deadly assault, lost visual of the threat, and
8 upon regaining visual he perceived an immediate threat remained. That
9 perception is supported by a forensic analysis of the case file.

10
11 In summary, Talavera had just been assaulted by a violent felon, injured
12 during the interaction, turned 180-degrees while transitioning to a
13 handgun, and exposed to gunfire. He was essentially trapped in a
14 corner within arm's reach of an armed suspect when he turned his back
15 on Christopher to escape. Talavera then shot Christopher after turning
16 and likely capturing a split-second low-light snapshot of Christopher still
17 holding the knife out and away from his body while also moving. I
18 believe the perception of an immediate threat necessitating deadly
19 force would be reasonably formed by a peace officer under this
20 context and specific circumstances (see opinion 8 for further).
21

22 **10. Opinion 2.** Attention, perception, decision-making, and response time are all
23 vital to determining the reasonableness of human behavior in any situation.
24 Therefore, an evaluation of the reasonableness of an officers use of force
25 decision should provide weight to the application of human factors
26 psychology when considering the totality of circumstances. The following
27 points are not meant to excuse negligent behavior, but rather to explain the
28 capabilities and limitations of human beings operating in rapidly evolving,
29 tense, and uncertain situations when split-second decision-making is
30 necessary for self-preservation.

31
32 **10.1. Acute stress.**

- 33
- 34 • Ca. POST LD 35 (Firearms/Chemical Weapons) states that combat is a
35 physically and emotionally draining experience that "may cause extreme
36 stress." LD 35 states that these levels of stress can have both physical and
37 psychological effects during and after combat-related situations.
38
 - 39 • Ca. POST LD 20 defines fear as a "normal emotional response to a
40 perceived threat (real or unreal). The workbook then discusses the
41 sufficiency of fear required to utilize deadly force. It states fear must be
42 based on the facts and circumstances known to the officer at the time,
43 and the fear must be objectively reasonable. LD 20 defines some

1 "reasonable fear" factors as, "sudden or erratic movements by a suspect,
2 the sight of a weapon in a subject's possession, the knowledge that a
3 person is in danger of bodily harm, and an unresponsive, unexpected
4 response to the officer's action".

- 5
6 • In this case, several factors are relevant to reasonable police officers'
7 feelings of anxiety and fear:
8
 - 9 ○ Time compressed nature of securing the threat to provide medical
10 care to Carol Gray.
 - 11 ○ The presence of a threat to life posed by an armed and attacking
12 Christopher Gray.
 - 13 ○ The time compression associated with transitioning between Taser and
14 handgun when facing an immediate deadly attack.
 - 15 ○ Shots being fired in his (Talavera) general direction while also
16 experience what appeared to be a significant pain response. Talavera
17 appeared to be checking himself for wounds at the conclusion of the
18 incident.
 - 19 ○ Talavera has a conversation with medical personnel about being
20 "amped up" and having "adrenaline shakes". One medic appears to
21 be taking Talavera's vital signs and remarks they are elevated (likely
22 due to the event) (Talavera BWC).

23 24 **10.2. Attention.**

- 25
26 • Talavera's focus of attention was divided in the seconds prior to him firing
27 two rounds. These momentary divisions of attention ensure that dynamic
28 aspects of an environment may have changed without Talavera being
29 aware or fully aware of the changes. For example, a one second glance
30 at the car radio while driving 55 mph ensures the driver could not
31 perceive, respond to, or remember the changing environment as his car
32 traveled 80 feet.
33
 - 34 ○ Talavera appears to attempt to drive stun (Taser) Christopher as he
35 comes through the doorway. The Taser is knocked from his hand and
36 Christopher turns toward Talavera at about the same time shots begin
37 to be fired. Talavera initially moves as if to flee into the house and then
38 turns 180 degrees back into the corner by the front door. Talavera is
39 heard yelling out as if in pain which is indicative of a momentary
40 distraction (Torres BWC).
 - 41 ▪ Each of these incidents likely directed Talavera's attentional
42 resources both inward (thinking) and outward (sensing). This goes
43 beyond the obvious fact that a human generally looks where they
44 are going to or are traveling. In this case, Talavera turned away

1 from Christopher for a period of time and therefore was receiving
2 no sense information about him.

- 3
- 4 ○ Talavera's weapon is still holster and it does not appear as if he has a
5 flashlight ready as he retreats to the corner of the porch. Therefore,
6 portions of Talavera cognitive resources must attend to arming himself
7 and deploying his flashlight (under arm) prior to looking for Christopher.
8
- 9 ■ These tasks are complex and take significant mental resources
10 when under time compression.
11
- 12 ○ Talavera did not have a focus of attention on Christopher the entire
13 4.5s after the first shot was fired. Talavera is seen turning about 180 and
14 facing into the corner of the alcove prior to turning and firing his two
15 rounds.
16

17 **10.3. Total Response Time.**

- 18
- 19 • Response time is based both in cognition and movement. Both factors
20 should be evaluated and considered within regarding the timing of
21 Talavera's shots.
22
- 23 ○ Talavera said he was trying to transition from Taser to handgun as
24 Christopher charged the front door with a knife. However, Torres BWC
25 shows him attempting to drive stun Christopher as Christopher exited
26 the door. Christopher then turns toward Talavera and likely slashes or
27 stabs toward Talavera. Talavera goes on to discuss his attempt to
28 transition as he is moving behind the front door and proximal to the first
29 shot being fired. He then describes experiencing intense pain in his
30 hand. After which he deployed his handgun with one hand and
31 tracked Christopher's upper body before firing two rounds (Talavera
32 interview p. 14).
33
- 34 ○ Torres's body camera shows Talavera's weapon is holstered after the
35 last shot is fired by other officers. There is about 4.5s between the last
36 shot fired by other officers and Talavera's first shot. There is
37 approximately 3s from the time Talavera is moving toward the corner
38 (handgun holstered) and his first shot.
39
- 40 • There is also the need to allow for a reasonable amount of time for
41 Talavera to draw and fire. Talavera said he drew and fired one handed
42 into Christopher's stomach area (Talavera interview p. 27). In fact, his BWC
43 shows him in a two-handed shooting stance when he fired.

- Research has shown that it takes an average of 1.82 seconds to draw from a holster (with a least one retention). The range of time for this action was between 1.29s and 2.93s.
- The cited laboratory research project has several limitations for its application here. These numbers are form a controlled experiment in which the officer was under little stress, knew exactly what to do, and had no other movement or distraction. The intent of presenting this information is to show that a significant delay exists under the best of conditions.
- Talavera does not discuss coming into physical contact with Christopher or turning 180 degrees prior to drawing and firing his weapon. He also does not discuss removing his flashlight to illuminate Christopher before firing, but these things can be seen on Torres BWC. The below picture (File: 19-07523_AA.jpg) shows the placement one of Talavera's flashlight. Assuming this flashlight was deployed prior to the shooting, there would be an associated delay prior to illuminating the area and firing (e.g., divided, and selective attention). If another flashlight was deployed, a reasonable delay in response time and the application of attentional theories still apply.



10.4. Perceptual distortion/memory.

- Ca. POST LD 35 (Firearms) states officers who experience combat stress may experience perceptual distortions in the form of “auditory changes, tunnel vision, color distortion, time distortion, or physical detachment.
- Ca. POST LD 20 states, “some common body and mind responses to fear may include: vision and hearing become more acute and focused (e.g., tunnel vision and auditory exclusion/suppression), time distortion, and impaired fine motor skills.”
- It is not uncommon and has been widely recognized that police officers involved in shootings may experience perceptual distortions. These distortions can have an impact upon an officer’s memory. For instance, if information is not processed due to narrowed visual attention (e.g., tunnel vision), it will not be available for memory recall.
- During time compressed high stress incidents, human beings have split seconds to process visual information and make sense of it. Often, rapid decisions are based on pattern matching, previous training, experience, and environmental context. Due to divided and selective attention, some information may not be processed. When asked to recall that information, human beings may fill in the blanks with intuition on what they believe happened (e.g., false memory¹).
- I have conducted scenario-based training with officers using live role players and the force options simulator. Many of the scenarios re-created an officer-involved-shooting after which I discuss the incident with the participants. With no reason to be deceitful, officers have often described events differently from what they occurred. The deficits have ranged from not remembering the number of rounds fired (e.g., selective attention) to misreporting the type of weapon and even not seeing weapons clearly visible within their field of view (e.g., inattention blindness).
- The research literature has demonstrated memory deficits for officers involved in high stress incidents²

¹ <https://dictionary.apa.org/false-memory>

² Hope, L., Blocksidge, D., Gabbert, F., Sauer, J. D., Lewinski, W., Mirashi, A., & Atuk, E. (2016). Memory and the operational witness: Police officer recall of firearms encounters as a function of active response role. *Law and Human Behavior*, 40(1), 23-35. doi:10.1037/lhb0000159

1 **10.5.** A concern in this case was the delay in Talavera's shooting response
2 comparative to other officers on scene. The results of my analysis indicate
3 that attention, response time, and cognitive task load associated with a
4 life-threatening dynamic environment were more-likely-than-not impactful
5 on Talavera's response time. However, this application of human factors
6 psychology is not intended to defer from fact that Christopher had just
7 assaulted Talavera's with a deadly weapon and was armed, moving, and
8 possibly attempting to get up proximal to the time Talavera fired.

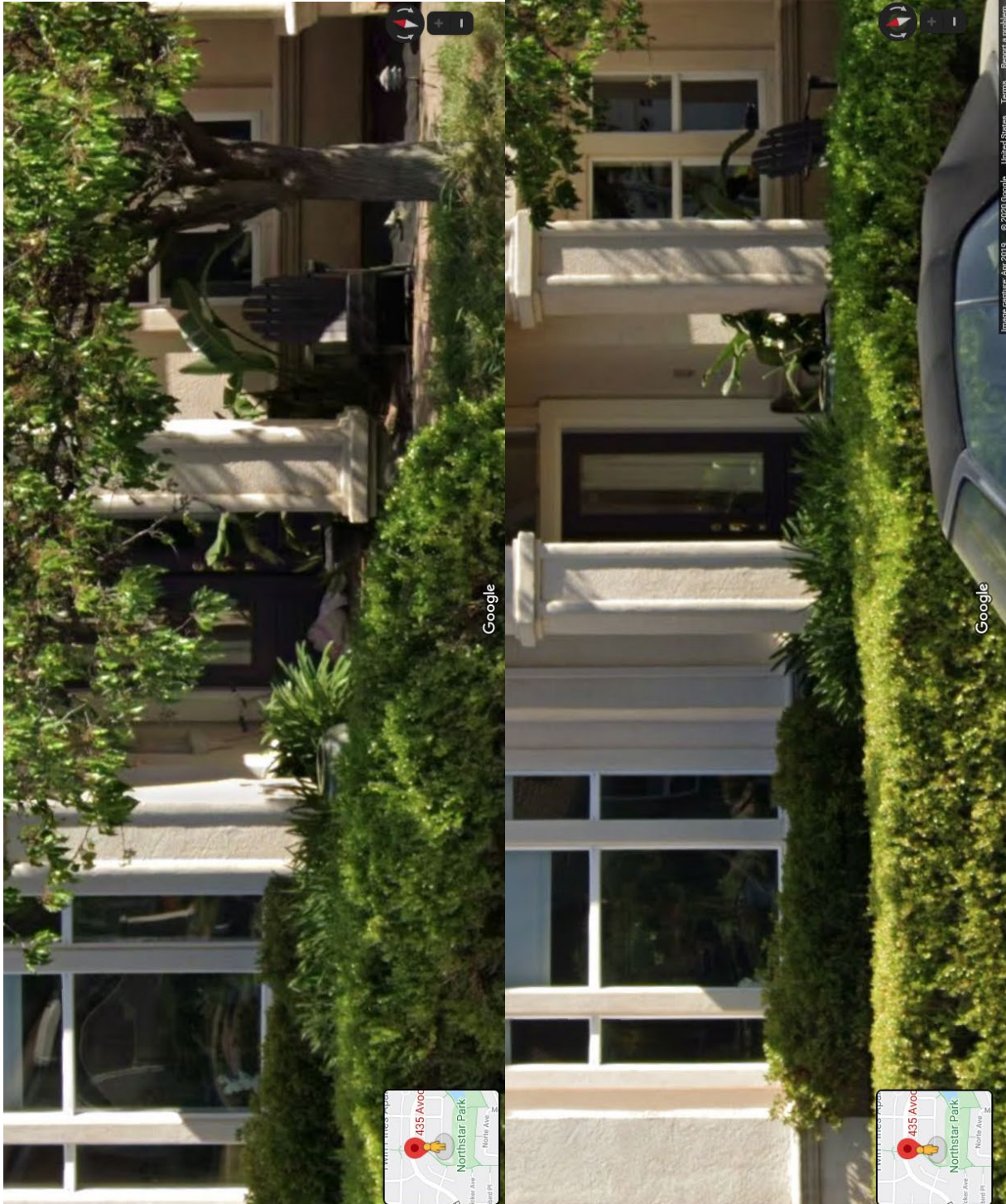
9
10 **Conclusion**

11
12 The findings and opinions contained in this report are based on my review of the
13 discovery items provided to me at this time. I will alter, amend, enhance, or
14 delete my findings and opinions as necessary following my review of any
15 additional discovery in this case.

16
17
18 Signed David M. Blake Date: June 5, 2020
19 David M. Blake, M.Sc.

ANNEX

435 Avocet Ave Davis Ca. Google Image captured April 2019.
Google street view (zoom in use)



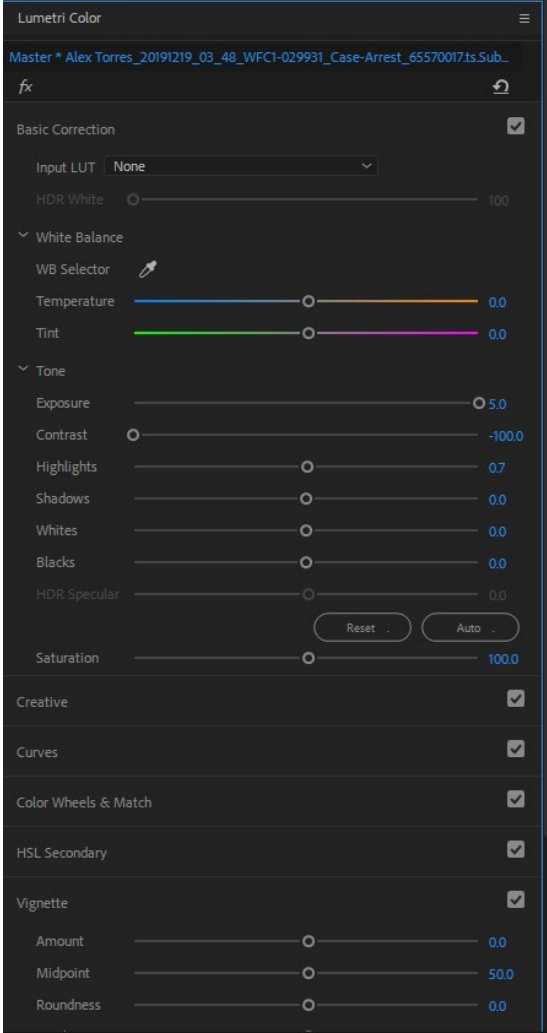
1
2

Torres Video Handling Summary

Checked file through FFmpeg to determine frame rate	<p>Microsoft Windows [Version 10.0.18363.836] (c) 2019 Microsoft Corporation. All rights reserved.</p> <p>C:\Users\david>ffprobe "C:\Users\david\Dropbox\Current Case Load 2019\DavisPD\Body Cam\Alex Torres\Alex Torres 2019 12 19 03_48 WFC1-029931 Case-Arrest 65570017\Camera 1\Alex Torres_20191219_03_48_WFC1-029931_Case-Arrest_65570017.ts"</p> <p>ffprobe version 4.1.1 Copyright (c) 2007-2019 the FFmpeg developers built with gcc 8.2.1 (GCC) 20190212 configuration: --enable-gpl --enable-version3 --enable-sdl2 --enable-fontconfig --enable-gnutls --enable-iconv --enable-libass --enable-libbluray --enable-libfreetype --enable-libmp3lame --enable-libopencore-amrnb --enable-libopencore-amrwb --enable-libopenjpeg --enable-libopus --enable-libshine --enable-lbsnappy --enable-libsoxr --enable-libtheora --enable-libtwolame --enable-libvpx --enable-libwavpack --enable-libwebp --enable-libx264 --enable-libx265 --enable-libxml2 --enable-libzimg --enable-lzma --enable-zlib --enable-gmp --enable-libvidstab --enable-libvorbis --enable-libvo-amrwbenc --enable-libmysofa --enable-libspeex --enable-libxvid --enable-libaom --enable-libmfx --enable-amf --enable-ffnvcodec --enable-cuvid --enable-d3d11va --enable-nvenc --enable-nvdec --enable-dxva2 --enable-avisynth</p> <p>libavutil 56. 22.100 / 56. 22.100 libavcodec 58. 35.100 / 58. 35.100 libavformat 58. 20.100 / 58. 20.100 libavdevice 58. 5.100 / 58. 5.100 libavfilter 7. 40.101 / 7. 40.101 libswscale 5. 3.100 / 5. 3.100 libswresample 3. 3.100 / 3. 3.100 libpostproc 55. 3.100 / 55. 3.100</p> <p>Input #0, mpegts, from 'C:\Users\david\Dropbox\Current Case Load 2019\DavisPD\Body Cam\Alex Torres\Alex Torres 2019 12 19 03_48 WFC1-029931 Case-Arrest 65570017\Camera 1\Alex Torres_20191219_03_48_WFC1-029931_Case-Arrest_65570017.ts': Duration: 01:14:18.14, start: 333.971133, bitrate: 5636 kb/s Program 1</p>
---	--

	<p>Stream #0:0[0x101]: Video: h264 (High) ([27][0][0][0] / 0x001B), yuv420p(progressive), 1280x720, 29.97 fps, 29.97 tbr, 90k tbn, 180k tbc</p> <p>Stream #0:1[0x102]: Audio: aac (LC) ([15][0][0][0] / 0x000F), 48000 Hz, mono, fltp, 96 kb/s</p> <p>Stream #0:2[0x103](eng): Subtitle: dvb_subtitle ([6][0][0][0] / 0x0006)</p> <p>Stream #0:3[0x104]: Data: bin_data ([6][0][0][0] / 0x0006)</p> <p>Unsupported codec with id 100359 for input stream 3</p>
Copied named file to Adobe Premiere Pro CC 2018. The file was bundled in a folder of body worn camera files associated with a proprietary video player.	Alex Torres_20191219_03_48_WFC1-029931_Case-Arrest_65570017.ts
Check “properties” of the listed file in Adobe Premiere Pro CC 2018. Results are listed.	<p>File Path: C:\Users\david\Dropbox\Current Case Load 2019\DavisPD\Body Cam\Alex Torres\Alex Torres 2019 12 19 03_48 WFC1-029931 Case-Arrest 65570017\Camera 1\Alex Torres_20191219_03_48_WFC1-029931_Case-Arrest_65570017.ts</p> <p>Type: MPEG Movie</p> <p>File Size: 2.93 GB</p> <p>Image Size: 1280 x 720</p> <p>Frame Rate: 29.97</p> <p>Source Audio Format: 48000 Hz - compressed - Mono</p> <p>Project Audio Format: 48000 Hz - 32 bit floating point - Mono</p> <p>Total Duration: 01:14:12:04</p> <p>Pixel Aspect Ratio: 1.0</p> <p>Video Codec Type: AVCHD H.264 4:2:0</p>
Trimmed video to point just prior to suspect exiting residence until a short period after all shots are fired. Frame 6630 to 11123.	Timed version file name: Torres_Clip5.28.2020.prproj
Exported frames. Format: TIFF. Maximum render quality. Exported as a sequence.	File: Torres_Clip5.28.2020_Frames

Made video corrections based on best visual of the knife at frame 6850. Tone settings changed: Exposure (5.0), Contrast (-100).



Exported second series of frames based upon video corrections. Format: TIFF. Maximum render quality. Exported as a sequence.

File: Torres_Clip5.28.2020_Enhanced_Frames

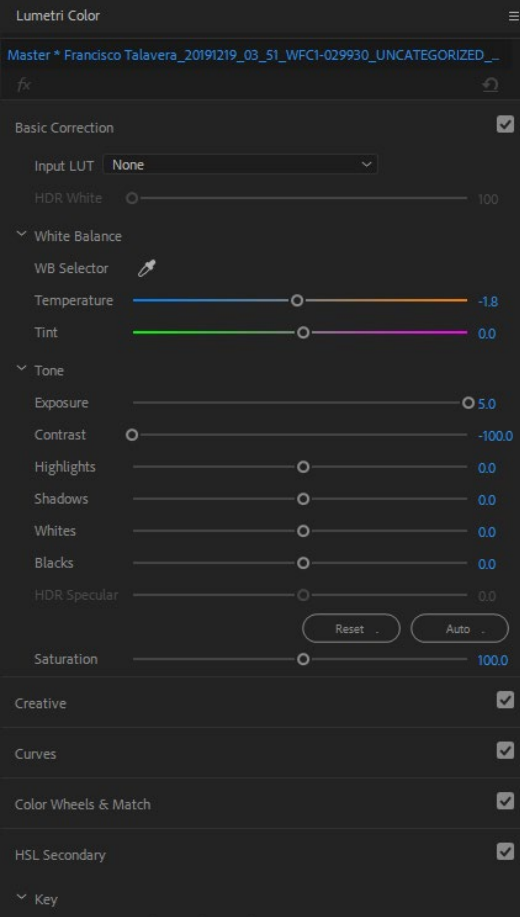
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Tavera Video Handling Summary

<p>Checked file through FFmpeg to determine frame rate</p>	<pre>C:\Users\david>ffprobe "C:\Users\david\Dropbox\Current Case Load 2019\DavisPD\Body Cam\Francisco Talavera\Francisco Talavera 2019 12 19 03_51 WFC1-029930 UNCATEGORIZED 72760054\Camera 1\Francisco Talavera_20191219_03_51_WFC1- 029930_UNCATEGORIZED_72760054.ts" ffprobe version 4.1.1 Copyright (c) 2007-2019 the FFmpeg developers built with gcc 8.2.1 (GCC) 20190212 configuration: --enable-gpl --enable-version3 --enable-sdl2 - -enable-fontconfig --enable-gnutls --enable-iconv --enable- libass --enable-libbluray --enable-libfreetype --enable- libmp3lame --enable-libopencore-amrnb --enable- libopencore-amrwb --enable-libopenjpeg --enable-libopus -- enable-libshine --enable-lbsnappy --enable-libsoxr --enable- libtheora --enable-libtwolame --enable-libvpx --enable- libwavpack --enable-libwebp --enable-libx264 --enable- libx265 --enable-libxml2 --enable-libzimg --enable-lzma -- enable-zlib --enable-gmp --enable-libvidstab --enable- libvorbis --enable-libvo-amrwbenc --enable-libmysofa -- enable-lbspeex --enable-libxvid --enable-libaom --enable- libmfx --enable-amf --enable-ffnvcodec --enable-cuvid -- enable-d3d11va --enable-nvenc --enable-nvdec --enable- dxva2 --enable-avisynth libavutil 56. 22.100 / 56. 22.100 libavcodec 58. 35.100 / 58. 35.100 libavformat 58. 20.100 / 58. 20.100 libavdevice 58. 5.100 / 58. 5.100 libavfilter 7. 40.101 / 7. 40.101 libswscale 5. 3.100 / 5. 3.100 libswresample 3. 3.100 / 3. 3.100 libpostproc 55. 3.100 / 55. 3.100 Input #0, mpegts, from 'C:\Users\david\Dropbox\Current Case Load 2019\DavisPD\Body Cam\Francisco Talavera\Francisco Talavera 2019 12 19 03_51 WFC1-029930 UNCATEGORIZED 72760054\Camera 1\Francisco Talavera_20191219_03_51_WFC1- 029930_UNCATEGORIZED_72760054.ts': Duration: 00:39:01.42, start: 29176.337122, bitrate: 5662 kb/s Program 1</pre>
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	<p>Stream #0:0[0x101]: Video: h264 (High) ([27][0][0][0] / 0x001B), yuv420p(progressive), 1280x720, 29.97 fps, 29.97 tbr, 90k tbn, 180k tbc</p> <p>Stream #0:1[0x102]: Audio: aac (LC) ([15][0][0][0] / 0x000F), 48000 Hz, mono, fltp, 93 kb/s</p> <p>Stream #0:2[0x103](eng): Subtitle: dvb_subtitle ([6][0][0][0] / 0x0006)</p> <p>Stream #0:3[0x104]: Data: bin_data ([6][0][0][0] / 0x0006)</p> <p>Unsupported codec with id 100359 for input stream 3</p> <p>C:\Users\david></p>
Copied named file to Adobe Premiere Pro CC 2018. The file was bundled in a folder of body worn camera files associated with a proprietary video player.	Francisco Talavera_20191219_03_51_WFC1-029930_UNCATEGORIZED_72760054.ts
Check “properties” of the listed file in Adobe Premiere Pro CC 2018. Results are listed.	<p>File Path: C:\Users\david\Dropbox\Current Case Load 2019\DavisPD\Body Cam\Francisco Talavera\Francisco Talavera 2019 12 19 03_51 WFC1-029930 UNCATEGORIZED 72760054\Camera 1\Francisco Talavera_20191219_03_51_WFC1-029930_UNCATEGORIZED_72760054.ts</p> <p>Type: MPEG Movie</p> <p>File Size: 1.54 GB</p> <p>Image Size: 1280 x 720</p> <p>Frame Rate: 29.97</p> <p>Source Audio Format: 48000 Hz - compressed - Mono</p> <p>Project Audio Format: 48000 Hz - 32 bit floating point - Mono</p> <p>Total Duration: 00:38:59:01</p> <p>Pixel Aspect Ratio: 1.0</p> <p>Video Codec Type: AVCHD H.264 4:2:0</p>
Trimmed video to point just prior to suspect exiting residence until a short period after all shots are fired.	

Made video corrections based on best visual of the knife at frame 6850. Tone settings changed: Exposure (5.0), Contrast (-100).



Exported frames based upon video corrections. Format: TIFF. Maximum render quality. Exported as a sequence.

File: Tavares_5.29.2020_Enhanced_Frames

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