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## MEMORANDUM

**Date:** January 30, 2019  
**To:** Craig Eicher, Captain – Operations Division *[Handwritten signature]*  
**From:** Eric Gora, Sergeant – Professional Standards Unit *[Handwritten initials EG]*  
**Subject:** **Officer Involved Shooting Administrative Investigation – 17-18194**

### SUMMARY:

On May 20, 2017 at 1254 hours, I (Sergeant Gora) was contacted by Lieutenant Munayer who explained there was an officer involved shooting in Pleasanton and advised I would be assigned the administrative investigation. I was out of town and responded immediately, arriving at approximately 1800 hours. I met with Lieutenant Schlehuder who explained he was the manager assigned to this administrative investigation and provided me a summary of the incident.

On May 20, 2017, at approximately 0200 hours, [redacted] had called 9-1-1 to report her husband, Shannon Estill, was intoxicated and locked inside the garage where he was trying to access firearms locked in a safe while he threatened to shoot and kill her. Officer's responded and contacted Shannon Estill who was very intoxicated and had sustained a large laceration to the back of his head. Shannon Estill was transported to Eden Trauma Center where he was admitted due to the severity of his injuries. The subsequent investigation revealed Shannon Estill had battered his wife in violation of PC 243(e)(1) and had threatened to kill her in violation of PC 422. An emergency protective order was approved, served and the incident was forwarded to the District Attorney for a complaint.

On May 20, 2017, at approximately 1130 hours, Shannon Estill returned to the residence in violation of the emergency protective order. Shannon Estill forced entry into the garage through a side door and was again trying to access firearms in the gun safe. [redacted] called 9-1-1 and hid in an upstairs bedroom with their daughter. Officer Batt and his trainee, Officer Jewell, were dispatched with Officer Cavellini as a cover officer. Upon arrival, the three officers heard noises from the garage and approached from the side yard. As Officer Batt rounded the side garage door, Shannon Estill racked and pointed the barrel of a shotgun toward him. The three officers retreated to the front of the residence and requested additional units. Officer Batt retrieved his department issued rifle from his patrol vehicle and ran back toward the front of the residence. Shannon Estill opened the garage door and exited holding what appeared to be a pistol. Shannon Estill pointed the pistol towards Officer Batt and started running in his (Officer Batt) direction. Officer Batt fired 5 rounds from his rifle at Shannon Estill as he (Officer Batt) attempted to retreat backwards. Officer Batt fell backwards onto the ground as Shannon Estill fell forward in between

two vehicles parked in the driveway. Officer Batt then fired a 6<sup>th</sup> round at Shannon Estill, striking him on the head. The bullet caused a non-survivable traumatic injury to Shannon Estill's head.



**INVOLVED PARTIES:**

**Domestic Violence Incident 17-18163**

**Suspect:**

Shannon Estill (Deceased)

**Victim:**

**Witness:**

**Involved Officers:**

Steve Ayers  
Josh Cerri  
Ricky Barcelo  
Peter McNeff  
Kenneth White

**Role:**

Supervisor  
Primary Officer  
Cover Officer/Secondary Officer  
Cover Officer  
Dispatched – Did not arrive

**Officer Involved Shooting Incident 17-18194**

**Suspect:**

Shannon Estill (Deceased)

**Witnesses:**

**Involved Officers:**

Keith Batt  
Brian Jewell  
Lisa Cavellini

**Role:**

Primary Officer/Victim  
Trainee  
Cover Officer



Larry Cox  
Jerry Niceley  
Joshua Christensen  
Nicole Evans  
Brandon Soto  
Brad Palmquist  
Kenneth White  
Jason Swick  
Mark Sheldon  
Ricky Barcelo  
Michael Rossillon  
Chris Niederhaus  
Doug Jones  
Marty Billdt  
Steven Bennett  
Brian Johnston  
Kyle Leonardo  
Peter McNeff  
Leslie Montgomery

Watch Commander  
Supervisor  
Secondary Officer/Crime Scene  
Secondary Officer  
Secondary Officer  
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Secondary Officer

Maria Munayer  
Aaron Fountain  
Robert Shuffield  
Anthony Pittl  
Barry Boccasile  
Anthony Repetto  
Jon Chin  
Brandon Stocking  
Nicholas Albert  
Chris Lewellyn  
Jason Hunter  
Christopher Infante  
Mark Moreno

Investigations Lieutenant  
Investigations Supervisor  
Primary Investigator  
Investigator  
Investigator  
Investigator  
Investigator  
SEU Supervisor  
SEU Investigator  
SEU Investigator  
SEU Investigator  
Deputy District Attorney  
DA Investigator

Volunteer Stauffer  
Volunteer Libby  
Volunteer Salerno

Crime Scene  
Crime Scene  
Crime Scene

Jeff Bretzing  
Craig Eicher  
Joseph Leonardo  
Muriel Dutch  
Julie Fragomeli  
Shannon Estill Revel-Whitaker  
Ken McNeill

Operations Division Commander  
Investigations Division Commander  
Watch Commander  
Logistical Support  
Investigation  
Social Media/PIO  
POA



## INVESTIGATION:

On May 20, 2017 at 1254 hours, I (Sergeant Gora) was contacted by Lieutenant Munayer who advised of an officer involved shooting that occurred in Pleasanton and explained I would be assigned the administrative investigation. I was out of town and responded immediately, arriving at approximately 1800 hours. I met with Lieutenant Schlehuber who explained he was the manager assigned to this administrative investigation and provided me a summary of the incident.

Lieutenant Schlehuber and I drove to scene of the officer involved shooting, 3281 Burgundy Drive, where we met with Detective Shuffield and investigators from the District Attorney's Office. I completed a walkthrough of the crime scene with Detective Shuffield and the DA investigators. After the walkthrough, Lieutenant Schlehuber and I returned to the police department where I reviewed the body worn camera footage from Officer Batt, Officer Jewell and Officer Cavellini. I also met with Shuffield who advised they would be completing interviews of Officer Jewell, Officer Cavellini and Officer Batt that evening. I prepared Administrative Investigation Notifications for Officer Jewell, Officer Cavellini and Officer Batt. On May 20, 2017, Officer Jewell, Officer Cavellini and Officer Batt were each individually interviewed by Detective Shuffield, Deputy District Attorney (DA) Infante and Alameda County District Attorney's Office Inspector Moreno. Also present for the interview was their representative, Kathleen Storm of the Law Offices of Mastagni Holstedt. Schlehuber and I watched the interviews in my office via the NetGuard EVS link to Interview Room 1. After each interview, I met with Officer Jewell, Officer Cavellini and Officer Batt to advise them of the administrative investigation. I read them the Administrative Investigation Notification memorandum, which they each signed and dated. I attached the memorandums to this investigation.

On May 21, 2017, I began a comprehensive investigation of the officer involved shooting. Since the decedent, Shannon Estill, was contacted by Pleasanton Police Department earlier prior to the shooting I began my investigation there.

### Incident – 17-18163

I reviewed the original incident that occurred on May 20, 2017 (17-18163). As part of the review, I analyzed Officer Cerri's original case report, the CAD notes, the 911 call, the radio traffic and all of the body worn camera footage. Each of the responding officers was wearing and had activated their body worn cameras in accordance with PPD Policy 450 – Body Worn Camera Systems.

At 0207 hours on May 20, 2017, called Pleasanton Police Department via 9-1-1. Shannon Estill, had been released from jail and was inside the garage trying to access firearms located in a locked safe. Shannon Estill had also threatening to kill as he was rummaging through the garage. seemed very scared for her safety and the safety of their also reported Shannon Estill had been binge-drinking alcohol for several days and was bleeding from the head when she saw him.

Two officers were immediately dispatched to the call, Officer Cerri (H31) and Officer Barcelo (H21). Officer White (K11), Officer McNeff (H12) each advised they would also be en-route, as did Sergeant Ayers (S11). Officer Cerri and Officer Barcelo arrived first and contacted who came outside to meet them. While outside, Officer Cerri and Officer Barcelo both noticed the front door had large blood smears across the wood and glass panels. As they were establishing what had occurred, Officer McNeff and Sergeant Ayers arrived. With three officers and a supervisor on-scene, they decided to attempt contact with Shannon Estill.

Information they had at the time included; Shannon Estill was inside of the garage and it sounded like he was trying to access a safe where firearms were located, he had threatened to kill his wife, he had been binge-drinking alcohol and was bleeding from an unknown injury.

Officer Barcelo and Sergeant Ayers met in the front driveway and established an initial plan to call out Shannon Estill and to ask him to open the garage. If that did not work, Officer Barcelo had a key code provided by \_\_\_\_\_ to open the garage door. Officer Cerri and Officer Barcelo were armed with their handguns, Sergeant Ayers had his patrol rifle and Officer McNeff had a less lethal shotgun loaded with kinetic energy projectiles (beanbag rounds). Sergeant Ayers reminded Officer Barcelo to keep in mind that this incident was only a "welfare check".

Officer Barcelo, in a loud, clear voice, asked Shannon Estill if he was "ok" and requested he open the garage. Shannon Estill responded but his responses were intelligible. Officer Barcelo opened the garage door using the key pad located on the right side of the garage doorframe. As the garage door opened, Officer Barcelo saw Shannon Estill standing near the cabinet where the large safe was located. He asked Shannon Estill to come out from behind the vehicle, which he did. Shannon Estill displayed objective signs that he was obviously intoxicated including heavily slurred speech, delayed responses and poor coordination. Shannon Estill was pat searched for weapons with negative results.

Shannon Estill was not handcuffed and allowed to lean against the Cadillac to help him maintain his balance. Shannon Estill had a large amount of blood coming from the back of his head prompting Officer Barcelo to ask Officer McNeff to retrieve a first aid kit. After retrieving the first aid kit, Officer McNeff cleared the incident and Officer White, who never arrived on-scene, were sent to another domestic violence/possible kidnapping call on Dublin Canyon Road (17-18164). Officer Barcelo began to render first aid to Shannon Estill when LPPD arrived and continued providing aid. Sergeant Ayers checked in with Officer Barcelo and Officer Cerri and then left to the other priority call. Shannon Estill was subsequently transported to Eden Medical Center by Paramedics Plus for his

Officer Barcelo and Officer Cerri spoke with \_\_\_\_\_ and established the elements of PC 243(e)(1) and PC 422 were met. Officer Cerri was the primary investigator of this incident and Officer Barcelo assisted. Officer Cerri obtained the details of the incident while Officer Barcelo contacted the on-call judge for an emergency protective order (EPO). The EPO was granted and Officer Cerri provided \_\_\_\_\_ copy. Officer Cerri also provided the DV pamphlet, his information and the incident number to \_\_\_\_\_

Officer Barcelo and Officer Cerri advised \_\_\_\_\_ that they were required to seize firearms registered to Shannon Estill. \_\_\_\_\_ explained all of the firearms were located in the safe in the garage. The locked safe was stored inside a cabinet located on the west wall of the garage. There was a large classic Cadillac parked on the west side of the garage and the east side was full of personal items. The vehicle in the garage was parked so close to cabinet that the cabinet doors would not fully open. Officer Barcelo asked if \_\_\_\_\_ would move the vehicle so they could access the safe but she could not find the vehicle keys. \_\_\_\_\_ commented Shannon Estill was drunk a couple days prior and yelled at her because he could not find the keys to the car.

The only firearm registered to Shannon Estill was a Smith and Wesson semiautomatic pistol. \_\_\_\_\_ was not sure the Smith and Wesson was in the safe. She could only recall a small handgun, an antique rifle and BB gun being in the safe. \_\_\_\_\_ also explained the weapons in the safe were not loaded nor was there any ammunition in the safe.



. said she would contact Shannon Estill's brother in the morning because he may have the spare set of keys to the Cadillac. She would then move the vehicle to provide access to the safe. Officer Cerri asked if she would call Pleasanton Police Department so an officer could collect any of Shannon Estill's firearms. Officer Cerri also suggested moving any firearms not registered to Shannon Estill to a different location where Shannon Estill would not have access.

Officer Barcelo cleared and went back in service. Officer Cerri drove to Eden Trauma Center and served Shannon Estill the EPO. Officer Cerri told Shannon Estill that he was not allowed to return to his residence and then asked Shannon Estill to repeat what he was just told to ensure Shannon Estill understood. Shannon Estill was able to repeat that he was not allowed to go to the residence and that he needed to call the police if he wanted to get any personal belongings from his residence.

Officer Cerri updated Sgt. Ayers with Shannon Estill's status and advised he would be admitted into the hospital due to his injury and level of intoxication. Sergeant Ayers directed Officer Cerri to clear the hospital and file a complaint to the DA against Shannon Estill for the PC 422 and PC 243(e)(1).

#### **Officer Involved Shooting Incident – 17-18194**

On May 20, 2017, at approximately 1130 hours, Shannon Estill returned to the residence in a taxi. Shannon Estill was outside and still intoxicated. exited the residence and tried to calm him down. She also paid for his taxi. Shannon Estill stated he wanted to go inside and go to bed, and he requested money for more alcohol. Shannon Estill was belligerent and started walking around the house attempting to get inside. was following him, trying to calm him down. Shannon Estill then turned to ! and said, "You know I'll love you to the end, you and I to the end. I'm going to go get the gun." Shannon Estill then turned and walked toward the garage where the gun safe was located. went back inside the residence and locked her and their 17-year-old daughter, in an upstairs bedroom as she called police.

Two units were immediately dispatched to the location. Officer Jewell was in Field Training and assigned as J31 with Officer Batt as his training officer. Officer Cavellini was the cover unit dispatched to the incident. All three officers responded at the same time.

Officer Jewell and Officer Cavellini approached the west side of the residence and began walking up the driveway toward a gate on the west side of the home. Officer Batt walked east checking the front of the residence and east fence line. Officer Batt then walked over to Officer Jewell and Officer Cavellini.

Officer Jewell and Officer Cavellini both heard noises coming from inside the garage, which was the last known location where dispatch reported Shannon Estill was. Officer Batt past Officer Jewell and told him to go "less lethal". Officer Jewell immediately drew his Taser as Officer Batt began to walk toward the gate. The gate was unlocked and as Officer Batt opened the gate, he drew his duty handgun. Officer Cavellini was also armed with her duty handgun.

The side of the residence was narrow with a small shed on the fence line. As the officers entered the side yard, Officer Batt saw an open door that appeared to be the access door to the garage. All three officers heard noises, similar to shuffling, coming from inside the garage. Officer Batt gave a loud and clear command, "Police department, come out now...Police." Officer Batt walked forward and pointed with his right hand toward the garage as banging noises were coming from inside the garage. Officer Batt

restated, "Police department, come out now," as the sound a shotgun "racking" is heard by all three officers.

Simultaneously, Officer Batt began to peek the corner of the side door and he saw the barrel of a shotgun raised perpendicular to him. The muzzle of the shotgun barrel was turning toward the open door directly where Officer Batt was standing. Officer Batt pointed his firearm into the garage and said, "Hey, shit...fuck...he's got a shotgun," and turned to retreat. Officer Batt ran out the gate and toward the street. Officer Batt stopped, turned toward the house and gives another command, "Come out now." Officer Cavellini and Officer Jewell also retreated out the gate.

Officer Cavellini ran to the front of a vehicle parked in the driveway, near the sidewalk with a direct line of sight to the side gate. Officer Cavellini aired to dispatch requesting additional units to respond Code 3. Officer Jewell turned right as he exited the gate and saw a neighbor, \_\_\_\_\_, standing in her garage. Unsure if the suspect was following with the shotgun, Officer Jewell turned his attention to \_\_\_\_\_ and told her to get into her residence. Officer Jewell followed her inside and saw a male walking on the side of \_\_\_\_\_ yard. Unsure if the male was the suspect, Officer Jewell stayed with \_\_\_\_\_ until she recognized the male as her husband.

Officer Batt decided to deploy his rifle, which was stored in his patrol vehicle. Officer Batt ran back to the passenger side of his vehicle and quickly retrieved his rifle. Officer Batt ran back to the front of the residence as he charged his rifle and raised the rear sights. As Officer Batt was approaching the sidewalk in front of the residence, Officer Cavellini saw the garage door start to open. Shannon Estill was hunched down as the door was opening and popped up from underneath the door before it was completely open. Officer Cavellini gave the order, "Show me your hands," but Shannon Estill ignored her order and started to run down the driveway in Officer Batt's direction. Officer Batt used two vehicles, a Jeep and Toyota, as cover and was near the sidewalk facing the driveway. Officer Batt saw Shannon Estill pop up from the opening garage door and then start running in his direction. Shannon Estill was holding a dark colored handgun in his hand pointed directly at Officer Batt. Officer Batt yelled, "Hands up," but Shannon Estill refused to comply. Instead, Shannon Estill continued running in Officer Batt's direction while keeping the firearm pointed in Officer Batt's direction. Shannon Estill was quickly closing the distance between he and Officer Batt and Officer Batt feared Shannon Estill was going to shoot and kill him.

Officer Batt yells, "Get on the fuckin'," but stops mid-sentence as he fires five rounds from his department issued rifle at Shannon Estill. Shannon Estill was shot one time on the chest causing him to fall forward onto the ground near the back end of the jeep. Officer Batt, who was attempting to retreat backwards as he fired, tripped and landed in a seated position in the roadway. Officer Batt could see Shannon Estill's upper body but could not see his hands or the firearm. Shannon Estill now had a direct line of sight to Officer Cavellini and Officer Batt. Officer Batt feared Shannon Estill would turn and shoot Officer Cavellini and/or turn and shoot him (Officer Batt) who was sitting in the street without any concealment or cover. Officer Batt fired one additional round striking Shannon Estill on the head. The bullet caused a non-survivable trauma to Shannon Estill's head killing him instantly.

Officer Batt stood up and walked toward his patrol vehicle as Christensen arrived. Officer Batt aired for the responding units to "slow down" their response. Christensen walked and stayed with Officer Batt over on the sidewalk near Officer Batt's car until other units arrived. As officers arrived, they immediately started blocking off the street and maintaining the crime scene. Sergeant Niceley and Lieutenant Cox arrived and Lieutenant Cox assumed the role of Incident Commander.



Lieutenant Cox briefly met with Officer Batt and obtained public safety information. Lieutenant Cox allowed Officer Batt to turn off his body worn camera and sit inside a patrol vehicle. Lieutenant Cox, who inadvertently ran out of his office without his cell phone or body camera, used Officer Christensen's department cell phone to contact Captain Bretzing to start notifications. Lieutenant Cox got a team together to complete a security sweep of the residence. While inside the residence, they contacted \_\_\_\_\_ and \_\_\_\_\_ hiding in an upstairs bedroom.

Both \_\_\_\_\_ and \_\_\_\_\_ appeared very scared. Lieutenant Cox tried to calm them and explained briefly, what had occurred. Lieutenant Cox then provided notification to \_\_\_\_\_ that Shannon Estill had been killed. \_\_\_\_\_ was upset by the news and asked about the involved officer's welfare. \_\_\_\_\_ expressed she was embarrassed for her husbands' actions and was apparently upset by the events. Lieutenant Cox asked \_\_\_\_\_ and \_\_\_\_\_ to gather some belongings, which they did. Lieutenant Cox escorted \_\_\_\_\_ and \_\_\_\_\_ out of the residence via the east side yard to ensure they did not have to see Shannon Estill or his injuries. Officer Evans transported \_\_\_\_\_ and \_\_\_\_\_ to the police department where they were later interviewed by investigators.

Officers continued setting up an inner and outer crime scene under the direction of Sergeant Niceley. Lieutenant Cox began the process of department notifications and acquiring resources. Officers went door to door to speak with the neighbors within the closed off roadways. Neighbors were interviewed and provided guidance and contact information if they needed to leave their homes.

Lieutenant Cox and other officers began identifying and protecting pieces of evidence. Lieutenant Cox had an officer bring a pop up tent from the police department and used it to block anyone from seeing Shannon Estill's body, still lying in the driveway. Lieutenant Cox continued to maintain the integrity of the crime scene while using resources to begin initial investigative steps.

SEU Detectives arrived on the scene and Lieutenant Cox directed them to start neighborhood canvassing. Officer Batt, Officer Cavellini and Officer Jewell were eventually transported back to the police department for the subsequent investigation. Peer Support members and legal representatives were contacted and responded to the station for the involved officers.

Officer Jewell, Officer Cavellini and Officer Batt were photographed at the station and allowed to change out of their uniforms. Some items of evidence were collected by investigators including Officer Batt's handgun, rifle and Officer Jewell's handgun. Officer Jewell's handgun was taken because his magazines and firearm round count was 24 instead of the expected 25. It was later determined that Officer Jewell was unaware he needed to "top off" his magazine after loading his firearm.

Officer Jewell and Officer Cavellini were interviewed that evening followed by Officer Batt. All three officers were interviewed by PPD Detectives and DA Investigators and all three officers had an attorney representing them during the interview.

Alameda County Sherriff's Office Crime Lab arrived to document the scene and collect evidence. Alameda County Sherriff's Drone Unit assisted in aerial photographs and videos of the scene. After \_\_\_\_\_ and \_\_\_\_\_ were interviewed, they were taken to a hotel, paid for by the department, while the investigation continued.

The investigation continued throughout the night until after Officer Batt's interview. The crime scene was vacated after the coroner arrived to take custody of Shannon Estill and the crime scene investigation was completed.

## Body Worn Camera Review

### **Officer Batt's BWC Review**

On May 20, 2017, Officer Batt was assigned as J31 with trainee, Officer Jewell. Officer Batt was wearing full Class B uniform in accordance with Pleasanton Police Department Uniform Specifications Manual. Officer Batt activated his body worn camera as he arrived on-scene. During my review of this incident, I watched Officer Batt's body worn camera video numerous times and analyzed individual frames of the video.

Officer Batt approached from the west side of the residence with Officer Jewell. Officer Batt directed Officer Jewell to watch the gate as he (Officer Batt) walked to the east side of the property. Officer Batt changed direction and aired to dispatch to let the RP know that officers were going in the side gate. As Officer Batt approached the gate, located west of the garage, he softly told Officer Jewell to "go less lethal". Dispatch advised the RP heard noises downstairs that sound like doors opening and closing. Officer Batt entered the side yard with his handgun in his right hand pointed at the side access door to the garage. Officer Batt provided a loud and clear command, "Police department, come out now...Police." He proceeded forward and pointed with his right hand toward the garage as banging noises are heard coming from inside the garage. As Officer Batt restated, "Police department, come out now," the sound a shotgun "racking" can be heard on the video.

Simultaneously, Officer Batt started to pie the corner of the side door. A cylindrical dark item is seen which appears to be a barrel of a shotgun. The open end of the "barrel" is rounding the corner in Officer Batt's direction from the area between the driver's side of a pink vehicle and a white cabinet. Officer Batt pointed his firearm into the garage and said, "Hey, shit...fuck...he's got a shotgun," as he turned and retreated toward the street. Officer Batt stopped, turned and gave another command to, "Come out now." Officer Cavellini and Officer Jewell also both retreated. Officer Cavellini noticed a neighbor, ----, standing on the side of his yard and ordered him to get in the house. Officer Batt directed Officer Cavellini to cover the house so he can retrieve his rifle. Officer Batt ran to the passenger side of his patrol vehicle and quickly removed his rifle from the locking mechanism. Officer Batt quickly returned to the residence as he charged his rifle and raised the rear sights. When Officer Batt approached the sidewalk, Officer Cavellini can be heard yelling, "Show me your hands." Officer Batt yells, "Hands up, " and "Get on the fucking..." Officer Batt stopped mid-sentence as five gunshots are heard. Officer Batt fell backwards and exclaimed, "Fuck." Officer Cavellini is heard saying, "Shots fired, shots fired." Officer Batt sat forward as one more gunshot is heard. Officer Batt yelled out in a guttural, throaty tone, "Fuck" as he stood up and walked away. Officer Batt stated shortly after, "he is going to be 10-10 for sure."

Officer Batt walked back and forth, breathing heavily as Officer Christensen arrived. Officer Batt radioed for the responding units to "slow down," as he walked towards Officer Christensen. Officer Batt spontaneously says, "He just came at me with a pistol and I sh..." Officer Batt stopped mid-sentence as Christensen asks if he ok. Officer Batt sat on a raised planter near his patrol vehicle and continued to breathe heavily. Officer Batt then started to cry and told Officer Christensen, "Pointed the shotgun right in my face and then he ran at me with a pistol." Officer Batt waited near his patrol vehicle until he provides a safety statement to Lieutenant Cox. Officer Batt then turned off his body worn camera.

## Officer Cavellini's BWC Review

On May 20, 2017, Officer Cavellini was assigned as J21. She was driving a marked patrol vehicle and wearing full Class B uniform in accordance with the Uniform Specifications Manual. Officer Cavellini activated her body worn camera as she is parking near the residence and stopped behind Officer Jewell and Officer Batt. During my review of this incident, I watched Officer Cavellini's body worn camera video numerous times and analyzed individual frames of the video.

Officer Cavellini approached the residence from the west and continued between the Toyota and Jeep toward the gate, located west of the garage. As Officer Cavellini approached the garage, there is a clearly audible banging sound. It sounds as if the sound is coming from the garage. Officer Batt opened the gate and entered the side yard with Officer Jewell directly behind him. Officer Cavellini followed into the side yard as Officer Batt gave notification and orders. As Officer Batt approached the side door, Officer Cavellini's body worn camera captured the sound of a shotgun "racking".

As Officer Batt "pies" the side door, he quickly retreated yelling, "He's got a shotgun." Officer Cavellini immediately advised dispatch using her handheld radio, as Officer Batt and Officer Cavellini retreat toward the sidewalk. Officer Batt provided another command, "Come out now," as Officer Cavellini stopped in front of the Toyota. Officer Cavellini's body is facing the gate and house. Officer Cavellini was holding her handgun and held it in a "low ready" position toward the gate and house.

Officer Cavellini turned her attention to the west and said, "Get inside, sir...go get inside." A male is heard asking if his wife is out there and Officer Cavellini tells him, "no." Officer Batt can be heard saying, "I'm gonna go get my rifle," as Officer Cavellini, continued to cover the side yard.

As Officer Cavellini walked backward around the front of the Toyota, she again repeated to go in the house. Officer Cavellini sidestepped around the front of the Toyota, which brought the bottom right portion of the garage door into the body camera's field of view. The door began to open and Officer Cavellini immediately reacted by radioing, "Garage door's opening." Officer Cavellini loudly stated, "Show me your hands." Officer Batt's voice can then be heard saying, "Hands up," followed by Officer Cavellini repeating her order, "Show me your hands." Immediately, there is the sound of five gunshots in rapid succession as Lisa turns her body to the east. Officer Batt can be seen falling backward in the upper corner of Officer Cavellini's body camera video.

Officer Cavellini radioed, "Shots fired, shots fired." Officer Cavellini used her left hand to activate her radio utilizing the radio mic on her shoulder. As she turned, the camera captures Shannon Estill lying on the ground. Shannon Estill was lying on his right side facing east, away from Officer Cavellini. The top of Shannon Estill's head was slightly off the ground facing Officer Batt. Shannon Estill's hands were in front of his body, out of Officer Cavellini's view. Officer Batt can be seen in a seated position leveling his rifle in Shannon Estill's direction. Another gunshot is heard as Officer Cavellini returned her left hand to her gun, blocking the view of the body worn camera. Officer Batt yells, "Fuck," as he stood and walked away with his rifle pointed at the ground. The first five gunshots lasted approximately two seconds with the sixth shot occurring approximately 2-3 seconds after the fifth.

Officer Cavellini radioed, "Suspect down," and asked Officer Batt if he was ok. Officer Batt replies, "Yeah." A large amount of blood can be seen running down the driveway, where Shannon Estill was lying, towards the sidewalk. Officer Cavellini turned to look around and asked Officer Batt if he knows where Officer Jewell went. Officer Jewell then arrived and said, "I got them in the house," as Officer Batt

radioed that Shannon Estill is “10-10”. Officer Jewell explained to Officer Cavellini, “There were people in the garage, I got them in the house.” Officer Cavellini assures Officer Jewell as he repeated the same information to Officer Batt. Officer Cavellini asked Officer Batt if he is “ok” to which he replied, “Yeah, I’m a tiny bit stressed.” Officer Jewell asked Officer Cavellini if he did the right thing getting “them” in the house. Officer Cavellini told him that they would talk about it later. Officer Jewell explained, “She was in the garage and kept trying to get out of the house. And the husband was in the backyard.” Officer Cavellini tells Officer Jewell, “Ok.” Officer Cavellini then told Officer Jewell to grab some “tape” and close off the area.

Officer Cavellini assisted with establishing the crime scene and assisting with the safety check of the residence. Later when Lieutenant Cox arrives, Officer Cavellini explained to him that she saw Shannon Estill running toward Officer Batt. Officer Cavellini also stated Shannon Estill was holding a firearm and pointed it in Officer Batt’s direction.

### **Officer Jewell’s BWC Review:**

On May 20, 2017, Officer Jewell was assigned as J31 with Officer Batt, his Field Training Officer. Officer Jewell was wearing full Class B uniform and driving a marked patrol vehicle. Officer Jewell activated his body camera as he and Officer Batt are arriving on-scene.

Officer Batt was talking to Officer Jewell about his approach to the residence. Officer Batt said to Officer Jewell, “Just turn the corner, take the corner and go.” Officer Jewell replied, “All right,” and then parked his patrol vehicle on the south side of the street, one house west of Shannon Estill’s residence.

Officer Jewell approached the residence from the west side and walked to the side gate located on the west side of the garage. Officer Jewell said, “Lisa, I hear him,” as Officer Cavellini approaches. Officer Batt walked over and opened the gate as Officer Batt walked toward Officer Jewell and softly said, “Go less lethal.” Officer Jewell drew his Taser and held it in his right hand. As Officer Batt entered the backyard, Officer Jewell followed behind and softly said to Officer Batt, “I’ve got less lethal.” Officer Batt gave the order, “Police department, come out now...Police.” Officer Jewell was holding his Taser with it pointed toward the side garage door and the safety on. Officer Batt walked toward the side garage door and gave another order, “Police department, come out now,” as the sound of a shotgun “racking” from inside the garage is heard. Officer Batt raised his firearm as he is “pieing” the corner of the side garage door. Officer Batt said, “Hey...shit,” and starts running toward Officer Jewell. Officer Jewell turned and ran out of the gate immediately turning right behind the Toyota parked in the driveway.

Officer Jewell ran through the planter separating 3281 Burgundy Drive from 3295 Burgundy Drive. As Officer Jewell retreated toward the neighbor’s garage, you can see his left hand holding the Taser dropping down as he transitioned to his firearm in his right hand. Officer Jewell continued into the open garage of 3295 Burgundy. Officer Jewell ran to the back of the garage toward the door, on the northwest corner, that connects the garage to the home’s interior. A woman, later identified as \_\_\_\_\_ is standing in the garage with the door open. Officer Jewell said, “Open the door, open the door,” as he walked inside. Simultaneously, a female voice ( \_\_\_\_\_ ) asks, “What?” and then said, “Ok.” Once inside the residence, Officer Jewell said, “He’s got a gun.” At this point, the video begins to pixelate and abruptly ends. (This abrupt end to the video is consistent with the body worn camera cord being unplugged or broken.)

### **Officer Christensen's BWC Review**

On May 20, 2017, Officer Christensen was assigned to Day Watch patrol as J11. Officer Christensen activated his body worn camera as he initiated a Code 3 response after Officer Cavellini aired the suspect was armed with a shotgun. He continued Code 3 until he arrived on-scene shortly after the shooting. During his Code 3 response, his speedometer could not be observed based on the angle of the body worn camera. Officer Christensen continually slowed and cleared intersections while fluctuating the tone on his siren.

Upon arrival, Officer Christensen approached Officer Batt who was back toward his patrol vehicle. Officer Batt walked over to a retaining wall as Officer Christensen followed. Officer Batt was breathing heavily and grabbing his chest. As Officer Christensen, told neighbors to move away from the crime scene you could see Officer Batt drop his head to his hands and start to cry. Officer Batt said, "He pointed a shotgun right in my face and he ran at me with a pistol." Officer Christensen reminded Officer Batt, "Just a safety statement." Officer Batt then explained he fired 3 or 4 rounds in the direction of the garage. Officer Christensen stayed with Officer Batt as Sergeant Niceley and Lieutenant Cox arrived. Officer Christensen then walked Officer Batt over to a parked patrol vehicle for him to sit in.

Officer Christensen checked in with Sergeant Niceley who was standing next to Lieutenant Cox. Lieutenant Cox advised he had left his cell phone in the Watch Commander's office and Christensen gave Lieutenant Cox his department issued cell phone to use. Sergeant Niceley then asked Officer Christensen to use his patrol vehicle to block Shannon Estill from the neighbor's view. Officer Christensen moved his patrol vehicle in the middle of the street, perpendicular from Shannon Estill's body.

Officer Christensen continued checking in with Lieutenant Cox and Sergeant Niceley to see what he could help with. Officer Christensen checked on Officer Cavellini and said, "You scared me." Officer Cavellini replied, "Scared me too." Officer Christensen marked the patrol casing with evidence placards, helped establish the inner and outer crime scenes, and spoke with neighbors and explained what happened and provided reassurance everything was under control. He was later moved to a perimeter position where he was tasked with maintaining a crime scene log.

Officer Christensen's report is consistent with the body worn camera footage.

### **Officer Soto's BWC Review**

On May 20, 2017, Officer Soto was assigned to Day Watch patrol as J22. Officer Soto was driving a marked patrol vehicle and in full Class B uniform. Officer Soto is on his first phase of field training with Field Training Officer (FTO) Palmquist.

Officer Soto initiated a Code 3 response to the incident immediately after Officer Cavellini advised the subject had a shotgun. Officer Soto activated his body worn camera immediately after activating his Code 3 equipment. Officer Soto quickly was stopped behind moderate traffic on Valley Avenue at Quarry Lane. Officer Soto went to the right of the stopped traffic and deactivated his siren right as Officer Cavellini aired "shots fired". Officer Soto was forced to turn right onto Quarry Lane due to the dedicated turn lane with raised median. As he turned south on Quarry, FTO Palmquist said, "Pop it dude, fuck it, pop it." Soto turned perpendicular to the raised median and continued over it. Officer Soto then continued his Code 3 response until Officer Batt advised units to "slow down." During Officer Soto's Code 3 response, he fluctuated the siren, used the air horn and cleared the major intersections.

After Officer Soto arrived, he assisted with setting up crime scene tape and the protective sweep of the residence. After the protective sweep, Soto was placed on the perimeter until relieved by Sergeant Niceley. Officer Soto authored a police report that was consistent with the body worn camera video.

### **Field Training Officer Palmquist's BWC Review (including Lt. Cox's use of FTO Palmquist's BWC)**

On May 20, 2017, FTO Palmquist was assigned to Day Watch patrol as Officer Soto's Field Training Officer. FTO Palmquist was in full Class B uniform and was the passenger in Officer Soto's patrol vehicle. FTO Palmquist activated his body worn camera video as he and Officer Soto arrived on-scene. FTO Palmquist was directed to establish a perimeter and assist with the protective sweep of the residence. After the protective sweep, Lieutenant Cox contacted FTO Palmquist to assist with getting and out of the residence. Lieutenant Cox had left his body worn camera at the station and wanted the contact documented on video.

FTO Palmquist and Lieutenant Cox entered the residence and contacted and in the upstairs bedroom. Lieutenant Cox reassured that she and were safe. Lieutenant Cox asked if there was anyone they could contact for support. Lieutenant Cox also assured them that he would arrange for transportation and attend to any of their needs. Lieutenant Cox talked briefly about Shannon Estill and asked what happened earlier that morning. During the conversation, Lieutenant Cox provides notification of Shannon Estill's death and explained Shannon Estill was shot by an officer. and began crying and expressed to Lieutenant Cox that she felt guilty. Lieutenant Cox assured her she has nothing to feel guilty about and provided condolences for her loss. continued to apologize and expressed her concern for the officer involved.

and collected some personal belongings and were escorted out of the residence through the backyard and out the east gate of the residence. Officers had set up barricades to keep Shannon Estill out of view. and were then transported to the police department.

FTO Palmquist later authored a police report, which was consistent with the body worn camera footage.

### **Officer Evans' BWC Review**

On May 20, 2017, Officer Evans was assigned to Day Watch patrol as J12. Officer Evans began her Code 3 response immediately after Officer Cavellini advised the subject is armed with shotgun. Officer Evans activated her BWC during her Code 3 response. During her Code 3 response, she slowed and safely cleared intersections as she fluctuated the tone on her siren. On three separate occasions, Officer Evans grabbed the PA microphone and yelled, "Get out of the way," to vehicles failing to pull to the right. When Officer Batt advises to "slow" incoming units, Officer Evans deactivated her emergency equipment and continued a Code 1 response. Upon arrival, Officer Evans assisted by blocking Burgundy Road east of the crime scene. After exiting her vehicle, Officer Jewell is seen running toward her with crime scene tape.

Officer Jewell confided in Officer Evans his fear that he made a wrong decision by moving the civilian neighbor to a position of safety instead of staying with Officer Batt. They have the following short conversation:

Officer Evans: Hey, you ok?  
Officer Jewell: I fucked up...  
Officer Evans: Shhh...Stop, you ok...you ok?  
Officer Jewell: I fucked up. I should have helped Keith  
Officer Evans: Stop... What do you need me to do?  
Officer Jewell: I don't need nothin'. There was a fucking woman in her garage. The guy came out. I grabbed the woman and put her in the house. (Unintelligible)  
Shots fired. (Unintelligible) guns drawn on the guy. (Unintelligible)

Officer Evans: It's ok.  
Officer Jewell: I saw the woman and I did not know what the fuck to do.  
Officer Evans: It's ok, hey.  
Officer Jewell: I didn't want her to get shot.  
Officer Evans: It's ok...stop.  
Officer Jewell: I'm gonna get fired.  
Officer Evans: No...Stop...k, just relax.  
Officer Jewell: I shouldn't have...  
Officer Evans: No, stop, stop, stop, stop.

Officer Jewell then continued to block off the roadway using crime scene tape. Shortly after, Officer Evans is asked to hold an emergency blanket with Officer Christensen to block Shannon Estill from the family's view as they were escorted out of the residence. Officer Evans then transported and to the police department. There is no conversation between Officer Evans and the family during the transport. At the station, Officer Evans escorts and ; to Shuffield.

Officer Evans authored a supplemental report, which was consistent with the body worn camera footage.

### Investigation Continued:

I reviewed the following documents, which can be found in the criminal investigation forwarded to the Alameda County District Attorney's Office:

- Shuffield's Initial Incident Report
- Detailed CAD Report for Incident 17-18194
- Detailed CAD Report for Incident 17-18163
- PPD Daily Watch Report 05/19/17
- PPD Daily Watch Report May 20, 2017
- Shuffield's Supplemental Report #2 – Detailing the Evidence Collected by the Coroner's Office
- Shuffield's Supplemental Report #3 – Case Summary for the Alameda County Crime Lab
- Shuffield's Supplemental Report #4 – Notification, Crime Scene Search Warrant, Seclusion of Officers, Notifications, Interview of and Evidence Collected from Officers, BWC Review, Scene Walkthroughs
- Shuffield's Supplemental Report #5 – Officer Jewell's Interview
- Shuffield's Supplemental Report #6 – Officer Cavellini's Interview
- Shuffield's Supplemental Report #7 – Officer Batt's Interview
- Shuffield's Supplemental Report #8 – Evidence Collection, Neighborhood Canvass and Interviews
- Shuffield's Supplemental Report #9 – Body Worn Camera Review



- Shuffield's Supplemental Report #10 – Officers Prior Calls for Service, CHP Report, ACSO Booking Video, Incident 17-18163 Review, Watch Report Entry, Involved Parties Prior Police Contacts, Attempted Interview with John Estill
- Shuffield's Supplemental Report #11 – 911 Call of Incident 17-18163
- Shuffield's Supplemental Report #12 – 911 Call of Incident 17-18163 (Continued)
- Sheffield's Supplemental Report #13 – Radio Traffic of Incident 17-18163
- Shuffield's Supplemental Report #14 – 911 Call of Incident 17-18194
- Shuffield's Supplemental Report #15 – 911 Call of Incident 17-18194 (Continued)
- Shuffield's Supplemental Report #16 – Radio Traffic and CAD Log of Incident 17-18194
- Shuffield's Supplemental Report #17 – Shannon Estill's Medical Records, Shannon Estill's Cell Phone Records, Involved Officer Taser Downloads, Replica Firearm, Evidence Sent to ACSO Crime Lab, Shooting Distance Determination
- Shuffield's Supplemental Report #18 – Vehicle Evidence Tows and Return
- Shuffield's Supplemental Report #19 – Taxi, Training Records, Shotgun Recreation, Autopsy Report, ACSO Crime Lab Report, Timeline
- Shuffield's Supplemental Report #20 – Fingerprint Comparison
- Shuffield's Supplemental Report #21 – Investigation Conclusion
- Shuffield's Supplemental Report #22 – Coroner Investigator's Report, Toxicology Report
- Chin's Supplemental Report #1 – GSR (Officer Jewell), Neighborhood Canvass
- Chin's Supplemental Report #2 – Interview
- Chin's Supplemental Report #3 – Search Warrant for Sprint, ACSO Booking Footage, Fden Medical Center, CHP Video, Officer Jewell GSR Booked
- Repetto's Supplemental Report #1– Evidence Collected, Firearms and Ammunition, Witness Interview
- Repetto's Supplemental Report #2 – 17-18194 Crime Scene Photographs
- Repetto's Supplemental Report #3 – Officer Batt's Rifle Recovery
- Repetto's Supplemental Report #4 – Shannon Estill's GSR Test
- Boccasile's Supplemental Report #1 – Crime Lab, Scene Processing, Beckman video, Vehicles, Shannon Estill's Cell Phone
- Pittl's Supplemental Report #1 – Interview with Officer Cavellini Ammunition Check, Officer Jewell's Firearm Collection, Photographs of Officer Batt
- Pittl's Supplemental Report #2 – Interview with Officer Batt's Firearm Collection, Shannon Estill's Cell Phone
- Pittl's Supplemental Report #3 – Confidentiality Forms for and ;
- Hunter's Supplemental Report #1 – Neighborhood Canvass
- Christensen's Supplemental Report
- Lieutenant Cox's Supplemental Report
- Palmquist's Supplemental Report
- Soto's Supplemental Report
- Evan's Supplemental Report
- Officer White's Supplemental Report – Crime Scene Log
- Jones' Supplemental Report
- Niceley's Supplemental Report
- CHP Incident Report DM67954 - Shannon Estill's Arrest on 05/19/17
- PPD Incident Report 17-18163

- Crime Scene Log
- Alameda County Sheriff's Office Crime Laboratory Examination Report
- CHP 180 Forms for Crime Scene Vehicles
- Crime Scene Photographs
- Officer Training Records
- PPD Incident Number 06-07220 – Shannon Estill's DUI Arrest
- Search Warrant – Crime Scene
- Search Warrant – Sutter Health – Eden Medical Center (Shannon Estill's Medical Records)
- Search Warrant – Sprint (Shannon Estill's Cell Phone Records)
- Search Warrant – Intake Video from Santa Rita Jail 05/19/17
- Search Warrant – Shannon Estill's iPhone
- Alameda County Coroner Investigator's Report
- Alameda County Coroner Autopsy Report
- Shannon Estill's Medical Records from Eden Medical Center
- Alameda County Sheriff's Office Crime Laboratory Examination Report – Officer Batt's Rifle, Bullet Fragments, Cartridge Casings
- Kourosh Nikoui Supplemental Fingerprint Analysis Report
- PPD Press Releases – 17-18194

I reviewed all of the dispatch audio tapes, additional officer's body worn camera videos, and outside media uploaded into Evidence.com.

I reviewed all "chat" messages, sent via vehicle MDC, from May 20, 2017 and none of the messages were relevant to this investigation.

I reviewed the criminal investigation submitted to the Alameda County District Attorney's Office. The investigation was thorough and comprehensive. My findings were consistent with Detective Shuffield's conclusion and analysis.

In reviewing Detective Pittl and Detective Boccasile's supplemental reports and the search warrant related to Shannon Estill's iPhone, I discovered the following. On May 21, 2017, Detective Pittl collected Shannon Estill's iPhone from [redacted] who had located it in the bushes outside of her residence. On May 21, 2017, Detective Pittl gave Shannon Estill's iPhone to Detective Boccasile for a forensic analysis. On May 23, 2017, Detective Boccasile authored a search warrant for the phone stating it had been secured in a locked cabinet in his desk. The search warrant was subsequently signed by Honorable Judge Bereola and a forensic examination was completed on the phone. Detective Boccasile then booked Shannon Estill's cell phone and the forensic report into evidence.

## Interviews

### **Officer Batt Interview**

On May 21, 2017 at 1227 hours, Officer Batt participated in a voluntary interview regarding this incident. I watched the interview live via a CCTV feed from my office. Officer Batt was interviewed by Detective Shuffield, DA Moreno and Investigator Infante. Officer Batt was accompanied by his legal representative, Kathleen Storm. Officer Batt's interview was consistent with his body worn camera footage. Officer Batt provided the following statement in summary.

Officer Batt explained he has been a police officer with the Pleasanton Police Department since 2001. Officer Batt also provided a summary of his experience and training related to force options, firearms and domestic violence.

Officer Batt explained on May 20, 2017, he was assigned as J31 as a Field Training Officer with a trainee, Officer Jewell. Officer Batt said it was a "pretty slow morning" during that shift. Officer Batt was riding with Officer Jewell working in District 3 and provided a summary their calls for service prior to this incident. They were conducting a foot patrol of the Farmer's Market downtown when they were asked to clear for this incident.

Officer Batt recalled the details of the call. He recalled dispatch explaining this incident was a return call from the earlier that morning. Officer Batt said he was aware that the reporting party was calling from inside the house and her husband, who had been served with an Emergency Protective Order (EPO) was trying to get into the house. Officer Batt could not remember ever responding to this residence in the past. Additionally, he was unaware of the details of the prior incident (17-18163). Officer Batt explained this incident seemed more than a "routine" domestic violence call and that the details of this incident seemed "heightened" due to the EPO service that night and the restrained party was at the house trying to get in. As Officer Jewell drove to the location, Officer Jewell and Officer Batt discussed their response to his call. There were constant updates coming from dispatch on the radio. Officer Batt recalled the updates from dispatch that the male, Shannon Estill, was in the garage, possibly breaking down a door and inside the house. Dispatch also advised Shannon Estill had been drinking alcohol. With the information Officer Batt had at the time, he was aware that Shannon Estill had been served with an EPO and that he would be arrested for violating the terms of the EPO if Officer batt found him at the residence.

Upon arrival, Officer Batt explained that Officer Jewell appropriately parked across the street and a house down from the location. Officer Cavellini arrived seconds later. They three officers approached the residence and Officer Batt saw the address posted on the front of the residence, which was the same as the location, they were dispatched to. Officer Batt noticed the front door, garage door and side gate of the residence were all closed. Officer Batt also recalled seeing the neighbor on the side of his house doing some sort of yard work as they approached.

Although the call reported that Shannon Estill was on the west side of the house, Officer Batt walked around to check the front of the residence to ensure Shannon Estill had not moved to the front of the residence and to locate other avenues of escape or signs of forced entry. Officer Batt did not see anything that looked "out of place." Officer Batt, Officer Jewell and Officer Cavellini approached the side gate. Officer Batt could hear movement from the other side of the gate or from inside the garage.

Officer Batt remembered information provided by dispatch that there was a gun safe in the garage, blocked by a large vehicle, and that the reporting party was unsure if the gun safe could be accessed. Officer Batt also stated he was told by dispatch no firearms were seized from the earlier incident (17-18163). Officer Batt felt there was a possibility Shannon Estill was arming himself and feared he may be preparing to kill his wife and child. Officer Batt drew his handgun and directed Officer Jewell to ready his Taser as a less-lethal option. Officer Batt wanted to ensure they had force options at the ready in case Shannon Estill did not comply with orders or posed an imminent threat.

Officer Batt entered the side yard and provided an order, "Police department, come out now." Officer Batt recalled seeing the side door to the garage open and could hear someone from inside the garage moving around. Officer Batt knew someone was in the garage and that there was no compliance with his command. Officer Batt also stated it did not sound like kicking and throwing things around like dispatch described. It sounded more like the person was shuffling inside the garage. Officer Batt approached the side garage door and started to "pie" the opening of the doorway. As Officer Batt began seeing into the garage, he could hear "shuffling" coming from the inside the garage on the right side of the door. Then Officer Batt saw the barrel of a shotgun coming around the corner at Officer Batt's eye level, pointed in the direction of his face. He recalled the shotgun barrel was close to him but due to the angle and darkness from the garage he could not see who was holding it. Officer Batt estimated the shotgun barrel was approximately three feet away. Officer Batt immediately recognized the shotgun barrel and said he thought it might have been a "sporting shotgun, like a blue steel, kinda shiny." Officer Batt's stated his perception was, "If he turned the corner, he's gonna shoot me."

Officer Batt thought about shooting at the subject through the wall and explained what his reasoning and decision-making was:

"Because at that point, I perceived he was coming to kill us or was going to...for a variety of reasons. One, he's restrained from his wife, that's all I know. They are saying that there are guns in the garage. Now I know, he went to the house, broke into the house, and armed himself with a gun that was in the garage. He knows I'm there because I gave him verbal challenges and he gave no response, so he didn't comply. He, in fact, continued to do something on the other side of the wall. And when I tried to get eyes on him, the first thing I saw was a gun barrel. I am convinced that I could have defended myself, the other officers and wife inside the house from a lethal force threat at that moment. But I couldn't see him and didn't know where he was and if I shoot the wall, its stucco and bullets aren't going to do well through stucco. And I can't see him and I don't know who else might be there (unintelligible)...so I decided to retreat."

As Officer Batt retreated, he told the other officers that the subject had a shotgun. They ran through the gate to the front of the residence and wanted to gain distance and locate cover. Once he established cover, he would be able to develop a plan to negotiate or react if the subject goes inside to kill his family. Officer Batt provided another command, "Come out now." Officer Batt felt he needed to gain a tactical advantage knowing the subject was armed. Officer Batt internally debated what his course of actions should be. He stated:

"I knew that he was armed...I wanted to keep eyes on the residence, I wanted to know what he was doing back in the house. Because at that point, if he was going to kill the wife, the SWAT team thing to do is to try and save somebody. The three of us could go in and encounter one person armed in the house that's trying to kill innocent people."

Officer Batt recalled seeing Officer Cavellini covering the fence so he decided to get his rifle located in the patrol vehicle. Officer Batt said he knows his handgun is a “defensive weapon” and when confronted by an armed subject a rifle is more “accurate and powerful.” Officer Batt ran back to the vehicle to retrieve his patrol rifle.

Officer Batt’s rifle was “patrol ready” in the car with the “hammer down, off safe, magazine inserted and no round in the chamber.” Officer Batt unlocked his rifle from the vehicle using the release button and ran back toward the residence. His rifle is a “flat top” with a folding rear sight so he flipped up the rear sight and wrapped the sling of his rifle around his shoulder. He readied his rifle by racking a round into the chamber. As he approached the driveway, he heard Officer Cavellini saying, “the garage door is opening.”

Officer Batt stated:

“I don’t know what to expect at this point but my concerns were this was his house and his territory. He knows what’s in the garage. He’s opened the gun safe. He’s armed himself a gun...I don’t know what guns he has besides the shotgun. He knows where he can move. He knows where he can shoot. I don’t. I’ve never been there. All I did was take a peek inside the garage door and saw a shotgun barrel. So, I didn’t know what was in the garage. What was going to be in there. If we were going to have to go in the garage after him. If he was going to go into the house. But as the garage door is opening, I was concerned...I was in his territory not mine. So, I wasn’t sure what his plan was but clearly, he was taking action and not reacting to me. He was taking action and all I could do it react to what he did.”

As the garage door opened, Officer Batt explained he was concerned that if he could not see what the subject was doing then the subject could “gain a position of advantage.” Officer Batt stated, “the subject could move and shoot Lisa (Officer Cavellini), my trainee, shoot me.” Officer Batt ran to the center of the driveway so he could see into the garage using the cars in the driveway as cover, even if he was not up close to the vehicle. As the garage door opened, it was light outside and dark inside the garage which made it challenging to see into the garage.

He noticed Shannon Estill immediately as Shannon Estill reached the threshold of the garage door. Shannon Estill was holding a handgun and pointing it at Officer Batt. Shannon Estill started running in Officer Batt’s direction while pointing the handgun at Officer Batt. Shannon Estill was closing the distance and within 10-15 feet as Officer Batt was retreating backwards. Officer Batt fired “four or five times” with his rifle as he continued moving backwards trying to increase the distance between he and Shannon Estill. Officer Batt recalled hearing gunshots as he fired his rifle but was not sure if the sounds were from his rifle or Shannon Estill shooting at him. Officer Batt explained:

“Perhaps he was shooting at me. I couldn’t tell. But if he was shooting at anybody, it was me. He was coming directly on...he locked directly at me, he came right at me with a gun in hand.”

As Officer Batt ran backward, he fell to the ground landing onto his “butt and back.” As he fell, he lost a “good sight picture.” Officer Batt has trained in the past to fire a firearm while lying on his back or in a sitting position. Officer Batt could see Shannon Estill lying on the ground between the two cars but Officer Batt could not see the gun or Shannon Estill’s hands.

Officer Batt was lying in the street and said he felt "completely exposed." Although Officer Batt shot at Shannon Estill, he did not see if his rounds hit Shannon Estill. Officer Batt did not know if Shannon Estill was incapacitated by any of the shots that were fired. There were no obvious signs of death or trauma. Officer Batt feared Shannon Estill could, "shoot Lisa, turn on the ground and start shooting this way, turn and shoot me." Perceiving Shannon Estill was still a threat while he (Officer Batt) was in a "very vulnerable position" he pointed his rifle at Shannon Estill's head utilizing his front sight and fired one round. Officer Batt immediately saw his shot was effective and the trauma was not survivable.

Detective Shuffield asked how Officer Batt felt immediately afterwards. Officer Batt stated during the shooting he was "really, really scared." He immediately thought of his wife and children and thought, "I almost just died." He recalled trying to catch his breath and breathing heavily. He kept saying "Fuck" because he was shocked Shannon Estill just came at him and tried to kill him. He was also shocked and felt Shannon Estill was at the house to arm himself to shoot and kill his wife and child. Officer Batt also recalled checking himself because he was not sure if he had been shot.

After the shooting, he walked back to his patrol vehicle where he met with Officer Christensen. Officer Batt clarified throughout the entire interaction, Shannon Estill never complied with any of the officers nor did he (Shannon Estill) state anything or make any comments.

The interview concluded at 0213 hours.

(End of Statement)

### **Officer Cavellini Interview**

On May 21, 2017 at 2218 hours, Officer Cavellini participated in a voluntary interview regarding this incident. I watched the interview live via a CCTV feed from my office. Officer Cavellini was interviewed by Detective Shuffield, DA Moreno and Investigator Infante. Officer Cavellini was accompanied by her legal representative, Kathleen Storm. Officer Cavellini's interview was consistent with her body worn camera footage. Officer Cavellini provided the following statement in summary.

Officer Cavellini provided a summary of her response to the incident and her approach to the residence. Based on the information she had been provided she felt Shannon Estill's intent was to go inside and kill his family. When she arrived, she had walked to the gate near the west side of the garage door. She could hear a sound coming from the other side of the gate. When Officer Batt came around they entered the side yard and Officer Cavellini could hear a "rustling" noise coming from the garage. Officer Batt provided announcements, "Police department, come out," and then proceeded to the side garage door. As Officer Batt walked up to the door, Officer Cavellini heard the noise of shotgun "raking." Officer Batt said the male had a shotgun and the three officers retreated through the gate. Officer Cavellini updated dispatch that the subject was armed with a shotgun as she took cover behind a vehicle in the driveway. As Officer Batt went to his patrol vehicle to retrieve his rifle, Officer Cavellini saw a neighbor, later identified as \_\_\_\_\_, standing at the gate east of his garage. Officer Cavellini provided several orders to \_\_\_\_\_ to go in the house. \_\_\_\_\_ kept asking about his wife, \_\_\_\_\_ and Officer Cavellini explained \_\_\_\_\_ was not outside.

Officer Cavellini then noticed the garage door began to open and she immediately turned to Officer Batt's direction to advise him. As the door was opening, Shannon Estill crouched down and stepped out from the door as it was opening. Officer Cavellini could see Shannon Estill's arm was extended outwards and

Shannon Estill was holding a black handgun in his right hand. The handgun was pointed toward Officer Batt. Shannon Estill came out between the Jeep and a silver car and started walking in between the cars. Shannon Estill appeared to be focused straightforward and never looked to either side. Officer Cavellini was yelling, "Show me your hands," but Shannon Estill never complied. Once he took a step, Officer Cavellini could not see him anymore because he was blocked by the Jeep.

Officer Cavellini was unsure where Officer Batt and Officer Jewell were at that time. Officer Cavellini saw Shannon Estill start to emerge from the back of the jeep as several gunshots were fired. She could see Shannon Estill was still holding the firearm straight out from his body as he fell to the ground. Shannon Estill landed on his right side facing away from Officer Cavellini. Officer Cavellini looked over to Officer Batt who was on the ground in a seated position. Officer Batt was in a vulnerable position with no cover between him and Shannon Estill. Officer Batt was approximately 10 feet from Shannon Estill. Officer Batt sat forward and fired one round striking Shannon Estill on the head. Based on the level of trauma, Officer Cavellini knew that any life-saving effort would be futile.

When Officer Cavellini saw Shannon Estill leaving the garage while brandishing the firearm she feared, "he would come out and I would have to shoot him." During this entire incident, she never heard Shannon Estill say anything nor did he ever comply with any of the orders given to him by officers.

(End of Statement)

### **Officer Jewell Interview**

On May 21, 2017 at 2052 hours, Officer Jewell participated in a voluntary interview regarding this incident. I watched the interview live via a CCTV feed from my office. Officer Jewell was interviewed by Detective Shuffield, DA Moreno and Investigator Infante. Officer Batt was accompanied by his legal representative, Kathleen Storm. Officer Jewell interview was consistent with his body worn camera footage. Officer Jewell provided the following statement in summary.

Officer Jewell provided a summary of the dispatched call and his response with Officer Batt. Officer Jewell was unaware of the previous call (17-18163). The information he recalled was provided by dispatched while they were driving to the incident. Officer Jewell explained upon arrival he walked over to the front of the residence. He could hear a noise coming from the side of the house near the garage. Officer Jewell described it sounding like somebody was moving something. Officer Jewell was with Officer Cavellini and he advised her of the sounds he heard. Officer Jewell was directed by Officer Batt to deploy "less-lethal." Officer Jewell drew his Taser and followed Officer Batt as he walked into the side yard.

Officer Jewell heard Officer Batt command, "Police department, come out," but there was no response from the subject inside the garage. Officer Jewell followed Officer Batt who continued toward the side garage door. Officer Batt provided another command as Officer Jewell heard the sound of a shotgun "raking" from inside the garage. Officer Batt said, "Oh shit," and turned as if he was going to run away. Officer Jewell retreated and ran out of the gate and immediately turned right. Officer Jewell commented that he was running "in fear" and he was "scared."

Officer Jewell's was trying to find some sort of cover. Officer Jewell did not know if the suspect was "coming out" and he did not know where the subject was. As he ran toward the neighbor's residence, he

saw the garage was bordered with a brick pillar and felt it would provide cover. Officer Jewell jumped over some bushes that separate the two properties and ran toward the neighbor's garage.

As he ran toward the garage, he saw a female, later identified as [redacted], standing in the garage. Unknown if the suspect was following him, his first priority was to get [redacted] into the residence. He advised her that, "he has a gun," and told her to remain in her house. [redacted] advised her husband, [redacted] was outside in the backyard doing yard work. At that point, Officer Jewell looked out a window and saw a white male walking down the side of the house. This side of their residence is adjacent to the side yard where they just encountered the subject with the shotgun. Knowing only that the subject of the call was a white male, Officer Jewell did not know if that male he had just seen was the subject with the shotgun or [redacted]. He asked [redacted] what [redacted] was wearing but she could not recall. [redacted] walked into the rear sliding door of the residence and [redacted] immediately identified him. Officer Jewell told them to stay inside the house.

Officer Jewell ran out the front door when he heard several gunshots. He ran outside and toward Officer Cavellini and saw Shannon Estill lying on the ground. Officer Cavellini then directed Officer Jewell to put up crime scene tape which he did.

After the shooting, Officer Jewell noticed his battery was flashing green indicating it was no longer activated. His cord was pulled out from his uniform and did not appear connected correctly. Officer Jewell was unaware his camera cord became disconnected or when it stopped recording.

(Officer Jewell was carrying a department owned Sig Sauer P220, .45 caliber, semi-automatic handgun and which he is authorized to carry. He is also issued three (3) eight round magazines. Officers are trained to carry three fully loaded magazines. Two magazines are kept on their duty belts and the other is inserted into the firearm. They are also trained to have one round in the chamber of the firearm for a total of 25 rounds. After the incident, Pittl conducted a round count of Officer Jewell's firearm and magazines and located 24 rounds instead of the normal 25.)

Shuffield asked Officer Jewell why he only had 24 rounds on his person at the time of this incident instead of 25. Officer Jewell explained he was issued 24 rounds when he last trained which he loaded into his three magazines. He then loaded his weapon causing one round to go into the chamber and leaving seven in one of the magazines.

(End of Statement)

#### **Interview:**

On May 20, 2017 at 1452 hours, Detective Chin and Detective Repetto interviewed the Estill's neighbor, [redacted]. Detective Chin recorded the interview on his body worn camera and later uploaded it to Evidence.com. It appeared [redacted] was alone in the backyard with both detectives. [redacted] told Detective Chin the following statement in summary.

[redacted] explained on May 20, 2017, he was working in the backyard placing mulch on his rose bushes when he heard a noise coming from the east side of his yard. The east side of the yard is bordered by a fence, which separates the west side of Estill's backyard. [redacted] said it sounded like someone was hitting his fence with a hammer. [redacted] estimated approximately 10 loud bangs on the fence.





also heard voices coming from Estill's backyard but figured it was Shannon Estill or a family member.

then heard what he described as chaos followed by the sound of 5 or 6 gunshots. said the chaos sounded like people shouting but he did not recall hearing anything specific. walked to the east gate to the front yard where he saw a female officer (Officer Cavellini). Officer Cavellini told to go back into the residence but feared his wife might be in the garage and in danger. asked Officer Cavellini if his wife was in the garage and she finally advised she was not and again told him to go in the house.

walked back through the east side of his residence and entered his home through a rear sliding door. Once inside, saw a male officer (Officer Jewell) in his home telling his wife to "get down". secured the back door as Officer Jewell left through the garage door.

(End of Statement)

On May 20, 2017, Detective Chin and Detective Repetto interviewed the Estill's neighbor, immediately after the interview with . Chin recorded the interview on his body worn camera and later uploaded it Evidence.com. It appeared was alone in the backyard with both detectives. told Chin the following statement in summary.

On May 20, 2017, was painting her bedroom and was in and out of the garage as she worked on the project. garage is located on the east side of their home next to the Estill's garage. said as she was painting, she heard several loud bangs coming from the east side of the house. said the noise sounded so loud and forceful that she feared the decorations might fall off her fence. asked about the noises and he said he was planning to go next door to ask them (Shannon Estill) to "knock it off". went back inside to her project.

A short time later, was walking out to the garage and as she opened the door she saw an officer (Officer Jewell) running in her direction. Officer Jewell told to go back into the house, which she did. Officer Jewell ran into the residence telling her to "get down" and said, "There are guns". immediately got down on the ground. Officer Jewell was looking around back and forth and feared someone was in her home.

then heard several gunshots coming from outside her residence. Officer Jewell was looking around as came into the back sliding door. Once told to Officer Jewell that was her husband, Officer Jewell left out of the garage door toward the front yard.

(End of Statement)

#### **Officer Jewell Follow-Up Interview:**

On 06/20/17 at 1559 hours, I met with Officer Jewell and his attorney, Kathleen Storm, to clarify comments made by Officer Jewell after the officer involved shooting and during his initial interview after the incident. I read Officer Jewell the administrative investigation pre-interview statement and he acknowledged he understood. Officer Jewell told me the following statement in summary.



During his interview, Officer Jewell had described the events that led the officers to the side of the house. While on the side of the house, Officer Jewell heard the sound of a shotgun racking. As Officer Batt approached the side garage door he yells, "Fuck," and turns to run while telling Officer Cavellini and Officer Jewell that the subject in the garage was armed with a shotgun. During Officer Jewell's interview with investigators, he commented, "that immediately put me in fear...I was scared." Officer Jewell clarified his statement by explaining the following:

Officer Jewell explained he and the other officers were on the side of the house in close quarters. The side yard was narrow and had a shed and trash cans that added to the congestion in that small space. Additionally, there were no items that would provide "cover".

When Officer Jewell heard the sound of the shotgun racking from inside the garage, he immediately was in fear for his life because he was afraid that the subject with the shotgun was going to round the corner and, "kill me right there on the spot." He also feared the subject would kill his fellow officers also on the side of the house, innocent people in the area and the subject's wife and daughter who were still inside the house.

Statements caught on the body cameras worn by Evans and Officer Cavellini capture Officer Jewell making comments such as "I fucked up," and, "I'm gonna get fired." Officer Jewell clarified his statement by explaining the following.

Officer Jewell explained when he was fleeing from the side of the residence, he exited the gate and turned right. He jumped over the planter box separating the residence from the neighbor's house to the west. As he rounded the corner he saw the garage door of the neighbor's house was open and the garage opening was bordered a brick pillar which could provide immediate cover.

As he ran toward the garage, he saw a female standing in the garage. The female screamed and Officer Jewell decided to get her into the house for her own safety because he was not sure if the subject with the shotgun was running behind him. Fearing the subject could shoot and kill the woman, he ordered her into the residence and followed her in. Once inside the residence, Officer Jewell saw a male, through the window walking on the side of the residence. Unsure if this was the subject with the shotgun, Officer Jewell stayed with the woman until the woman identified him as her husband. Officer Jewell immediately ran out of the front door, which was moments after the shooting.

Officer Jewell explained that at the time of the shooting, he had been a full time police officer for approximately two months. He was still on probation and was currently in his second phase of field training. Officer Jewell clarified he felt he stated he "fucked up" because he thought he might have made the wrong decision to move the neighbor into a position of safety instead of staying with Officer Batt. He feared because he left Officer Batt to tend to the neighbor it may be viewed in the "department's eyes," that he made the wrong decision. Alternatively, that it could be viewed he had run into house to hide. In addition, because he is on probation and could be released at "any time" he felt not staying with Officer Batt could lead to him being terminated.

(End of Statement)

## Sergeant Ayers Interview:

On 07/07/17 at 1003 hours, I interviewed Sergeant Ayers regarding his involvement in incident 17-18163. This was the incident earlier that morning when officers contacted Shannon Estill during the domestic violence investigation. I read Sergeant Ayers the pre-interview statement and he expressed he understood. Sergeant Ayers told me the following statement in summary:

Sergeant Ayers explained he was the Team 6 supervisor and was one of the initial responding officers to this incident. Sergeant Ayers explained when he arrived, Officer Barcelo had spoken to the female caller, [REDACTED], and explained a subject could be heard inside the garage. They made a plan to give commands from outside of the garage asking for the subject inside to open the door. After providing command, there was no response from the subject inside the garage. Using the keypad on the side of the garage and the code provided by Officer Barcelo opened the garage door. Sergeant Ayers saw Shannon Estill inside the garage near the front of the Cadillac. It appeared Shannon Estill was sitting on the front bumper of the vehicle. Officers gave commands to Shannon Estill to walk toward them and Shannon Estill complied.

Sergeant Ayers saw that Shannon Estill had large amounts of blood on his head and clothing. Sergeant Ayers noticed Shannon Estill seemed to be in an altered state but was unsure if Shannon Estill was intoxicated or if it was due to his injury. Officers contacted Shannon Estill and pat searched him for weapons. LPFD arrived moments later and tended to Shannon Estill.

At that time, another priority call was being dispatched. CHP had established a perimeter, near the Marriott hotel in Beat 1, searching for a male involved in a potential kidnapping and/or domestic violence incident. Since Shannon Estill was compliant and being tended by medical personnel, Sergeant Ayers decided to leave Officer Cerri and Officer Barcelo at the residence to complete the investigation and he and Officer McNeff responded to the Marriott. Prior to clearing, Sergeant Ayers spoke with Officer Barcelo and Shannon Estill. They determined Shannon Estill would be transported to Eden Medical Center to treat his head injury. At the time, Shannon Estill was being transported as a "pure medical." Sergeant Ayers directed Officer Cerri and Officer Barcelo to complete the investigation and he left the scene to go the Marriott.

While at the Marriott, Officer Cerri called Sergeant Ayers and updated him on the information. Officer Cerri detailed Shannon Estill had battered his wife in violation of PC 243(e)(1) and threatened to kill her in violation of PC422. Sergeant Ayers asked Officer Cerri to see if [REDACTED] desired prosecution and ask if she would be willing to sign a Citizen's Arrest form. Sergeant Ayers also authorized Officer Cerri to obtain an Emergency Protective Order if [REDACTED] desired one. Officer Cerri also explained to Sergeant Ayers there were firearms in a garage safe that was blocked by a large vehicle making the safe inaccessible. The vehicle was unable to be moved because they could not find the keys. They debated on towing the vehicle out of the garage but they were told by [REDACTED] that the firearms were unloaded and there was no ammunition in the safe. [REDACTED] explained she would contact a family member with a spare set of keys for the vehicle later in the morning and move the vehicle out of the garage. She would then contact the police to have them collect the firearms.

After leaving the residence, Officer Cerri responded to Eden and was advised Shannon Estill would be admitted [REDACTED] and because his blood alcohol contact was over [REDACTED]. Sergeant Ayers decided to have Officer Cerri forward the incident to the District Attorney even [REDACTED].

though there was probable cause to arrest Shannon Estill. Sergeant Ayers explained the following factors led to his decision.

- Shannon Estill had been admitted to Eden Medical Center for his [redacted] and level of intoxication. Shannon Estill would be at the hospital for an unknown amount of time and an arrest would require an officer staying with Shannon Estill until his release.
- That evening, Team 6 was below staffing and officers were extending their shift to ensure minimum staffing numbers were met. Committing an officer to Shannon Estill would be a strain on already challenged staffing levels.
- Although probable cause existed to arrest Shannon Estill for domestic battery, the elements of the crime were barely established. Shannon Estill had grabbed [redacted] wrist as he tried to enter the house. [redacted] pulled away, went into the house and closed the door. It was unclear if Shannon Estill intended to grab [redacted] in an assaultive manner or was his altered state led him to grab onto her hands. [redacted] did not sustain any visible injury nor did she have a complaint of pain.
- Although probable cause existed to arrest Shannon Estill for criminal threats, the threat to [redacted] had been addressed prior to officers clearing the call. Shannon Estill had been transported and admitted to Eden Medical Center. Officers authored and served a valid Emergency Protective Order. Shannon Estill did not have a mode of transportation nor did he have keys to the house when he was transported. [redacted] reported that the gun safe in the garage had a firearm in it but there was no ammunition in the safe and that she had hidden all of the ammunition. Lastly, officers felt the gun safe in the garage was inaccessible due to the car blocking the door from opening.
- [redacted] did not desire prosecution against Shannon Estill.

Later that morning, Sergeant Ayers advised dispatch that Shannon Estill had been served with the Emergency Protective Order. Sergeant Ayers explained he did not speak to the oncoming sergeant, Niceley, about the incident nor did explain the plan to recover the guns from the safe in the garage. Nor did Sergeant Ayers verbally or in writing advise his supervisor about the incident or the plan to recover the guns from the safe in the garage.

(End of Statement)

**District Attorney's Investigation:**

On August 14, 2018, the Alameda County District Attorney's Office submitted a final report of their investigation of this officer involved shooting. Deputy District Attorney Chris Infante concluded his investigation, which was approved by District Attorney Nancy O'Malley. The final report concludes that the evidence does not justify criminal charges against Officer Batt and no further action will be taken.

## Command Notification

### *Pleasanton Police Department Policy 205.2 – Command Notification*

*“Any time the ranking officer, on-duty or supervisor or Watch Commander becomes aware of an emergency, significant incident, or need for assistance, an evaluation shall be made to notify the appropriate division commander”*

#### **Incident 17-18163**

Some of the requirements listed in this policy were not adhered to. The policy states, “*Common sense should be applied in notifying command personnel of important occurrences.*” Sergeant Ayers did not notify the oncoming supervisor or Watch Commander of this incident aside from adding a Watch Report entry. By failing to provide notification, other supervisors and managers were not privy to information that could have aided in the recovery of Shannon Estill’s firearms, verified Shannon Estill’s status at the hospital and prompted the decision to reallocate resources in furtherance of this investigation.

#### **Incident 17-18194**

The requirements listed in this policy were adhered to. Sergeant Niceley and Lieutenant Cox were both at the station at the time of the shooting and responded to the scene together. Lieutenant Cox notified Captain Bretzing who was, at the time, the Acting Chief as Chief Spiller was out of the state. Captain Bretzing made notifications to the Investigations Captain, Police Chief, City Manager and the Criminal Investigations Unit supervisor.

## Use of Force

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 300.3.1 - Use of Force to Effect an Arrest**

*"Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a)."*

The requirements listed in this policy were adhered to. After officers retreated from the side of the residence, Shannon Estill opened the garage door and rapidly advanced with a replica firearm pointed directly at Officer Batt. The replica firearm was black and there was no indication that the weapon was not a functioning, loaded firearm. Shannon Estill refused to obey any of the commands given by officers. In self-defense, Officer Batt fired five rounds from his department issued rifle at Shannon Estill striking him one time.

Officer Batt fell backwards as he attempted to retreat landing on his buttocks. Shannon Estill fell forward past the end of the Jeep parked in the driveway exposing Officer Cavellini who was standing in front of a car next to the Jeep. Based on Shannon Estill's position, both Officer Batt and Officer Cavellini were in direct line of sight of Shannon Estill without cover. Officer Batt was unable to see Shannon Estill's hands or the firearm because his view was partially blocked from another vehicle parked in the driveway. Officer Batt fearing Shannon Estill would shoot him and Officer Cavellini, he fired one additional round striking Shannon Estill on the head. The round caused a catastrophic trauma killing Shannon Estill instantly.

### **Pleasanton Police Department Policy 300.3.2 - Factors Used to Determine the Reasonableness of Force**

*"When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:"*

*"(a) Immediacy and severity of the threat to officers or others."*

As officers approached the side door of the garage, Shannon Estill racked a shotgun and then started pointing it toward Officer Batt. The officers on the side of the house retreated to locate cover. Officer Batt ran to his patrol vehicle to arm himself with his department issued rifle. As Officer Batt returned, Shannon Estill opened the garage door and immediately ran toward Officer Batt. Shannon Estill held a replica firearm pointed directly at Officer Batt. There was no indication that the firearm Shannon Estill was holding was not a functioning, loaded firearm. Shannon Estill refused to obey any commands as he aggressed on Officer Batt. Officer Batt had no alternative; in defense of his own life, other than to fire his rifle in an attempt to stop Shannon Estill's attack.

*"(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time."*

Officers were dispatched to the residence after Shannon Estill's wife, \_\_\_\_\_ called 9-1-1 to report Shannon Estill was in the garage attempting to arm himself with firearms located in a safe. While doing so he was also threatening to kill her. Shannon Estill was also in violation of a served Emergency Protective Order issued by Pleasanton Police Department officers earlier that morning.

When officers approached the side garage door, they could hear Shannon Estill inside the garage. Shannon Estill refused to obey or respond to any of the officer's orders or commands. Shannon Estill then racked a shotgun and pointed it in Officer Batt's direction. As officers retreated, Shannon Estill opened the garage door and ran toward Officer Batt pointing a replica firearm at Officer Batt.

*“(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).”*

At the time, there were three officers on-scene. The officers were unaware of Shannon Estill's size and relative strength during the incident but requested additional units once they learned Shannon Estill was armed with a shotgun.

*“(d) The effects of drugs or alcohol”*

Dispatch advised Officer Batt of earlier call when Shannon Estill was intoxicated and transported to Eden Medical Center for a \_\_\_\_\_. Throughout this incident, Officer Batt did not have the opportunity to observe or evaluate for any amount of time to determine if Shannon Estill was under the influence of alcohol or any drug.

*“(e) Subject's mental state or capacity”*

Thought this incident, Officer Batt had little opportunity to observe or evaluate Shannon Estill's mental state or capacity. Shannon Estill never responded to the officers' commands nor did he make any comment to the officers that would aid in their understanding of his mental state. The information officers had at the time of the incident was that Shannon Estill was inside the garage and attempting to retrieve firearms from a locked safe. \_\_\_\_\_ also reported Shannon Estill had made numerous threats that he was going to kill her. All of the officers involved commented they feared Shannon Estill was retrieving firearms from the garage with the intent of going inside and killing his wife and/or family

*“(f) Proximity of weapons or dangerous improvised devices “*

\_\_\_\_\_ advised Dispatch that Shannon Estill was in the garage attempting to retrieve firearms from a locked safe. Officer Batt was unaware of the proximity of weapons or dangerous improvised devices Shannon Estill had access to in the garage until he first contacted Shannon Estill from the side door. Upon hearing the racking sound of a shotgun and seeing the barrel of a shotgun raised in his direction he immediately retreated. At that time, Officer Batt knew Shannon Estill was armed with a firearm but was unaware of how many firearms or other weapons Shannon Estill had access to.

*“(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained”*

Officers were never able to get close enough to Shannon Estill to effectively restrain him.



*“(h) The availability of other options and their possible effectiveness”*

Officer Batt, Officer Cavellini and Officer Jewell felt there was an imminent threat of great bodily injury or death to [redacted] and her daughter based on numerous factors, e.g., circumstances of the call, violation of the EPO, Shannon Estill attempting to access firearms from a locked garage safe, and officers hearing noises coming from the garage. [redacted] had also reported that she could hear Shannon Estill walking around the interior of the house as she and her daughter barricaded themselves in an upstairs bedroom.

Officer Batt orchestrated an immediate plan with limited resources and information. Officer Batt directed Officer Jewell to arm himself with a Taser so the officers had a less lethal force option available if needed. Tactics such as surround and call out or an evacuation of [redacted] and [redacted] may have forced a violent confrontation or reaction by Shannon Estill. Officer Batt decided to attempt to make contact with Shannon Estill to gain a tactical advantage of the situation. When confronted by the shotgun, Officer Batt, fearing for his life, thought of shooting at Shannon Estill through the wall but feared his handgun ammunition would likely not penetrate the stucco exterior and he could not see if there were other people, including [redacted] and [redacted], in the garage. Officer Batt, Officer Cavellini and Officer Jewell retreated and immediately requested additional resources. Officer Batt fearing a violent confrontation with a subject armed with a shotgun decided to arm himself with his department issued rifle. Officer Batt knew [redacted] and had been training on the increased effectiveness and accuracy of this weapon system.

Before Officer Batt could return to the other officers to establish a plan, Shannon Estill opened the garage door and ran directly toward him (Officer Batt). Shannon Estill was armed with a replica firearm pointed at Officer Batt but Officer Batt was unaware at the time that the firearm Shannon Estill was holding was not a fully functioning, loaded firearm. Officer Batt and Officer Cavellini both had provided clear orders to Shannon Estill to “show me your hands” and “drop the gun”. Shannon Estill refused all of the orders provided by the officers and instead maintained what was perceived to be an aggressive attack on Officer Batt who had no option available to him at the time but to shoot Shannon Estill using his department issued rifle.

*“(i) Seriousness of the suspected offense or reason for contact with the individual”*

As officers were dispatched to the incident, they were made aware that Shannon Estill was at the location in violation of a served Emergency Protective Order issued earlier that morning. It was also reported Shannon Estill was in the garage attempting to gain access to firearms locked in a safe while he made threatening comments to kill his wife. Officers all acknowledged they were aware the severity of the possible offenses including the likelihood that Shannon Estill was attempting to access weapons to murder his family.

*“(j) Training and experience of the officer”*

Officer Batt has been a police officer for approximately 16 years with the Pleasanton Police Department. Officer Batt has held numerous special/collateral assignments including but not limited to Field Training Officer, Detective, Arson Investigator, SWAT Operator, Force Options Instructor, Armorer and Patrol Officer. As a SWAT Operator, Officer Batt received specialized training in tactics involving confrontations with armed subjects. As a Force Options Instructor, Officer Batt had received specialized training and provides department training in use of handguns and rifles during different tactical scenarios.



In 2015, Officer Batt also attended a 40-hour Crisis Intervention Techniques course, which focused on handling situations with subjects in a mental health crisis.

*“(k) Potential for injury to officers, suspects and others”*

Although Shannon Estill’s firearm was a replica, Officer Batt believed at the time that it was a fully functioning, loaded firearm. Officer Batt perceived he was about to be killed by Shannon Estill and Shannon Estill could then turn shoot the other officers, Shannon Estill’s family or innocent civilians living in the neighborhood.

*“(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer”*

Instead of responding or complying with Officer Batt’s verbal commands on the side of the residence, Shannon Estill racked a shotgun and then began to point the shotgun toward Officer Batt as he rounded the doorway. Shannon Estill then opened the garage door and ran directly at Officer Batt pointing a replica firearm toward Officer Batt. Shannon Estill displayed no intent to flee or comply with officer’s commands and his actions were serious and aggressive attacks on police officers using firearms.

*“(m) The risk and reasonably foreseeable consequences of escape”*

If the responding officers failed to act with the necessary sense of urgency, it is reasonably foreseeable that he would have eventually located ammunition in the garage safe that matched one of the firearms he accessed and he would continue with the plan he verbalized of killing

*“(n) The apparent need for immediate control of the subject or a prompt resolution of the situation”*

If the responding officers failed to act with the necessary sense of urgency, it is reasonably foreseeable that he would have eventually located ammunition in the garage safe that matched one of the firearms he accessed and he would continue with the plan he verbalized of killing

*“(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others”*

When Shannon Estill was contacted by officers, Shannon Estill decided to confront the officers and he reasonably appeared to pose an imminent threat to the officers and others.

*“(p) Prior contacts with the subject or awareness of any propensity for violence”*

Shannon Estill was contacted earlier in the morning after he arrived home intoxicated and bloodied from a head injury. He confronted his wife, who refused to allow him in the house after he grabbed her wrist in an attempt to enter the residence. Shannon Estill then accessed the garage and attempted to gain access to a safe containing firearms. While doing so, Shannon Estill made multiple threats to that he was going to kill her. (PPD Incident Number 17-18163)

## **Pleasanton Police Department Policy 300.4 - Deadly Force Applications**



*“Use of deadly force is justified in the following circumstances:*

*(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.*

*(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.*

*Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:*

- 1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.*
- 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.”*

The requirements listed in this policy were adhered to. Shannon Estill was attempting to access firearms and it is reasonable to believe he intended to use it to kill his wife. When officers attempted to make contact with Shannon Estill, he made no effort to communicate or comply with their commands. Shannon Estill instead, racked a shotgun indicating that he had just loaded a shotgun and then began to point the shotgun toward the doorway officers were beginning to enter. The officers decided to retreat instead of engaging Shannon Estill due to issues such as lack of sufficient cover, weapon/ammunition limitations if it was required to shoot through the stucco exterior of the home and the unknown layout and exact location of the suspect. Officer Batt only saw the barrel of the shotgun as he “pied” the corner of the garage. Officer Batt never saw who was holding the shotgun nor did he know if there were multiple subjects in the garage.

After retreating, Officer Batt ran to his vehicle to retrieve his department issued rifle. As Officer Batt returned from his vehicle, Shannon Estill opened the garage door and ran directly toward Officer Batt. Shannon Estill pointed a replica handgun in Officer Batt’s direction as he quickly closed the distance between the two. Officer Batt was unaware the handgun Shannon Estill was holding was a replica and believed it was a fully functioning, loaded firearm. Officer Batt provided commands to drop the gun but Shannon Estill refused to comply. Shannon Estill continued running toward Officer Batt from a distance where a shooter would need to aim a weapon for accuracy to a distance where a shooter would merely have to point the firearm toward an intended target to strike it accurately. Officer Batt fearing for his life fired five rounds from his rifle striking Shannon Estill one time. Shannon Estill fell forward and landed near the back end of the Jeep parked in the driveway. As Officer Batt fired his rifle, he attempted to run backwards to expand the distance between he and Shannon Estill. Officer Batt tripped and fell backwards landing on his buttocks.

Officer Batt momentarily lost his sight picture of Shannon Estill but was able to reestablish it quickly. Officer Batt could see Officer Cavellini was now in a clear line of sight from Shannon Estill without cover in between the two. Officer Batt also was in a direct line of sight with Shannon Estill without any cover. Additionally, Officer Batt was at a position of disadvantage after falling down onto his buttocks and

ending in a seated position in the street. Officer Batt could see Shannon Estill's head and upper body but could not see his hands or the firearm. Officer Batt felt Shannon Estill was still capable of turning, shooting Officer Cavellini, then turning his attention back, and shooting Officer Batt. Officer Batt fearing for his life and the life of Officer Cavellini fired one additional round striking Shannon Estill on the head causing a non-survivable traumatic injury.

### **Pleasanton Police Department Policy 300.5 - Reporting the Use of Force**

*"Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law."*

All involved officers, supervisors and investigators complied with the requirements listed in this policy section.

### **Pleasanton Police Department Policy 300.5.1 - Notifications to Supervisors**

*"Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:*

- (a) The application caused a visible injury.*
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.*
- (c) The individual subjected to the force complained of injury or continuing pain.*
- (d) The individual indicates intent to pursue litigation.*
- (e) Any application of a TASER device or control device.*
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.*
- (g) The individual subjected to the force was rendered unconscious.*
- (h) An individual was struck or kicked.*
- (i) An individual alleges any of the above has occurred."*

The requirements listed in this policy section were adhered to. Sergeant Niceley and Lieutenant Cox were at the police station at the time of the incident and responded to the scene together immediately after the shooting. Lieutenant Cox notified Captain Bretzing who was the Acting Chief of Police at the time. Captain Bretzing notified the Chief of Police and the City Manager.

### **Pleasanton Police Department Policy 300.5.2- Reporting to California Department of Justice**

*"The Professional Standards Unit Supervisor or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2."*

The requirements listed in this policy are not applicable. Sergeant Gora reported this incident to the Department of Justice.

## **Pleasanton Police Department Policy 300.6 - Medical Considerations**

*“Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.*

*Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.”*

The requirements listed in this policy were adhered to. Officer Batt realized during his initial assessment that medical assistance was not required because the injuries to Shannon Estill were not survivable and signs of death were obvious e.g., size of the head injury and visible brain matter outside of the head.

## **Pleasanton Police Department Policy 300.7 - Supervisory Responsibility**

*“When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:*

*(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.*

*(b) Ensure that any injured parties are examined and treated. (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:*

- 1. The content of the interview should not be summarized or included in any related criminal charges.*
- 2. The fact that a recorded interview was conducted should be documented in a property or other report.*
- 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.*

*(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.*

*(e) Identify any witnesses not already included in related reports.*

*(f) Review and approve all related reports.*

*(g) Determine if there is any indication that the subject may pursue civil litigation.*

- 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.*

*(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.”*

The requirements listed in this policy section were adhered to. Criminal Investigations Unit Sergeant Fountain completed the supervisory review of this incident under the supervision of Captain Craig Eicher.

## **Conducted Energy Devices**

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 309.3 - Issuance and Carrying Conducted Energy Devices**

*"Only members who have successfully completed department-approved training may be issued and carry the TASER device.*

*TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory. Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person.*

*Officers shall only use the TASER and cartridges that have been issued by the Department. The TASER shall be carried as part of a uniformed officer's equipment in an approved holster. In situations where a holster is impractical officers must seek supervisory approval to carry the TASER in such a manner that it is readily accessible at all times. Members carrying the TASER device should perform a spark test on the unit prior to every shift. When carried while in uniform officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.*

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.*
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.*
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.*
- (d) Officers should not hold both a firearm and the TASER device at the same time."*

The requirements of this policy section were adhered to. Officer Batt, Officer Cavellini and Officer Jewel had successfully completed department-approved training on the TASER. They were all issued and carried the TASER device at the time of the incident. Officer Jewell drew his TASER and armed it during the incident. None of the officers deployed their TASER during the incident.

## **Officer Involved Shootings and Deaths**

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 310.5.1 - Duties of Initial On Scene Supervisor**

*“Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:*

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.*
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).*
  - 1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.*
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.*
  - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.*
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.*
- (e) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.*
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.*
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.*
  - 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.*
  - 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.”*

The requirements listed in this policy section were adhered to by Lieutenant Cox and Sergeant Niceley. Sergeant Niceley and Lieutenant Cox were both at the station and responded together immediately after the shooting. Upon arrival, Sergeant Niceley began controlling the scene as Lieutenant Cox met with Officer Batt. Lieutenant Cox asked Officer Batt if he was “ok” and Officer Batt began to provide a voluntary statement. Lieutenant Cox reminded Officer Batt of the public safety information and then provided Officer Batt with some support. Lieutenant Cox authorized Officer Batt to turn off his body worn camera and placed Officer Batt in a nearby patrol vehicle temporarily. Sergeant Niceley and Lieutenant Cox ensured the scene was safe, checked on \_\_\_\_\_ and \_\_\_\_\_; welfare, got the family safely out of the residence and to the police station, canvassed and advised the neighbors of the incident, continually checked in with the other involved officers and managed the scene until investigators arrived.

### **Pleasanton Police Department Policy 310.5.2 - Watch Command Responsibilities**

*“Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.*

*All outside inquiries about the incident shall be directed to the Watch Commander.”*



The requirements listed in this policy section were adhered to by Lieutenant Cox who remained at the scene and maintained all aspects of this incident until investigators determined to close the scene.

### **Pleasanton Police Department Policy 310.5.3 – Notifications**

*“The following person(s) shall be notified as soon as practicable:*

*Chief of Police*

*Operations Division Commander*

*Investigations and Support Services Division Commander*

*Outside agency investigator (if appropriate)*

*Psychological/peer support personnel*

*Chaplain*

*Coroner (if necessary)*

*Involved officer's agency representative (if requested)”*

The requirements listed in this policy section were adhered to by Lieutenant Cox.

### **Pleasanton Police Department Policy 310.5.4 - Involved Officers**

*“The following shall be considered for the involved officer:*

*(a) Any request for legal or union representation will be accommodated.*

*1. Involved PPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.*

*2. Requests from involved non-PPD officers should be referred to their employing agency.*

*(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.*

*(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).*

*(d) A licensed psychotherapist shall be provided by the Department to each involved PPD officer. A licensed psychotherapist may also be provided to any other affected PPD members, upon request.*

*1. Interviews with a licensed psychotherapist will be considered privileged.*

*2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.*

*3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).*

*(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.*

*Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.*

*Each involved PPD officer shall be given reasonable paid administrative leave following an officer involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.”*

The requirements listed in this policy section were adhered to. Officer Batt, Officer Cavellini and Officer Jewell were all afforded representation by an attorney provided by their Labor Union. Peer Support was





activated early during this incident and Peer Support members arrived to assist with the involved officers. A fitness for duty exam was not required.



## Firearms

This policy only relates to Incident 17-18194.

### Pleasanton Police Department Policy 312.2.1 - Approved Duty Weapons

*"Uniformed, investigative and administrative personnel, with the approval of the Head Rangemaster and Division Commander, may carry a privately owned weapon on duty. Individual officers are responsible for the purchase, care and maintenance of privately owned weapons. An officer requesting to carry a privately owned weapon on duty shall submit their request in writing to the Head Rangemaster and Division Commander."*

The requirements listed in this policy section were adhered to. Officer Batt was authorized to carry his personally owned Glock handgun and he complied with each policy subsection related this policy.

*"Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:*

- 1. Situations where the member reasonably anticipates an armed encounter.*
- 2. When a member is faced with a situation that may require accurate and effective fire at long range.*
- 3. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.*
- 4. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.*
- 5. When a member reasonably believes that a suspect may be wearing body armor.*
- 6. When authorized or requested by a supervisor.*
- 7. When needed to euthanize an animal.*

*When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released)."*

The requirements listed in this policy section were adhered to. Officer Batt had secured his rifle in his patrol vehicle and deployed the rifle in accordance with this policy. Once Officer Batt encountered Shannon Estill in the garage and saw Shannon Estill had armed himself with a shotgun, it was reasonable for Officer Batt anticipate an armed encounter. Officer Batt detailed his fears of encountering Shannon Estill where increased weapon capabilities and effective fire at long range may be required and exceed those of his handgun. Shannon Estill had presented a shotgun to Officer Batt and it is reasonable to expect an officer to deploy a rifle to meet or exceed a suspect's firepower. Lastly, when Officer Batt and the other officers retreated, Officer Batt feared Shannon Estill might take this opportunity to enter the home and kill his wife as he had threatened earlier. Shannon Estill entering the residence could have reasonably led to an active threat incident, barricaded person or hostage situation. Officers are authorized to deploy their rifle when they reasonably believe there may be a need to fire on a barricaded person or a person with a hostage.

### Pleasanton Police Department Policy 312.2.5 – Ammunition

*"Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms*



*qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy."*

The requirements listed in this policy section were adhered to by Officer Batt and Officer Cavellini but not by Officer Jewell. Officer Jewell was issued a department owned Sig-Sauer P220 semi-automatic handgun and three magazines. Officer Jewell should have carried 25 rounds to include 8 in each magazine and 1 in the chamber of the firearm. When Officer Jewell's gun and ammunition was collected at the station he had two loaded magazines with 8 rounds on his gun belt, a handgun with a round in the chamber and a magazine attached to the gun with 7 rounds for a total of 24 rounds. During Officer Jewell's interview, he explained he was unaware that he was supposed to "top off" the magazine in the handgun.

Officer Jewell had recently graduated the Alameda County Sheriff's Office Police Academy and the practice to "top off" a round is not taught at the academy due to safety concerns. There had not been a Pleasanton Police Department Range training day from the time Officer Jewell had been hired as a full-time police officer and the officer involved shooting. Officer Jewell did attend a firearms training presented by Pleasanton Police Department Force Options Group during his orientation week where he demonstrated proficiency in the department issued firearm but there was no mention of this issue on his qualification records.

#### **Pleasanton Police Department Policy 312.2.6 – Holsters**

*"Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun."*

The requirements listed in this policy section were adhered to. Officer Batt, Officer Cavellini and Officer Jewell were all wearing department approved holsters.

#### **Pleasanton Police Department Policy 312.3 - Firearms Qualifications**

*"All members who carry a firearm while on-duty are required to successfully complete training biannually with their duty firearms. Members will qualify with off-duty and secondary firearms at least annually."*

*Training and qualifications must be on an approved range course."*

The requirements listed in this policy section were adhered to. The qualification records of Officer Cavellini, Officer Jewell and Officer Batt are attached to this report.

## **Officer Response to Calls**

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 317.2 - Response to Calls**

*"Officers dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Officers responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.*

*Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.*

*Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren."*

The requirements listed in this policy section were adhered to. Officer Cavellini requested a Code-3 response after Shannon Estill confronted Officer Batt with the shotgun. The following officers responded Code -3, Christensen, Evans, Soto (with FTO Palmquist), and Niceley (with Lieutenant Cox).

### **Pleasanton Police Department Policy 317.3 - Requesting Emergency Assistance**

*"Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall immediately notify Dispatch.*

*If circumstances permit, the requesting officer should give the following information:*

- *The unit number*
- *The location*
- *The reason for the request and type of emergency*
- *The number of units required"*

The requirements listed in this policy section were adhered to. When Officer Batt was confronted with Shannon Estill holding the shotgun the officers immediately fled to the front of the residence. Officer Cavellini immediately aired, "Start units Code 3, he's got a shotgun." Three patrol units and Niceley initiated a Code 3 response. Moments after the shooting, Officer Batt stood up and began to walk in the direction of his patrol vehicle. As Christensen arrived, Officer Batt aired for the responding units to "slow down."

### **Pleasanton Police Department Policy 317.4 - Initiating Code 3 Response**

*"If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate."*



The requirements listed in this policy section were adhered to. Immediately after the Code 3 request from Officer Cavellini, three officers notified Dispatch and initiated a Code 3 response. Sergeant Niceley and Lieutenant Cox were both at the station and monitoring the radio traffic prior to responding to the scene. Sergeant Niceley did not terminate their Code 3 response as outlined in Policy 317-7 – Supervisor Responsibilities therefore tacitly authorizing the Code 3 response.

**Pleasanton Police Department Policy 317.5 - Responsibilities of Responding Officer(s)**

*"Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle."*

*The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.*

*Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding."*

The requirements listed in this policy section were adhered to. Officers responding Code 3 advised dispatch of their locations, initiated a Code 3 response and drove with due regard for life and property. After Officer Batt requested to "slow down" the responding units Soto and Evans both ended their Code 3 response as soon as practical and proceeded to the call Code 1.

**Pleasanton Police Department Policy 317.7 - Supervisor Responsibilities**

*"Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:*

- (a) The proper response has been initiated*
- (b) No more than those units reasonably necessary under the circumstances are involved in the response*
- (c) Affected outside jurisdictions are being notified as practical*

*The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.*

*It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.*

*When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:*

- The type of call*
- The necessity of a timely response*
- Traffic and roadway conditions*
- The location of the responding units"*



The requirements listed in this policy section were adhered to. Based on circumstances of officers confronting a subject armed with a shotgun the multiple officers Code 3 response was reasonable. Sergeant Niceley and Lieutenant Cox were both at the station and monitoring the radio traffic prior to responding to the scene. Sergeant Niceley did not terminating their Code 3 response as outlined in this policy section therefore tacitly authorizing the Code 3 response.

## **Domestic Violence**

**This policy only relates to Incident 17-18163.**

### **Pleasanton Police Department Policy 322.4 - Investigations**

*"The following guidelines should be followed by officers when investigating domestic violence cases:*

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.*
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.*
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.*
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.*
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigation Unit in the event that the injuries later become visible.*
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.*
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.*
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).*
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.*
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.*
  - 2. Whether the suspect lives on the premises with the victim.*
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.*
  - 4. The potential financial or child custody consequences of arrest.**

5. *The physical or emotional state of either party.*
6. *Use of drugs or alcohol by either party.*
7. *Denial that the abuse occurred where evidence indicates otherwise.*
8. *A request by the victim not to arrest the suspect.*
9. *Location of the incident (public/private).*
10. *Speculation that the complainant may not follow through with the prosecution.*
11. *The racial, cultural, social, professional position or sexual orientation of the victim or suspect."*

The requirements listed in this policy section were adhered to. Officer Cerri and Officer Barcelo completed a comprehensive Domestic Violence investigation. To address subsection (h), officers attempted to retrieve the firearms from the garage safe but the safe was blocked by a parked vehicle. \_\_\_\_\_ was not able to locate the keys for the vehicle and explained the safe contained firearms but no ammunition. \_\_\_\_\_ explained she would contact a family member with spare keys to the parked vehicle later in the morning. Once the vehicle was moved, \_\_\_\_\_ said she would contact the police department to have an officer seize any firearms belonging to Shannon Estill in the safe. Shannon Estill had already been transported to Eden Medical Center \_\_\_\_\_ which would give \_\_\_\_\_ time to move the vehicle and access the safe for the firearms seizure. Additionally, an Emergency Protective Order had been issued restraining Shannon Estill from coming to the residence. Officer Cerri advised Sergeant Ayers of this situation and plan and he agreed.

**Pleasanton Police Department Policy 322.4.2 - If No Arrest is Made**

*"If no arrest is made, the officer should:*

*(a) Advise the parties of any options, including but not limited to:*

1. *Voluntary separation of the parties.*
  2. *Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).*
- (b) Document the resolution in a report."*

The requirements listed in this policy section were adhered to. Shannon Estill had been transported to Eden Medical Center for treatment \_\_\_\_\_ Officer Cerri provided \_\_\_\_\_ resources referrals but \_\_\_\_\_ explained she felt comfortable staying at the residence. An Emergency Protective Order was approved and served on Shannon Estill restraining him from returning to the home. Officer Cerri documented these facts in his police report.

**Pleasanton Police Department Policy 322.5 - Victim Assistance**

*"Victims may be traumatized or confused. Officers should:*

*(a) Recognize that a victim's behavior and actions may be affected.*

*(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.*

*(c) Alert the victim to any available victim advocates, shelters and community resources.*

*(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.*

*(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.*

*(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.*

*(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.*



(h) Seek or assist the victim in obtaining an emergency order if appropriate."

The requirements listed in this policy section were adhered to. Officer Cerri and Officer Barcelo completed the Domestic Violence investigation and addressed each of these policy sections. wanted to stay at the residence with her daughter, A Pleasanton Police Department Domestic Violence pamphlet was provided to prior to officers clearing the scene.

### **Pleasanton Police Department Policy 322.9.1- Standards for Arrest**

"Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is reasonable cause to do so requires supervisor approval."

The requirements listed in this policy section were adhered to. After leaving the residence, Officer Cerri responded to Eden and was advised Shannon Estill would be admitted and because his blood alcohol contact Sergeant Ayers decided to have Officer Cerri forward the incident to the District Attorney even though there was probable cause to arrest Shannon Estill. Sergeant Ayers explained the following factors led to his decision.

- Shannon Estill had been admitted to Eden Medical Center. Shannon Estill would be at the hospital for an unknown amount of time and an arrest would require an officer staying with Shannon Estill until his release.
- That evening, Team 6 was below staffing and officers were extending their shift to ensure minimum staffing numbers were met. Committing an officer to Shannon Estill would be a strain on already challenged staffing levels.
- Although probable cause existed to arrest Shannon Estill for domestic battery, the elements of the crime were barely established. Shannon Estill had grabbed wrist as he tried to enter the house. pulled away, went into the house and closed the door. It was unclear if Shannon Estill intended to grab in an assaultive manner or was his altered state led him to grab onto her hands. did not sustain any visible injury nor did she have a complaint of pain.
- Although probable cause existed to arrest Shannon Estill for criminal threats, the threat to had been addressed prior to officers clearing the call. Shannon Estill had been transported and admitted to Eden Medical Center. Officers authored and served a valid Emergency Protective Order. Shannon Estill did not have a mode of transportation nor did he have keys to the house when he was transported. reported that the gun safe in the garage had a firearm in it but there was no ammunition in the safe and that she had hidden all of the ammunition. Lastly, officers felt the gun safe in the garage was inaccessible due to the car blocking the door from opening.
- did not desire prosecution against Shannon Estill.

### **Pleasanton Police Department Policy 322.9.2 - Court Orders**

"(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable





*and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91)."*

The requirements listed in this policy section were adhered to. Officer Cerri obtained the emergency protective order and served Shannon Estill at Eden Medical Center. Officer Cerri provided Shannon Estill a copy of the order and had Shannon Estill repeat the terms of the order to ensure Shannon Estill understood. Sergeant Ayers personally advised dispatch of the service of the emergency protective order while Officer Cerri was at Eden Medical Center. Officer Cerri completed his report before the end of his shift and submitted the order as part of his report.

**Pleasanton Police Department Policy 322.9.5 - Reports and Records**

*"(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.*

*(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time."*

The requirements listed in this policy section were adhered to. Officer Cerri completed a written report prior to the end of his shift documenting this incident. Officer Cerri's report consisted of all appropriate forms and information specific to domestic violence incidents. Additionally, prior to leaving

he provided her a Pleasanton PD Domestic Violence brochure and included the Incident Number.

## Search and Seizure

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 324.3 - Searches**

*"The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.*

*Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:*

- *Valid consent*
- *Incident to a lawful arrest*
- *Legitimate community caretaking interests*
- *Vehicle searches under certain circumstances*
- *Exigent circumstances*

*Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.*

*Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.*

*Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action."*

The requirements listed in this policy section were adhered to. After the shooting, Lieutenant Cox organized a team consisting of Officer Cavellini, Soto and Palmquist. The team conducted a security sweep of the interior of the residence and contacted \_\_\_\_\_ and \_\_\_\_\_. Lieutenant Cox allowed \_\_\_\_\_ and \_\_\_\_\_ to collect some personal belongings and then escorted them safely out of the residence. No other search of the residence, garage, yard or Shannon Estill was conducted until investigators obtained a signed search warrant.

### **Pleasanton Police Department Policy 324.5 - Documentation**

*"When a search has been conducted and the details are not otherwise articulated in an arrest report, a written report or CAD note shall be made to document the details of the search. The following should be articulated as appropriate:*

- *Reason for the search*
- *Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)*
- *What, if any, injuries or damage occurred*
- *All steps taken to secure property*
- *The results of the search, including a description of any property or contraband seized*

*Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met."*

The requirements listed in this policy section were adhered to. Detective Shuffield authored a report detailing the search warrant and search. Alameda County Crime Lab completed the collection of all evidence pursuant the search warrant and documented their action on a supplemental report.

## **Major Incident Notifications**

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 359.4 - Watch Commander Responsibility**

*"The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers."*

The requirements listed in this policy section were adhered to. When Lieutenant Cox arrived to the scene, he immediately checked in with Officer Batt. After talking to Officer Batt, he met with Sergeant Niceley briefly and then began making notifications. Lieutenant Cox called Captain Jeff Bretzing who subsequently notified the Chief of Police and the Criminal Investigations Unit Captain Craig Eicher.

Additional notification were made to Criminal Investigations Unit Lieutenant Munayer and Sergeant Fountain as required in Policy 359.4.1 – Staff Notification, Policy 359.1.2 – Detective Notification and Policy 359.4.4 – Public Information Officer.

## **Crime and Disaster Scene Integrity**

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 406.3 - Scene Responsibility**

*"The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person."*

The requirements listed in this policy section were adhered to. Officer Cavellini maintained security of the crime scene directly after the shooting until additional units arrived. When Sergeant Niceley arrived, he took over management of the crime scene until the completion of the initial investigation.

### **Pleasanton Police Department Policy 406.4 - First Responder Considerations**

*"The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:*

- (a) Broadcast emergency information, including requests for additional assistance and resources.*
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.*
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.*
- (d) Provide first aid to injured parties if it can be done safely.*
- (e) Evacuate the location safely as required or appropriate.*
- (f) Secure the inner perimeter.*
- (g) Protect items of apparent evidentiary value.*
- (h) Secure an outer perimeter.*
- (i) Identify potential witnesses.*
- (j) Start a chronological log noting critical times and personnel allowed access."*

The requirements listed in this policy section were adhered to. Sergeant Niceley and Lieutenant Cox worked in conjunction throughout the initial investigation to ensure the integrity of the crime scene was no compromised. They established an inner and outer perimeter utilizing crime scene tape, officers and VIPS. Lieutenant Cox contacted residents within the perimeter and provided contact information and a plan if they needed to leave. Officers shielded Shannon Estill's body from view of neighboring residences using a pop-up canopy. Officers quickly established crime scene logs, shut down bordering roadways, and staffed each point of entrance/egress into the crime scene.

### **Pleasanton Police Department Policy 406.5 - Searches**

*"Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant."*

The requirements listed in this policy section were adhered to. After the shooting, Lieutenant Cox organized a team consisting of Officer Cavellini, Soto and Palmquist. The team conducted a security sweep of the interior of the residence and contacted \_\_\_\_\_ and \_\_\_\_\_ hiding upstairs. Lieutenant Cox allowed \_\_\_\_\_ and \_\_\_\_\_ to collect some personal belongings and then escorted them safely out of the residence. No other search of the residence, garage, yard or Shannon Estill was conducted until investigators returned with a signed search warrant.

## **Patrol Rifles**

**This policy only relates to Incident 17-18194.**

### **Pleasanton Police Department Policy 435.3 - Specifications**

*"The only authorized patrol rifle is one which is owned and issued by the Department. This rifle shall be the Colt AR-15A2."*

The requirements listed in this policy section were adhered to. Officer Batt was issued and deployed his department issued Colt AR-15A2.

### **Pleasanton Police Department Policy 435.3.1 - Rifle Ammunition**

*"The only ammunition authorized for the patrol rifle is that which has been issued by the Department. This will consist of a quality factory load in a .223 caliber."*

The requirements listed in this policy section were adhered to. Officer Batt's rifle was loaded with department issued .223 caliber ammunition.

### **Pleasanton Police Department Policy 435.6 - Deployment of the Patrol Rifle**

*Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:*

- (a) Situations where the officer reasonably anticipates an armed encounter.*
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.*
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.*
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.*
- (e) When an officer reasonably believes that a suspect may be wearing body armor.*
- (f) When authorized or requested by a supervisor.*
- (g) When needed to euthanize an animal.*

The requirements listed in this policy section were adhered to. Officer Batt's rifle was secured his patrol vehicle and he deployed the rifle in accordance with this policy. Once Officer Batt encountered Shannon Estill in the garage and saw he had armed himself with a shotgun, it is reasonable for Officer Batt anticipate an armed encounter. Officer Batt detailed his fears of encountering Shannon Estill where increased weapon capabilities and effective fire at long range may be required and exceed those of his handgun. Shannon Estill had presented a shotgun to Officer Batt and it is reasonable to expect an officer to deploy a rifle to meet or exceed a suspect's firepower. Lastly, when Officer Batt and the other officers retreated, Officer Batt feared Shannon Estill might take this opportunity to enter the home and kill his wife as he had threatened earlier. Shannon Estill entering the residence could have reasonably led to an active threat incident, barricaded person or hostage situation. Officers are authorized to deploy their rifle when they reasonably believe there may be a need to fire on a barricaded person or a person with a hostage.

**Pleasanton Police Department Policy 435.8 - Patrol Ready**

*"Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in the "patrol ready" until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:*

- (a) Empty chamber*
- (b) Decocked (The rifle bolt is forward with the hammer down.)*
- (c) The rifle safety is "Off" or placed in the "Fire" position*
- (d) There is a fully loaded magazine in the rifle.*
- (e) The dust cover is closed.*
- (f) The rifle is stored in the locked patrol vehicle's rifle rack or trunk."*

The requirements listed in this policy section were adhered to. The requirements listed in this policy section were adhered to. Officer Batt detailed in his statement how he made his rifle "patrol ready" at the beginning of his shift. Officer Batt's body worn camera captures some of the manipulation Officer Batt completed as he transitioned his rifle from patrol ready to in service.

## Body Worn Camera Systems

Requirements of these policy sections were adhered to in Incident Number 17-18163. The following analysis is related to Incident Number 17-18194

### **Pleasanton Police Department Policy 450.2 - Policy**

*“Wearing the BWCS: All Department members, including Police Managers who are assigned a BWCS shall wear the device when working any uniformed assignment and shall activate the device as provided in this Policy. Except as otherwise provided in this Policy, any Department member assigned to a non-uniformed position, including the Criminal Investigations Unit, the Special Enforcement Unit, and SWAT, including Police Managers, shall wear and activate the device during pre-planned enforcement encounters such as probation searches, parole searches, arrests or search warrant entries, gang enforcement, or as directed by a Supervisor.*

*Police Managers are exempt from wearing their BWCS while inside the Department or while performing administrative functions.”*

Some of the requirements listed in this policy section were not adhered to. Lieutenant Cox, a police manager and the East County Tactical Team Tactical Commander, was at the station performing administrative functions when this incident occurred. When Officer Cavellini requested Code 3 response airing that the subject had a shotgun, he immediately left his desk and met with Sergeant Niceley who was in his office. The two of them ran to Sergeant Niceley’s patrol vehicle and they responded Code 3 from the station. While driving to the scene, Lieutenant Cox realized he left his body worn camera on the charger and his cell phone on his desk.

Lieutenant Cox was cognizant that he did not have his body worn camera and in the spirit of this policy ensured he always had an officer with a body worn camera with him, recording, whenever he was contacting someone. Lieutenant Cox self-reported and documented his failure to grab his body worn camera in a memorandum and in his report in compliance with this policy.

### **Pleasanton Police Department Policy 450.3 - Activation of the Body Worn Camera System**

*“This policy is not intended to describe every possible circumstance in which the BWCS should be used, however, it should be used when the officer or Supervisor reasonably determines that it would be appropriate and/or valuable to the documentation of a law enforcement related incident. Unless it is not safe or practical to do so, or mechanical issues or other logistical or operational considerations are present, as determined by a Supervisor, members shall make every effort to activate their BWCS prior to making contact with members of the public, or as soon as reasonably possible under the circumstances in any of the following types of incidents.*

- a. Law enforcement and investigative activities including, but not limited to, dispatched calls for service (upon arrival on scene), response to calls for back-up, self-initiated enforcement stops (including but not limited to traffic and pedestrian violations, stranded motorist assistance, and crime interdiction stops), consensual encounters, field interview, investigative detentions, and arrests;*
- b. probation and parole searches;*
- c. service of search and arrest warrants,*
- d. gang enforcement activities;*
- e. vehicle pursuits;*
- f. K9 deployments, (i.e., cover officers, perimeter officers, etc.);*



- g. prisoner transport until which time the prisoner has been secured in a holding cell or released from the officer's custody;
- h. maintaining the peace at a protest or rally;
- i. responding Code 3;
- j. any other situation where an officer or supervisor reasonably determines that its use would be appropriate or valuable to document an incident or record contact between members of the public and the department.

*Members who do not record as required by this policy shall articulate their reason(s) for not utilizing their BWCS in the appropriate CAD entry and/or report and in a memorandum to the Division Commander immediately after the conclusion of the incident, or as soon thereafter as reasonably possible.*

*It shall be a violation of this policy for members to intentionally fail to activate the BWCS or terminate the recording in order to commit a violation of the law or any Department Policy."*

Some requirements listed in this policy section were not adhered to. When Sergeant Niceley left the station, he recalled activating his body worn camera and then responding Code 3 to the location. At the end of the call, Sergeant Niceley attempted to terminate the recording but his camera did not respond. Sergeant Niceley looked on his cell phone and could not locate the recording of the incident. At the end of his shift, Sergeant Niceley docked his camera and checked the next day his recording was not uploaded into evidence.com. I checked his camera but I could not locate the file related to this incident but did find other files that are indicative of a camera malfunction. I provided Sergeant Niceley a new body worn camera. Sergeant Niceley authored a memorandum explaining the above and he noted the failure to activate in his police report.

#### **Pleasanton Police Department Policy 450.3.1 - Termination of BWCS Recording**

*"Once a BWCS recording has been activated as provided in this Policy, it shall not be terminated until the incident has concluded and no further communication with the participants or witnesses is reasonably anticipated. Recording may also be stopped when the member or Supervisor reasonably determines that there would be no further evidentiary or documentary value in continuing to record an incident. The reasons for termination of recording before the conclusion of an incident shall be articulated in the appropriate CAD entry or report of the incident."*

The requirements listed in this policy section were adhered to however there was a malfunction of Officer Jewell's body worn camera during the incident. Officer Jewell's recording was unintentionally terminated as he entered residence. Officer Jewell did not realize his camera was not recording until after the incident had concluded and he was setting up crime scene tape. At that time, he noticed his body worn camera wire was pulled away from his uniform and the plug into the battery/controller was partially dislodged causing the recording to terminate. Officer Jewell did not author a police report but did clarify the termination of his camera during his interview with investigators, which was documented in the report.