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July 18, 2023

**PUBLIC REPORT ON OFFICER INVOLVED SHOOTING OF SALVADOR QUAL
MECEDA ON OCTOBER 31, 2022**

The Santa Barbara County District Attorney's Office has completed its review of the Santa Barbara Sheriff's Office ("SBSO") investigation into the fatal shooting of Salvador Qual Meceda, age 36, on October 31, 2022, in the City of Santa Maria, California.

The following analysis is based upon investigative reports, video and audio recordings, photographs, and witness interviews taken during the investigation and submitted to this office by SBSO Detective Daniel Kohli.

The District Attorney finds the shooting by Santa Maria Police Department Officer Erik Hesch was a justified use of force pursuant to Penal Code section 835a, and he bears no state criminal liability.

FACTUAL HISTORY

Summary

On October 30, 2022, just after 10:00 p.m., Santa Maria Police Department ("SMPD") Officer Alex Mandujano was on patrol in the area of La Vista Apartments located at the intersection of S. Western and W. Morrison Streets in the City of Santa Maria. Officer Mandujano observed an individual, later identified as Salvador Qual Meceda, inside a trash enclosure at 741 S. Western. Officer Mandujano contacted Meceda and instructed him to get out of the trash enclosure. Meceda cursed at Officer Mandujano while walking towards him. Eventually Meceda stopped advancing and removed a knife from his jacket pocket and pointed it towards the officer. Officer Mandujano drew his firearm and pointed it at Meceda while ordering him to drop the knife. Meceda refused to follow orders and instead walked to his belongings and picked up a large metal file. He held the metal file in one hand and the knife in the other.

Several other SMPD Officers arrived on scene while Meceda continued brandishing weapons in both hands and yelling at the officers. The officers developed a plan to use less lethal force, such as a 40mm less lethal launcher or a K9 on Meceda if he continued to refuse to drop his weapons. Officers spoke to Meceda in an effort to de-escalate the situation. Officers ordered Meceda to drop the weapons numerous times, but he refused.

A stand-off between the officers and Meceda lasted for several minutes where Meceda advanced on officers. The officers deployed less-lethal rounds at Meceda which had no effect on him.

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Eventually Meceda ran northbound across the street to the apartment buildings at 741 S. Western.

Meceda ran upstairs to a small balcony in front of an apartment. He barricaded himself on this balcony landing for nearly three hours while crisis negotiators from SMPD tried to communicate with him. A woman and her nine-year-old daughter were inside the apartment. Officers were concerned that Meceda would try to gain entry into the apartment where the mother and daughter were trapped. After several hours of attempting to persuade Meceda to put down his knife and surrender, officers deployed pepperball munitions in an effort to force Meceda to leave the balcony. Instead, Meceda began throwing items off the balcony at officers. Meceda then used a small folding table to smash the front window of the apartment. When he stood up again to resume breaking the window, Officer Erik Hesch fired a single shot killing Meceda.

Law Enforcement Response/Initial Interaction

Officer Alex Mandujano was on patrol near the La Vista Apartments - a particularly high crime area – just after 10:00 p.m. on October 30, 2022. While on patrol, Officer Mandujano observed an individual digging inside a trash enclosure at 741 S. Western. This is a violation of Santa Maria Municipal Code 8-11.09, so Officer Mandujano told the individual to get out of the dumpster. The individual, later identified as 36-year-old Salvador Meceda, told Officer Mandujano to go to hell in Spanish and began packing up his belongings, which included a bicycle and a backpack. Officer Mandujano continued patrolling the area and about 10 minutes later, he saw Meceda in another dumpster across the street at 1027 W. Morrison. Officer Mandujano got out of his vehicle and Meceda started walking towards him. Officer Mandujano described Meceda's demeanor as angry. Meceda stopped as he was near the front of Officer Mandujano's vehicle and he pulled a knife out of his jacket pocket. The knife had an orange handle and the blade was hook-shaped.

Officer Mandujano drew his firearm, pointed it at Meceda and ordered him to drop the knife. Meceda responded by asking, "What do you want?" in Spanish. Mandujano again ordered him to drop the knife in Spanish. Meceda continued to walk toward Officer Mandujano with the knife pointed at the ground. Meceda told Officer Mandujano to shoot him. Meceda advanced toward Officer Mandujano approximately four steps then turned, and walked toward his bicycle which was near the dumpster enclosure. Officer Mandujano again told Meceda to drop his knife (in Spanish), to which Meceda replied, "you go to hell" while pointing at the officer with his left hand. Meceda refused to drop his knife. He picked up his bicycle and belongings, including a large metal file and walked east through the parking lot while still holding the knife in his right hand.

Officer Mandujano advised dispatch via his radio of the events and other officers began arriving on scene. Officer Nickolas Barton was the first to arrive. Upon his arrival, Meceda stopped walking and dropped his bicycle to the ground. Meceda was still holding the knife in his right

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hand and the metal file in his left hand. The metal file appeared to be a tool that was approximately 12 inches in length with a pointed end.



Metal file

Knife

Officers Eruby Ponce, David Kulp, Kaitlyn McCorkle, Jose Gomez, Ricardo Castro, Rafael Torres and Victor Cortez also arrived on scene. Several of the officers were standing near the driver’s side of Officer Barton’s patrol vehicle while Officer Ponce communicated with Meceda. Meceda was standing approximately 20 yards from the front of Officer Barton’s patrol vehicle at this point. Meceda appeared angry while Officer Ponce spoke with him. Meceda continued holding the knife and metal file and refused all commands to drop the knife. At some point Officer Gomez asked Meceda his name which he provided. A records check indicated Meceda had an arrest warrant for a violation of Penal Code section 69 – resisting a peace officer with force or violence.

Officer Kulp arrived on scene with his K-9 partner, Odin. Officer Kulp held Odin on a leash and instructed him to bark at Meceda as a show of force. The Spanish speaking officers on scene gave Meceda multiple “K-9 warnings,” which Meceda acknowledged and said something to the effect of, “Send the dog and see what happens.” Officer Kulp was concerned that if he were to send his K-9 to approach Meceda, the K-9 would be stabbed.

Meceda flailed his arms around and brandished the weapons at officers while moving in between cars in the parking lot. The officers all reported they felt threatened by Meceda and believed if they approached Meceda, he would stab them. The officers on scene began to formulate a plan to gain Meceda’s compliance in dropping his knife, not advancing on the officers, and not escaping while armed.

Officer Castro was assigned to less lethal coverage with a 40mm launcher loaded with blue nosed sponge rounds.¹ The plan was that Officer Castro should deploy the less lethal option if Meceda moved beyond the area where he was standing and got closer to the officers. Officer

¹ A 40mm projectile launcher is a less-lethal weapon that is used for safely de-escalating high risk situations by using sponge-nosed impact rounds fired from the launcher. The impact rounds deliver a blunt trauma effect.

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Ponce continued talking with Meceda and told him to drop the knife. Officer Castro also gave commands to Meceda to drop the knife, to which he did not respond. Meceda began walking past the established threshold and closer to the officers. In response, Officer Castro deployed the less lethal 40mm launcher, striking Meceda in the abdomen with sponge rounds. Meceda bent forward from the impact, but it had no other effect on him and he retreated to the carport area where he hid behind parked cars. Meceda began banging on the window of a Toyota Camry with an object, causing the window to shatter. He continued to refuse to drop his weapons and then stepped toward the officers again. Meceda then threw the large metal file at the officers, striking the front bumper of Officer Barton's patrol vehicle. Officer Castro then deployed the less lethal 40mm launcher a second time, striking him in the thigh area. Meceda still did not drop the knife. Instead, He ran northbound on Knudsen Way, with the knife in his hand.

Meceda ran across the street toward 741 S. Western. Officer Torres saw Meceda running across Knudsen Way with the knife, and saw there was a group of bystanders standing in the direction where Meceda was running. Officer Torres wanted to stop Meceda and did not want the innocent bystanders to get hurt by an armed suspect. Officer Torres fired his bean bag shotgun² twice at Meceda from approximately 25-35 feet away. Officer Torres believed he hit Meceda with the bean bag rounds because he saw him flinch, but Meceda kept running.

Meceda ran up the stairs at the complex at 741 S. Western onto a balcony landing between apartments #33 and # 35. Other officers had already positioned themselves north of the original incident scene to prevent the suspect from accessing the north parking lot area. One of the officers positioned a patrol vehicle directly in front of apartment #35.

Officer-Involved Shooting by Officer Erik Hesch

SMPD dispatch received a 911 call from a female who was inside apartment #35 with her nine year old daughter. The resident first became aware of this incident on October 30, 2022 just after 2230 hours. When she heard yelling outside of her apartment, she opened the front door and walked onto the balcony. She saw a male subject standing across the street and throwing things at police officers. She observed that he was threatening officers with objects in his hands by holding them out in front of him and stepping towards the officers from a distance of approximately two car lengths. She heard the officers tell him to "get down," but he did not comply. She saw the officers shoot him with what she believed to be "pellet guns," which caused him to start running through the streets and bushes, directly towards her upstairs apartment. When the subject reached the downstairs portion of her stairway she was concerned for her safety and ran inside her apartment. She locked her front door, grabbed her daughter who was asleep and her Glock handgun. She was afraid that if the subject broke into her apartment, she and her daughter would become his hostages. To protect themselves, they barricaded in the bathroom for the next three hours. Her daughter was crying and scared so she placed blankets

² A bean bag shotgun is another less lethal weapon that fires a small fabric "pillow," similar to a bean bag filled with lead shot. The bean bag shotgun, similar to the 40mm less lethal launcher, delivers a blunt force trauma effect.

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and a pillow in the bathtub for her to lie on. She opened the Ring camera app on her phone and could see the subject just outside her front door on the landing holding two knives in his hands. The only entrance or exit to the apartment was the front door.

While Meceda barricaded himself on the balcony landing outside of apartment # 35, officers were positioned below the landing in the parking lot. Officer Ponce and Officer Erik Hesch were standing at the driver's side of Officer Hesch's patrol vehicle while Officer McCorkle, a crisis negotiator, was positioned at the passenger side. Sergeant Trevor Hutton arrived on scene as the SWAT supervisor. The officers' main concern at this point was the safety of the residents inside apartment #35 should Meceda make entry into the occupied apartment. The officers' plan was to gain Meceda's compliance by utilizing crisis negotiators to build rapport with him and get him to surrender; to use less lethal techniques to force him to retreat from the balcony; and if Meceda tried to gain entry into the apartment, lethal force would have to be used.



Daytime view looking towards balcony of apartment #35 where Meceda barricaded himself

Over the course of the next several hours, crisis negotiators from SMPD attempted to communicate with Meceda. First, Officer Kaitlyn McCorkle took the lead on communicating, with Officer Servin acting as translator. Officer McCorkle tried to de-escalate the situation by offering Meceda food, a blanket or medical attention if he would come down from the balcony and surrender. This lasted for approximately one and a half hours until Detective Rocio Cazares, a Spanish speaking crisis negotiator arrived on scene to assist. Detective Cazares recalled Meceda from an incident in December 2021 where she acted as the crisis negotiator when Meceda had barricaded himself in an ex-girlfriend's apartment. During this incident, Meceda

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was under the influence of drugs and armed with a knife. Meceda's ex-girlfriend's 11-year-old daughter was locked in a bedroom while officers negotiated Meceda's surrender. Meceda engaged in similar threatening behavior towards law enforcement such as throwing items at officers and brandishing a knife, but he ultimately surrendered.

On this night, Meceda was crouched down on the landing outside apartment #35 so that the officers below did not have a clear visual of him. To monitor him visually, officers deployed a drone and were able to see what he was doing and whether he was armed. When the drone flew near Meceda he would become agitated, pick up the knife and make stabbing motions toward the drone. At some point, the resident inside apartment #35 provided dispatch with her Ring camera login information so that officers were able to see Meceda on the balcony from the front door Ring camera. From this camera, officers could see that when the drone flew away, Meceda would put down the knives.

Sergeant Trevor Hutton developed several contingency plans. The immediate concern was for the safety of the occupants inside apartment #35. The first plan was to gain Meceda's compliance, get him to surrender and come downstairs from the balcony. However, if Meceda at any point attempted to enter the apartment, officers would have to take immediate action to protect the residents' safety. After several hours of failed negotiations, Sergeant Hutton directed Officer Morales to deploy pepperball rounds³ the next time Meceda dropped the knife. The goal of the pepperball rounds was to force Meceda away from the knife and to leave the balcony to surrender to officers below. Sergeant Hutton directed Officer Hesch to be armed with his patrol rifle and to use lethal force if Meceda attempted to enter the occupied apartment.

The drone was re-deployed and Sergeant Hutton saw that Meceda was not holding the knife. Sergeant Hutton then ordered the deployment of the pepperball rounds. Officer Morales fired approximately 15 rounds with the pepperball gun. Meceda began throwing items, including a bicycle and beach chairs over the balcony towards the officers. Meceda then stood up and started smashing the front window of apartment #35 with a folding table. When Meceda stood up again with the folding table in his hands, Officer Hesch fired a single shot from his patrol rifle. Meceda immediately fell to the ground. Sergeant Hutton saw on the drone screen that Meceda was not moving and beginning to bleed. Using a shield for protection, Officers walked upstairs and escorted the resident of apartment #35 and her child to safety. Officers then approached the suspect who was apparently deceased. Medics arrived shortly thereafter and pronounced Meceda deceased.

³ A pepperball launcher is a non-lethal gun that fires a frangible projectile containing a chemical that irritates the eyes and nose similar to pepper spray.

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Photo of apartment #35 front window smashed by Meceda

Autopsy

On November 2, 2022 Dr. Manuel Montez, a forensic pathologist employed by the Santa Barbara Sheriff's Office, performed a post-mortem examination of Meceda and obtained toxicological samples. Dr. Montez opined that the cause of death was a single gunshot wound to the neck and head. Specifically, the bullet hit the C1 and C2 vertebrae of Meceda's spinal column.

Testing of the toxicological samples indicated Meceda had 1170 ng/mL of methamphetamine in and 207 ng/mL of amphetamine in his blood. Deputy Coroner Henslin certified the manner of death as a homicide.

LEGAL ANALYSIS

Applicable Law

A peace officer is justified in using deadly force upon another when the officer reasonably believes, based on the totality of the circumstances that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or another; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. *Penal Code section 835a(c)(1)(A) and (B)*.

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A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. *Penal Code section 835a(e)(2)*.

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. *Penal Code section 835a(4)*.

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. *Penal Code section 835a(2)*.

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force. *Penal Code section 835a(e)(3)*.

Application of Law

On the night of October 30, 2022, SMPD officers responded to the parking lot at the La Vista Apartments after Salvador Meceda brandished a knife at Officer Mandujano. After multiple attempts to gain Meceda’s compliance and the use of less lethal bean bag rounds, Meceda barricaded himself on the balcony outside an occupied apartment.

Meceda remained armed with knives and refused to surrender to police for approximately three hours, into the early morning of October 31st. Officers knew a woman and her nine-year-old child were trapped inside the apartment. During the three hour incident, officers tried negotiating with Meceda, deployed a drone to remain in visual contact with him, and used pepperball rounds in an attempt to gain his compliance. All of these attempts to resolve the situation failed. When Meceda smashed the front window of apartment #35 in an attempt to gain entry, Officer Hesch fired a single shot at Meceda to protect the occupants inside the apartment. Officer Hesch reasonably used lethal force to stop Meceda from killing or causing serious bodily injury to the mother and child inside apartment #35.

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CONCLUSION

In reviewing the evidence and considering all of the circumstances, the actions taken by Officer Hesch were reasonable based on the facts known and perceived by him at the time of the shooting. Officer Hesch reasonably believed that Meceda posed an imminent threat of serious bodily injury or death to the residents inside apartment #35. Meceda first threatened officers with a knife. When he advanced on officers, they deployed less lethal force on him twice – both had little if any effect on him. Then Meceda engaged in a three hour stand-off on the landing of an apartment where a mother and child were trapped inside and afraid for their lives. Meceda was armed with knives, and instead of retreating from the landing, he smashed the window of the apartment to gain entry. Any reasonable law enforcement officer would perceive these actions as an immediate lethal threat to the residents in apartment #35 posed by Meceda. Therefore, Officer Hesch's use of lethal force was justified and he bears no state criminal liability for his actions.

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