

**OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF VENTURA  
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**REPORT ON THE FATAL SHOOTING OF SCOTT OSLER  
BY VENTURA COUNTY SHERIFF DEPUTIES  
DAVE SPARKS AND VICTOR MEDINA  
ON JULY 26, 2005**

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I. INTRODUCTION.....	1
II. STATEMENT OF FACTS .....	3
A. Events Prior to the First Confrontation with Sheriff’s Deputies.....	3
1. ██████ Osler’s 911 Call.....	8
B. The Confrontation with Sheriff’s Deputies.....	10
1. Statement of Deputy Dave Sparks .....	11
2. Statement of Deputy Victor Medina .....	16
C. Other Witnesses .....	20
1. Gina Gomez .....	20
2. Johnny Garcia .....	21
3. Terry Gomez .....	22
4. Dennis Gomez.....	22
5. Marlene Gilbert.....	23
6. Jean Torres .....	23
7. Eric Norris.....	24
8. Chuck Dominguez .....	24
D. Physical Evidence .....	26
1. Autopsy .....	28
2. Ballistics.....	29
a. Deputy Sparks’s .45 Auto Caliber Sig Sauer P220ST .....	29
b. Deputy Medina’s .40 S&W Caliber, Sig Sauer P226 .....	30
III. LEGAL PRINCIPLES .....	30

IV. ANALYSIS .....	32
V. CONCLUSION.....	35

## INTRODUCTION

On July 26, 2005, at 9:15 p.m., Ventura County Sheriff's Deputies Dave Sparks and Victor Medina responded to a 911 call of a domestic disturbance at 46 Watkins Way, Oakview. The call was placed by the disturbing party's 12-year-old daughter, [REDACTED] who reported she was hiding in a closet. [REDACTED] said her mother (Suzanne Osler) and her father (suspect Scott Osler) were yelling at each other, and that she could hear things being broken in the house. [REDACTED] told dispatch that her father did not want her mother to call the police, and also that there was a rifle in the house. At about the same time, [REDACTED] 13-year-old sister, [REDACTED] also called 911 on another phone in the residence. She reported her parents were fighting and that she saw blood on the hallway floor.

Deputies Sparks and Medina were working as uniformed patrol officers in the West County Patrol – Ojai area. They arrived and parked their patrol units approximately 150 feet north of the Osler residence, and walked down the sloping driveway towards 46 Watkins Way. As they approached, they could hear a woman screaming and crying from inside the house, and suspect Scott Osler yelling while he was standing in front of the residence near the front patio.

As the deputies neared the bottom of the driveway, suspect Osler turned and started walking towards them holding a knife out in front of him with one hand. Both deputies drew their handguns, pointed their guns and flashlights at the suspect, and ordered him to drop the knife. Suspect Osler ignored their orders and advanced on the deputies, quickening his pace. As suspect Osler got closer to them, both deputies began to step backwards and up the concrete driveway, still yelling at suspect Osler to

drop the knife. As they stepped backwards, suspect Osler continued to advance on them, repeatedly screaming, "Fuck you, you're going to have to kill me." Suspect Osler never dropped the knife he was holding and was gaining ground towards Deputies Sparks and Medina. When he got to within approximately eight feet of the deputies, both deputies fired their issued service pistols. Deputy Medina shot suspect Osler two times with his 40-caliber handgun. Deputy Sparks shot suspect Osler one time with his 45-caliber handgun, his pistol then malfunctioned, and he ejected a live round and cycled a new round into the chamber. He did not fire again because suspect Osler fell to the driveway and dropped the knife. Both deputies secured the knife, handcuffed suspect Osler, then immediately assisted in treating suspect Osler and radioed dispatch for paramedics.

Paramedics arrived at the scene and transported suspect Osler to the hospital. Suspect Osler died during surgery.

The District Attorney's Office has a 24-hour on-call officer-involved shooting team available to assist all Ventura County law enforcement agencies in the investigation of officer-involved shootings. The Sheriff's Department notified the District Attorney's Major Crimes Unit supervisor, Chief Deputy District Attorney Michael K. Frawley, of the shooting shortly after it occurred. Senior District Attorney Investigator Rob Briner and Senior Deputy District Attorney Cheryl Temple responded to the scene and consulted with the investigating officers.

The Ventura County Sheriff's Department conducted a detailed investigation of the shooting, including interviewing all known witnesses, collecting physical evidence, and photographing and

diagramming the scene. The Ventura County Sheriff's Department's investigation reports were submitted to the District Attorney's Office for a determination of whether the shooting of Scott Osler by the Sheriff's deputies was justified and, if not, whether criminal charges should be filed. The District Attorney's review included viewing the scene of the shooting on the night of the incident, observing a descriptive walk-through of the scene with both deputies, examining more than 30 written reports and documents detailing interviews of police and civilian witnesses, reviewing audio recordings of 911 calls, dispatch traffic and interviews, and reviewing diagrams and photographs. Senior Deputy District Attorney Cheryl Temple drafted this report.

After a complete review of all evidence, the District Attorney has concluded that Sheriff's Deputies Dave Sparks and Victor Medina acted lawfully when they shot Scott Osler. Mr. Osler's death was a justifiable homicide.

## **STATEMENT OF FACTS**

### **Events Prior to the Confrontation with Sheriff's Deputies**

The following is based on statements by Suzanne Osler, [REDACTED] and [REDACTED] telephone records, and dispatch records.

The Osler family returned home on July 25, 2005, from a 12-day vacation at Lake Trinity. They had driven their motor home to northern California, rented a houseboat at the lake, and had a great vacation together. The following morning (July 26, 2005), Scott and Suzanne Osler went to work as usual, Scott as a cement truck driver for Vulcan Building Materials in Santa Barbara and Suzanne for

Patagonia, Inc. Scott called Suzanne at work at approximately 7:00 p.m. (Scott's cell phone later showed an outgoing call to Suzanne Osler's work number at 6:48 p.m.) and told her he would stop and get burritos for dinner. Suzanne told Scott she was getting ready to leave work and that she would be home soon.

Suzanne arrived home at about 7:30 p.m. and discovered that Scott was not home yet. Suzanne called Scott on his cell phone. (Scott's cell phone later showed an incoming call from the Oslers' home number at 7:41 p.m.) Scott told Suzanne that he had stopped by a friend's house to have a beer with him in celebration of his friend selling his home. Scott told Suzanne he already had the burritos. Suzanne pointed out that the burritos were going to get cold and asked Scott to bring them to the house. Scott said he would be home shortly.

At about 7:55 p.m., Scott arrived home and the family began eating. As they were eating dinner, Scott began using vulgar language and acting as though he had been drinking, complaining that Suzanne did not appreciate him, and talking about how many hours he had worked that day. Scott began directing questions at [REDACTED] and [REDACTED] and [REDACTED] felt Scott was trying to involve them in an argument. After about five minutes, Suzanne, [REDACTED] and [REDACTED] got up and left the dinner table. All three were familiar with Scott Osler's behavior when he had been drinking; they could tell that he was not himself. Suzanne and Scott continued to argue, and [REDACTED] and [REDACTED] went to their rooms. [REDACTED] said she and [REDACTED] often go to their rooms when their parents argue.

Suzanne and Scott Osler have had a stable marriage with one exception. On November 16, 2000, Suzanne called 911 and summoned police to 46 Watkins Way for a domestic violence dispute that

occurred during a time when Scott was using methamphetamine. Scott Osler was arrested for violating Penal Code section 273.5; Suzanne intended to divorce Scott after that incident. However, Scott attended counseling and stopped using drugs and they reconciled their marriage. Since then, Suzanne said that a few times in any given year Scott might drink too much, but he would usually sleep it off and no serious problems would arise. ██████ corroborates that Suzanne and Scott argued when Scott had been drinking; ██████ said that her dad might drink twice a month to the point where “it’s bad.” She estimated that Scott and Suzanne argued once a month, usually over trivial things, and that Scott would usually start the argument, often telling Suzanne she does not appreciate how much he works. ██████ said her mother does not drink.

Suzanne said that, in the past, if she simply walked away from Scott when he was agitated and had been drinking, things would settle down. However, on the night of July 26, 2005, when Scott started complaining that Suzanne did not respect or appreciate him, he did not stop complaining once Suzanne, ██████ and ██████ left the table. ██████ too, stated that the night of July 26, 2005, “was a lot different.” ██████ could tell Scott was mad and the argument was more threatening.

After getting up from the table during the argument on the night of July 26, 2005, Scott followed Suzanne into her bedroom, and started calling her names. He ranted about how many long hours he worked that day, and how Suzanne did not respect him. Scott became more belligerent and said he was going to take the family’s motor home and leave. ██████ heard Scott yelling and screaming that he wanted to take the motor home, and that if Suzanne would not give him the keys or if she called the police (██████ cannot remember which condition, exactly, her dad yelled), he would “beat the shit out of her (Suzanne).” Suzanne pointed out to Scott that the motor home had a bad tire



on it and told him if he was going to leave, he should take the truck or his motorcycle. This upset Scott, and he took off in his truck. Scott came back to the house about 20 minutes later. (Investigators were unable to determine where Scott went during these 20 minutes; it appears he may have just been driving around.) Upon his return, Suzanne saw Scott walking down the driveway and wondered where his truck was. She went outside, called to Scott, and asked him what he was doing. Scott told her he parked his truck up the street and was going to get his motorcycle. Scott then went inside the house and locked Suzanne out of the house. Suzanne was able to call one of her daughters to let her back into the house.

Once Scott and Suzanne were both inside the house, Scott continued yelling at Suzanne and became even more angry. He said he was going to divorce Suzanne. He punched a picture in the hallway, cutting his knuckles on the glass. Scott began leaking blood throughout the house as he walked back and forth. ██████ looked out of her room at one point and saw blood on the floor; she had heard glass breaking and was frightened. ██████ ran and hid in her parents' bedroom closet.

Suzanne began telling Scott to leave the residence. She told Scott that if he did not leave she would call the police. Scott then said to Suzanne, "You call the police and I'm gonna run my head through a wall and tell them you hit me." He then said, "I'm not going down without a fight." Suzanne tried to calm Scott down by telling him that she would not call the police and she just wanted him to calm down. Scott then began taunting their daughter, ██████ and Suzanne told him, "I will call the police if you don't lay off."

██████ heard Suzanne telling Scott that if he just left, she would not phone the police. ██████

then heard Scott say something to Suzanne like, if she phoned the police, he would “go after them.”

█ positively remembers her father saying that if the police come, he would hurt the police. She heard the kitchen drawer open and heard him grab some kind of silverware, and then heard the drawer slam really hard. Suzanne was with Scott when he went into the kitchen and got a knife. Scott asked Suzanne, “Do you want me to slit your throat?” Suzanne also heard Scott say, “If you call the police, I’m gonna make – I’m not gonna go without a fight.” Scott then went out the front of the house, toward the driveway, and Suzanne then went to her bedroom window, which overlooks the driveway.

Suzanne immediately saw two deputies in the driveway, about “15 feet apart... originally” from her husband. The deputies were in the shadows a bit up the driveway, and Scott was in the driveway walking up towards them. She said the distance changed as her husband approached the deputies. She could see the two deputies and heard them telling him to put the knife down, and her husband was saying, “No.” She watched and heard as the deputies “kept telling him to put it down and they were backing up and he was going forward.”

Suzanne clearly heard the deputies say, “Put it down, put it down,” and Scott “never stopped, he kept walking.” She said her husband was screaming something that she later couldn’t exactly remember; she thinks he was yelling, “You’re gonna have to kill me.”

Suzanne saw Scott holding the knife in his fist during the confrontation with the deputies, but could not see what he did with the knife other than hold it, because his back was to her. Suzanne said, “He

kept walking. He wouldn't put it down.”

Suzanne was screaming at her husband because she knew the deputies were going to shoot him. She saw the deputies shoot but was not sure if she saw the flash of gunfire. She heard the deputies tell Scott to put his arms behind his back, and heard Scott say, “You shot me, you shot me,” or something to that effect. Suzanne said that even after her husband had been shot she heard him talking oddly; she heard him say, “I'm gonna go be with my brother and my [father] . . . “and then she ran to look for her children. She found [REDACTED] on the phone with the police and [REDACTED] on the phone with Suzanne's sister.

[REDACTED] heard the shooting from her hiding place in the closet. She remembers her mother screaming, “Scott, NO! Scott, NO! . . . NO Scott!” and then she heard gunshots. After that, she believed she just curled up in a ball and closed her ears.

Unbeknownst to Suzanne or Scott, both [REDACTED] and [REDACTED] had called 911, separately, from cell phones during the above-described argument. [REDACTED] was in her parents' bedroom closet; [REDACTED] was in her own bedroom. The 911 calls from [REDACTED] captured the escalating fight between Scott and Suzanne Osler, and the volatile situation into which sheriff's deputies responded:

#### [REDACTED] Osler's 911 Call

[REDACTED] was crying at the beginning of the call. She identified herself, her age, and the location of her residence to the dispatcher, and then told dispatch that her father, Scott Osler, came home and began yelling at her mother. [REDACTED] said she was in her parents' bedroom closet and was scared; she said

her sister [REDACTED] was hiding in another bedroom.

During [REDACTED] 911 call, her parents' raised voices can occasionally be heard through the connection, although their words are mostly indistinguishable. The dispatcher told [REDACTED] the police were on their way to her location; the dispatcher then kept [REDACTED] on the phone and had her describe what she heard and what was happening in the house.

[REDACTED] told dispatch she heard her dad tell her mom something to the effect of, "Don't bring the cops or I will stab them." When the dispatcher asked [REDACTED] about Scott's statement, [REDACTED] said her father was "joking," and that he was a "good guy." [REDACTED] began to cry, and said she did not want anyone to die. The dispatcher asked [REDACTED] about any guns in the residence, and [REDACTED] stated there was a rifle in the house, but she believed the rifle was secure and that her dad did not have the rifle. [REDACTED] said her father would not hurt anyone.

The dispatcher asked [REDACTED] whether there were knives in the kitchen. [REDACTED] replied that there were knives, and then [REDACTED] said she heard glass breaking. [REDACTED] is then heard asking her sister [REDACTED] to come to her; [REDACTED] replied, "There is glass everywhere." [REDACTED] was breathing hard, and told dispatch she saw "blood on the floor" in the hallway, and said she heard a door slam. Scott Osler then started yelling in the background, and then yelling at [REDACTED] Scott had apparently come into the room where [REDACTED] was hiding, and asked [REDACTED] why she was in the closet and ordered her out of the closet. [REDACTED] apologized repeatedly to her father, and began to cry. Suzanne apparently followed her husband into the room, and Scott yelled at Suzanne something to the effect, "You started in," then began yelling at [REDACTED] essentially asking her to side with him in his argument with his wife.

He yelled at [REDACTED] "When I came home, what did your mother say?" [REDACTED] replied, "I don't remember." Scott then yelled, "You better remember right now!" Suzanne then started apologizing to Scott, apparently attempting to divert Scott's attention from [REDACTED] calmly saying, "I'm sorry." Scott replied, "You better fucking apologize, bitch!" He also yelled at Suzanne, his voice fading as he apparently left the area near [REDACTED] "You're a fucking cunt!"

[REDACTED] told dispatch she was scared and afraid her father might hurt her. [REDACTED] said, "Oh god," and said she just heard her father say he would hit his head into the wall and blame Suzanne for doing it. The dispatcher advised [REDACTED] there were two officers on scene, and told [REDACTED] to stay on the phone with him but to go to the officers. [REDACTED] refused, and said she would not leave the closet, saying "Please, don't make me." Suzanne was yelling in the background, and [REDACTED] then said she heard the kitchen drawer open and stated, "I hope it is not the one with the knife." More yelling occurred, as the dispatcher tried to calm [REDACTED] and keep her on the phone.

Fifty (50) seconds after [REDACTED] said she heard the kitchen drawer with the knife open, the sound of gunshots can be heard through the 911 call. Suzanne was screaming in the background, and [REDACTED] said she heard gunshots. She stayed on the phone with dispatch until a deputy arrived and escorted her from the room.

### **The Confrontation with Sheriff's Deputies**

The following information was obtained from separate interviews with Deputy Dave Sparks and Deputy Victor Medina, the two deputies involved in the confrontation with Scott Osler.

## Statement of Deputy Dave Sparks

On July 27, 2005, Deputy Dave Sparks conducted a walk-through of the confrontation with Scott Osler. The walk-through took place at 46 Watkins Way, Oakview, at approximately 4:00 a.m. The walk-through started at the top of the driveway and Deputy Sparks described his actions chronologically as he walked through the scene.

Deputy Sparks was working uniform patrol assigned to the Ojai/West County area. On the night of July 26, 2005, he and Deputy Medina (in separate patrol units) were dispatched to a domestic disturbance at 46 Watkins Way, Oakview. Deputy Sparks said dispatch advised a 12-year-old female reported her parents were fighting. In addition, dispatch informed Sparks and Medina that a rifle was inside the house, but it was not believed to be involved in the fight. Seconds later, dispatch advised the 12-year-old female saw blood on the floor inside the residence. Upon receiving the information about blood in the residence, Deputy Sparks said his awareness was heightened; he knew something was going on inside the house. Deputy Sparks arrived on scene shortly after Deputy Medina; both parked their patrol cars at the end of Watkins Way and approached 46 Watkins Way on foot.

Initially, Deputy Sparks stated that they had difficulty locating the residence because of its location at the foot of a long sloping driveway, tucked behind another house.



*46 Watkins Way at the top of the photograph*

However, Deputy Sparks recalled responding to this same residence approximately four to five years ago concerning a possible domestic disturbance. Eventually, they saw the numbers “46” on a pole and realized the residence was located at the bottom of the driveway, where they could see a large motor home, and the deputies started to walk towards the house.



*View down driveway to 46 Watkins Way*

From the top of the driveway, Deputy Sparks heard a male yelling in a loud and agitated voice. As

they got to the bottom of the driveway, Deputy Sparks saw the male suspect, Scott Osler, standing in front of the residence on the front porch.



*View of front porch of residence from bottom of driveway*

Deputies immediately shone their flashlights on Scott Osler and identified themselves as deputy sheriffs. Mr. Osler turned towards them and said, “I have a knife,” and began to walk towards the deputies at a brisk pace.

Deputy Sparks and Medina kept their flashlights on Mr. Osler. As he approached, they began walking backwards away from him. They immediately and repeatedly yelled at Mr. Osler to drop his knife. He responded, “Fuck you! You’re going to have to kill me! You’re going to have to kill! I have a knife!”

Because Mr. Osler was advancing on the deputies and not obeying their commands to drop the knife,



Deputy Sparks drew his service pistol and pointed it at Osler, placing his handheld flashlight into his rear pants' pocket and activating the flashlight on his pistol. Deputy Sparks never turned around or took his attention off of the advancing suspect. As Deputy Sparks was walking backward up the driveway, he saw a female standing at the front window of the residence. He was unable to tell if the female was inside or outside of the residence, but Deputy Sparks was concerned by her presence because Mr. Osler was walking in front of the window, placing the female in the direction of fire should they have to use lethal force.

As Mr. Osler continued to approach Deputies Sparks and Medina, they continued to step backwards in an attempt to maintain a reasonable distance between themselves and Osler. They repeatedly yelled at him to drop the knife, and Osler continued to hold the knife in front of himself, yelling at the deputies, "You're going to have to kill me!" Mr. Osler was walking faster toward the deputies than they were able to step backwards up the driveway. As they continued to move backwards, Osler was closing the distance. Deputy Sparks recalled contemplating other options, such as OC spray or a nightstick, but did not believe those options would subdue Mr. Osler because of the determined way with which he approached them. He kept getting closer, and continued to yell at the deputies that they would have to kill him. He was angry and would not back down.

Deputy Medina was approximately three feet in front and to the left of Deputy Sparks. When Mr. Osler got to within six to eight feet and still refused to drop the knife, Deputy Sparks felt intense fear that, because the suspect was getting closer and closer, one of the deputies – probably Victor Medina – would be stabbed. Deputy Sparks then shot Mr. Osler one time.



*View of location where shooting took place; knife visible in foreground*

Deputy Sparks attempted to fire a second shot, but his weapon malfunctioned. He immediately went through with a “malfunction drill,” during which he “racked his slide” to his weapon. Deputy Sparks was unsure if his weapon was functional so he “racked his slide” again and believed he ejected a live round. When his weapon was ready to fire again, Deputy Sparks saw Mr. Osler had fallen to the ground and so he did not shoot.

Deputy Sparks holstered his gun and placed handcuffs on Mr. Osler. Mr. Osler was conscious and talking. Deputy Sparks asked Mr. Osler why he would not stop and drop the knife, and Mr. Osler said something to the effect, “My wife was going to call the police . . . and I was not going back to

jail.” Deputy Sparks asked Mr. Osler, “Was your life worth it?” Mr. Osler replied, “Yeah.”

#### Statement of Deputy Victor Medina

On July 27, 2005, Deputy Victor Medina conducted a walk-through of the confrontation with Scott Osler. The walk-through took place at 46 Watkins Way, Oakview, at approximately 4:23 a.m. The walk-through started at the top of the driveway and Deputy Medina described his actions chronologically as he walked through the scene.

Deputy Medina stated that he was working patrol in Oakview when he and Deputy Sparks received a call regarding a “domestic” at 46 Watkins Way. Dispatch advised that a 12-year-old reporting party said her mother and father were yelling and screaming at each other. The 12-year-old also reported seeing blood on the floor in her hallway. Dispatch also advised there was a rifle in the house that was believed to be secured.

Deputy Medina responded and arrived in the area slightly before Deputy Sparks. Deputy Medina said he could not find the residence initially. He said he drove up Watkins Way and actually turned around directly in front of 46 Watkins Way. He parked his car down the street at the end of the east-west portion of Watkins Way, and Deputy Sparks arrived and parked next to Deputy Medina. The two of them walked west on Watkins until they found 46 Watkins Way.

Deputy Medina said he and Deputy Sparks began to walk down the driveway at 46 Watkins Way; Deputy Medina was walking to the left of Deputy Sparks. As they approached the house, Deputy

Medina heard a man and woman screaming. The female sounded as if she was crying. Deputy Medina could not understand what the male was saying; he could only hear the man yelling.

Deputy Medina had his flashlight in his hand but he was unsure if he had it turned on. He believed that he might have had the light covered so he could not be seen as he approached. As the deputies walked down the driveway, they got to a location where they could see the porch of the house. Deputy Medina saw a male subject wearing a yellow coat with reflectors, similar to a fireman's coat. At this point, Deputy Medina shined his flashlight on the male (Scott Osler).

Mr. Osler turned toward Deputies Medina and Sparks and started walking rapidly in their direction. As Mr. Osler stepped off the porch, Deputy Medina saw that Mr. Osler had something in his right hand. As Mr. Osler got closer, Deputy Medina saw that Mr. Osler was holding a knife in his right hand, estimated at seven inches long, brandishing it up above his shoulder and head. (The knife was actually 10 inches in overall length and had a blade length of just over five inches.)



*Knife wielded by suspect Scott Osler*

Deputy Medina said Mr. Osler was angry and began yelling. Deputies Medina and Sparks began identifying themselves, yelling, “Sheriff’s Department, drop the knife, drop the knife.” They began backing up the driveway away from Mr. Osler. Mr. Osler continued to walk at a fast pace toward Deputies Medina and Sparks. Deputy Medina began screaming at Mr. Osler, “Drop the knife! Sheriff’s Department, drop the knife!” and drew his gun, aiming it and his flashlight at Mr. Osler. Mr. Osler yelled back, “Go ahead and kill me. Kill me. Go ahead and shoot me.”

Deputy Medina began to feel fear as Mr. Osler continued to advance on him and Deputy Sparks and would not listen to their commands. Mr. Osler was closing in on them, and both deputies were still giving Mr. Osler commands to stop and drop the knife. Deputy Medina said he and Deputy Sparks

had retreated backward up the driveway and Mr. Osler was still advancing on them, holding the knife above his shoulder the entire time. Both deputies continued to scream for him to drop the knife.

When Mr. Osler had closed the gap to within approximately 8 to 12 feet from Deputy Medina, Mr. Osler lunged towards Deputy Medina with the knife. Deputy Medina believed the suspect was going to stab either himself or Deputy Sparks, and fired his weapon twice at suspect Scott Osler.

Deputy Medina saw the knife fall from Mr. Osler's hand as Mr. Osler fell to the ground, back and towards the wooden fence along the east side of the driveway.



The knife (visible in the above photograph, in the lower left quadrant on the driveway, next to evidence marker 4) was recovered from the location where Deputy Medina saw Mr. Osler drop it. Deputy Medina maintained cover as Deputy Sparks helped Mr. Osler roll over onto his stomach so that he could be handcuffed. Deputy Medina then put out a "shots fired" call on the radio, and called for paramedics. Deputy Medina stood by as paramedics arrived and began treating Mr. Osler.

Deputy Medina heard Mr. Osler say he was going to go see his brother in heaven. Deputies Medina and Sparks asked Mr. Osler why he made them do this. Mr. Osler replied that he was sorry. He heard Mr. Osler tell the paramedics that “it was not their fault, it was a suicide by cop.”

Deputy Medina stated that the events leading to the shooting were very fast. He estimated that the entire incident from the time they first saw Mr. Osler to the time they shot him was less than 20 seconds.

#### Other Witnesses

##### **Gina Gomez**

Gina Gomez was at her parents’ home on the night of the shooting. Her parents live in front of the Oslers at 52 Watkins Way. Ms. Gomez said that, between 9:00 and 9:30 p.m., she was in a guest bedroom of the residence on the second floor. The room has two windows; one window faces to the east, the other faces west and overlooks the front yard and a portion of the driveway to the Oslers’ residence. She was in the room with her baby and her boyfriend, Johnny Garcia.

Ms. Gomez heard yelling and banging sounds coming from the Oslers’ residence. She looked out the west window and saw Scott Osler on his porch, and heard him yelling, “I’m going to break the fucking window.” She told her boyfriend she thought there was going to be a fight outside, and then left the room for a while.

A short time later, Ms. Gomez saw a police car drive up and park down the street, and saw two

deputies walking down Watkins Way. She said it appeared the deputies were having a hard time finding the house, but they found and started walking down the driveway of 46 Watkins Way. She saw them through the front window of the bedroom as they approached. She then heard yelling. She wasn't sure what the deputies were yelling at first, but heard Scott Osler say, "Go ahead and shoot me, go ahead and shoot me," several times. She heard the deputies saying, "Step back," or "Get back," and heard Scott continue to say, "Shoot me, shoot me." She then heard three gunshots, and screaming. She was not sure who was screaming.

### **Johnny Garcia**

Johnny Garcia, Gina Gomez's boyfriend, separately recounted what he observed from that guest bedroom the night of the shooting. He recalled being in the bedroom with Gina, and heard a lot of shouting going on between Scott Osler and his wife. Mr. Garcia said he heard "stuff being thrown" and heard Scott Osler say, "Let me in, let me in." The commotion stopped for a while, and then the yelling began again. Mr. Garcia saw deputies arrive at the residence. He said it seemed like the deputies had a hard time finding the residence, so they parked their cars and approached on foot.

Mr. Garcia saw the deputies approaching with their flashlights, and heard Scott Osler start yelling at them. He watched out the window and saw Scott Osler yelling, "What, what," with his arms extended out to the sides, shoulder height. Mr. Garcia heard Scott Osler yelling that he "had a knife," and also heard him say something to the effect of, "Go ahead and shoot me, kill me." Mr. Garcia heard the officers say something similar to, "Put it down," or "stop." Mr. Garcia watched as Scott Osler walked toward the deputies. He heard the deputies tell Scott Osler to "Stop," to not "come any closer," and to "put down the weapon." Mr. Garcia said that Scott Osler continued to



approach them and was not “holding back at all.” Mr. Garcia lost sight of Scott Osler in the driveway because of tall trees blocking his view out the window. He did not see how close Mr. Osler got to the deputies, but Mr. Garcia then heard three shots fired. Shortly after the shots were fired, he saw paramedics and other deputies arrive.

### **Terry Gomez**

Terry Gomez lives at 52 Watkins Way, and is the mother of Gina Gomez. Terry Gomez said that, some time around 9:00 p.m. the night of July 26, 2005, she was sitting in her bedroom and she heard yelling and screaming. She said she couldn't hear the exact words at first, but it sounded like men forcefully saying something but she could not make out what was being said. She heard screaming in the background. She went to the south bedroom, where her daughter (Gina) and her daughter's boyfriend (Johnny Garcia) were staying, and she heard a male voice saying, “Get back, get back.” She then heard three gunshots and screaming.

### **Dennis Gomez**

Dennis Gomez, the husband of Terry Gomez, was also at home in his bedroom the evening of July 26, 2005, at around 9:00 p.m. Mr. Gomez heard his neighbor Scott Osler pounding on the front window of the Osler home, cursing, and saying “Open the door, open the door.” Mr. Gomez said that things got quiet for a few minutes, but then he heard Scott and Suzanne Osler arguing. He heard something that sounded like someone kicking an ice chest and the sounds of doors slamming. Mr. Gomez next heard Scott Osler arguing, but did not know with whom Scott Osler was arguing, and the sounds were too muffled to make out what was being said. Mr. Gomez then heard three gunshots.

After hearing gunshots, Mr. Gomez left his bedroom and went outside to his back yard and stood on his porch. Mr. Gomez's back porch faces the Oslers' driveway and front yard. He saw Scott Osler yelling at paramedics and deputies who were there on the scene. Mr. Gomez heard Scott Osler say something to the effect, "No, no, it was not the policeman's fault, it was all me." Mr. Gomez also heard Scott Osler say, "It's all me, it's all me," and something like, "it was a suicide attempt," or a "murder suicide." Scott Osler also said, "I think I'm dying, I think I'm dying," and said he loved his children. Mr. Gomez said that Scott Osler was yelling out to his daughters that he loved them.

### **Marlene Gilbert**

Neighbor Marlene Gilbert, who resides at 54 Watkins Way, heard Scott Osler and "a woman" arguing some time after 9:00 p.m. She heard them screaming back and forth, and heard Scott say, "I work hard all day long!" Ms. Gilbert later heard the gunshots and looked out her window. She saw Scott Osler lying on the ground and what she thought were three police officers talking to Scott. One of the officers said, "Why did you do that?" to which Scott replied, "My wife made me do that." Ms. Gilbert could not recall anything else that was said.

### **Jean Torres**

Neighbor Jean Torres, who resides at 50 Watkins Way, heard an argument outside her home some time between 9:00 and 9:30 p.m. She also thought she heard someone banging on a window and recognized the voice belonging to her neighbor, Scott Osler. She heard him say, "Open the window," or "open the door," but didn't hear anything else being said. About 15 minutes later, she heard the arguing start back up and heard three gunshots.

Sheriff's deputies canvassed the neighborhood to locate additional witnesses. Although many residents heard the gunshots, none saw anything with regards to the confrontation.

### Additional Information

Paramedics and firefighters who arrived on scene to treat Mr. Osler were contacted and interviewed by Sheriff's detectives.

### **Eric Norris**

Firefighter Eric Norris is assigned to Ventura County Fire Department, Station 23, in Oakview. He was one of the first to arrive on scene and provide medical assistance to suspect Scott Osler. Eric Norris cut off Mr. Osler's clothing and treated Mr. Osler until paramedics arrived. Mr. Osler was conscious and talking. Although Firefighter Norris could not remember specific words said, he heard Scott Osler say something about "suicide by cop." Eric Norris heard Scott Osler twice say that the shooting was his fault, not the deputies' fault.

### **Chuck Dominguez**

Life Line Ambulance Paramedic Chuck Dominguez also responded to 46 Watkins Way the night of the shooting and rendered medical assistance to Scott Osler. As Paramedic Dominguez examined the bullet wounds in Scott Osler's chest, Mr. Osler told Paramedic Dominguez, "These guys are not to blame. It's suicide by cop. These guys are not to blame." Paramedic Dominguez said that Scott Osler used the exact words, "suicide by cop," and Scott Osler also made another statement similar to,

“I gave them no choice.”

As Paramedic Dominguez was treating Mr. Osler, he also heard Deputies Sparks and Medina telling firefighters, paramedics, and other deputies to “be careful where they walk” and to “not touch” certain items on the ground. They also put up crime scene tape and circled objects on the ground with chalk. It appeared to Paramedic Dominguez that the deputies were doing their job securing the scene.

Physical Evidence

Along the driveway where the shooting occurred, two .40 caliber shell casings and one .45 caliber shell casing were recovered:



One live .45 caliber round was also found in the driveway, near the area where the shooting occurred:



A .45 caliber expended bullet was found several yards from the body near a wheelbarrow which was leaned up against the low fence separating the driveway from the front yard.



Broken glass and numerous bloodstains were present inside the Oslers' house:



The knife wielded by suspect Scott Osler was recovered on the driveway, as described above.

### **Autopsy**

Assistant Medical Examiner Dr. Janice G. Frank performed an autopsy on Mr. Osler on July 27, 2005, at 8:30 a.m. At the conclusion of the autopsy, Dr. Frank determined the cause of Mr. Osler's death to be due to gunshot wounds to the abdomen, the manner of death was homicide. Mr. Osler had three gunshot wounds; two on the right side of his chest below the nipple line, and one on his buttock.

Gunshot wound no. 1 entered the abdomen in the right upper quadrant. The bullet traveled through the liver, perforated the right kidney, and exited out the lower flank/back. (This bullet was likely the one recovered several yards from the body near a wheelbarrow which was leaned up against the low fence separating the driveway from the front yard, in the above photograph.)

Gunshot wound no. 2 entered the right chest, grazed the ribs, perforated the right and left lobes of the liver, perforated the stomach and spleen, perforated the left posterior diaphragm, the lower lobe of the left lung, and the left posterolateral tenth rib. This bullet did not exit the body, and was recovered at autopsy.

Gunshot wound no. 3 entered at the left lower lateral buttock, perforated the soft tissue and pelvis adjacent to the hip joint, and did not exit. This bullet was also recovered at the autopsy.

Mr. Osler also had fresh superficial lacerations to the knuckles of his left hand.

Mr. Osler's blood serum contained 0.14 percent ethyl alcohol. No other narcotics were present in his blood, although the test for cannabinoids (marijuana derivative) was inconclusive due to insufficient volume for confirmatory testing.

### **Ballistics**

Deputy Dave Sparks was using a .45 Auto caliber Sig Sauer P220 ST semi-automatic pistol. Deputy Victor Medina was using a .40 S&W caliber, Sig Sauer P226 semi-automatic pistol. Both pistols, all shell casings, expended rounds, and live rounds were submitted to the Ventura County Sheriff's Crime Laboratory for analysis.

#### Deputy Spark's .45 Auto caliber Sig Sauer P220 ST

The expended bullet found on the driveway by the wheelbarrow was a .45 Auto caliber, Speer "Gold Dot" projectile. Analysis showed it was fired by the .45 Auto caliber Sig Sauer P220 ST being used by Deputy Dave Sparks. This was likely the gunshot that entered Mr. Osler's right chest and exited his right rear flank.

The .45 Auto caliber Speer "Gold Dot" live cartridge collected from the driveway was identical in type and make to the remaining rounds from Deputy Dave Spark's .45 Auto caliber Sig Sauer P220 ST. No firing pin impression was observed on the live primer of the round, thus this round was



likely ejected onto the driveway when Deputy Sparks detected a malfunction in his pistol and manually cycled his weapon.

One of the three discharged cartridge cases was a .45 Auto caliber. It was positively identified as having been fired from Deputy Spark's .45 Auto caliber, Sig Sauer P220 ST. This was likely the casing from the first round fired by Deputy Sparks that went through Mr. Osler's chest and was recovered by the wheelbarrow at the scene.

#### Deputy Medina's .40 S&W caliber, Sig Sauer P226

Both expended bullets collected during the autopsy from the body of Mr. Osler were .40 S&W caliber, Speer "Gold Dot" projectiles. Both were positively identified as having been fired from the .40 S&W caliber, Sig Sauer P226 semi-automatic pistol being used by Deputy Victor Medina.

The remaining two discharged cartridge cases from the scene were .40 S&W caliber. They were positively identified as having been fired from Deputy Medina's .40 S&W caliber, Sig Sauer P226, and were likely the expended cartridges from the two shots Deputy Medina fired into suspect Scott Osler.

### **LEGAL PRINCIPLES**

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of excusable and justifiable homicide, which are lawful.

The shooting of another person in self-defense or in the defense of others is justifiable and lawful.

The law of self-defense and the defense of others was codified in 1872 and has remained substantially unchanged since then. It is found in Penal Code sections 197 through 199. It requires that the user of deadly force honestly believe that he or someone else is in imminent and deadly peril, and that a reasonable person in the same circumstances would believe the same and would deem it necessary to use deadly force in order to protect against such peril.

In determining whether a person acting in self-defense, or in the defense of others, acted properly upon the appearance of danger, the law recognizes that a person experiencing a stressful event is not able to reflect upon his actions and the perceived threat against him or others to the same degree as a person who is not being confronted by an emergency situation. When police officers encounter potential threats of deadly attack, the warning is often instantaneous and the danger immediate. The law recognizes this situation: “Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal. App. 2d 575, 589. The officer may and must make his often instantaneous decision based upon appearances of danger and not its actual existence. “He may act upon such appearances with safety and if without default or carelessness, he is misled concerning them and defends himself correctly according to what he supposes the fact to be, his act is justifiable . . .” *People v. Collins*, supra, at 588. See also CALJIC 5.51.

The law provides that actual danger is not necessary to justify the exercise of self-defense. Thus, the right to self-defense is the same whether the danger is real or merely apparent. *People v. Jackson* (1965) 233 Cal. App. 2d 639, 641-42. The honest and reasonable perceptions of the person using the force are paramount - not the facts as later determined by others. See *People v. Clark* (1982) 130 Cal. App. 3d 371, 377.

## **ANALYSIS**

The primary question that must be answered is: Did Deputies Sparks and Medina reasonably believe that either he or his fellow deputy was in imminent danger of great bodily injury or death from Scott Osler at the time they fired the shots that struck Mr. Osler? If Deputies Medina and Sparks each had such a state of mind at the moment they shot, both deputies' use of deadly force was justified under the law. That question can be conclusively answered because Deputies Sparks and Medina both voluntarily answered questions about the shooting and their states of mind at the time each one shot, and the surrounding circumstantial evidence shows that their beliefs in imminent danger of great bodily injury or death were reasonable.

Both Deputy Sparks and Deputy Medina describe feeling fear of imminent injury or death from the knife-wielding suspect. Suspect Osler was not obeying commands to stop or to drop his knife, and he was rapidly closing in on both deputies with a 10-knife in his hand. Both deputies identified themselves as being members of the Sheriff's Department, gave repeated orders at volume loud enough for neighbors inside their homes to hear their voices, and yet Mr. Osler continued his assault.

The deputies attempted to diffuse the situation, backing up the driveway away from Mr. Osler, but he came after them without hesitation and got so close to the deputies that he was within striking distance with his kitchen knife. Based on their statements, they felt legitimate fear from Mr. Osler's attack.

Surrounding facts and the statements and observations of other witnesses corroborate the accuracy of both deputies' statements as well as show the reasonableness of both deputies' fear.

On July 26, 2005, sheriff's deputies went to the Osler residence in response to [REDACTED] and [REDACTED] Osler's 911 call. During [REDACTED] call, she told the Sheriff's dispatcher that her mother and father were fighting, and that her dad had said to her mom that if the cops came, he would stab them. [REDACTED] said there was broken glass in the house and blood on the floor, and she also told the dispatcher that there was a rifle downstairs, although [REDACTED] believed the gun was secure. Most of this information was passed on to the deputies as they were en route to the Osler residence.<sup>1</sup> The information passed on by dispatch alerted the deputies that they were responding to a volatile situation, where someone had already been injured and was bleeding; the deputies' awareness that this was a dangerous situation was heightened.

When the deputies arrived outside the Osler residence, they were immediately confronted by a knife-

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<sup>1</sup> Note: dispatch did **not** advise to either deputy that 12-year-old [REDACTED] said her father warned if the cops came, he was going to stab them. Thus, the deputies were not pre-disposed to believe lethal force was necessary. From an officer-safety perspective, this would have been beneficial for them to know; nonetheless, the statement is further evidence of Mr. Osler's intent to harm the deputies as he approached them upon their arrival, and thus further proof of the reasonableness of the deputies' belief in their need to defend themselves with lethal force.

wielding Mr. Osler. The knife that Mr. Osler held was readily identified a weapon capable of inflicting serious injury or death; had Mr. Osler successfully stabbed either deputy with a 10-inch knife with a 5-inch blade, the deputy may have been gravely injured or killed.

By all accounts, including Suzanne Osler's view from the bedroom window, both deputies repeatedly ordered Mr. Osler to drop the knife, both deputies began backing up the driveway away from Mr. Osler, and Mr. Osler kept advancing, closing the distance between him and the deputies. All available information shows the deputies were within 20 feet of Mr. Osler when they employed lethal force. Deputies are trained in the academy that an officer does not have sufficient time to draw and fire his gun in self-defense if he is closer than 21 feet to a knife-wielding suspect who starts to charge.

Both deputies, witness Johnny Garcia, and Suzanne Osler stated that when Mr. Osler started walking towards the deputies, he never stopped or slowed down. Johnny Garcia corroborates Deputy Medina's description of Mr. Osler holding his arms out at shoulder height; Mr. Osler was poised to stab from this position. Gina Gomez, Johnny Garcia, Suzanne Osler, and both deputies heard Mr. Osler yelling at the deputies some derivation of, "Fuck you, you're gonna have to kill me," "You're gonna have to kill me," "Shoot me, shoot me," or "Kill me;" these statements by Mr. Osler show that he was intentionally forcing the situation to escalate to the point where lethal force would have to be used. Additionally, Mr. Osler's statements to firefighters and paramedics after the shooting are perhaps most telling of what his intentions were; he stated, "Don't blame the cops. It was suicide by cop." Mr. Osler's comments, although tragic in their implication that he intentionally used two

deputies to put an end to whatever problems he felt burdened him, show his intention was to end his life by forcing a deadly confrontation with the deputies who responded to his house that night.

It is the conclusion of the Ventura County District Attorney's Office that Deputy Sparks and Deputy Medina's beliefs that their lives were in danger was entirely reasonable, based on the information they had received coupled with Mr. Osler's actions. Any other person in the same situation would have thought likewise. Because Mr. Osler's act of advancing with a brandished knife put Deputy Sparks and Deputy Medina's lives in immediate danger, both deputies were legally entitled to act upon their perceptions to defend themselves from deadly force.

## **CONCLUSION**

The purpose of this report is to determine if Deputy Dave Sparks and Deputy Victor Medina were justified in using deadly force in defending themselves against the aggressive acts of Scott Osler. The facts of the incident are not in dispute. The chain of events that led to the shooting was set into motion by the deceased. Deputies Sparks and Medina were fulfilling their duty to respond to a volatile domestic violence incident prompted by a 911 call from frightened children. If Scott Osler had obeyed the lawful orders of Deputies Sparks and Medina to drop his knife as he advanced on them, the deputies would not have been put in a position where their lives were threatened. If Scott Osler had not advanced on the deputies with the knife, the deputies would not have needed to use deadly force to protect themselves.

These facts clearly placed each deputy, as they would any reasonable person, in fear for his own life and the life of his partner. Dave Sparks and Victor Medina's use of deadly force was justifiable under the facts and the laws of the State of California.