

OFFICE OF THE DISTRICT ATTORNEY

May 28, 2024



REPORT ON THE MARCH 12, 2023,
SHOOTING OF ADAM BARCENAS
BY
OXNARD POLICE DEPARTMENT
OFFICER SHAYN SCHWARTZ

ERIK NASARENKO
DISTRICT ATTORNEY
COUNTY OF VENTURA

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I.

INTRODUCTION

On March 12, 2023, at approximately 4:57 a.m., Oxnard Police Department Officer Shayn Schwartz, who was working uniformed patrol in Oxnard, conducted a traffic stop on a vehicle on Fourth Street at "A" Street. Oxnard Police Department Officer Bryce Parker and Officer Alexis Santos responded to assist and remained on scene as the traffic stop was elevated to a driving under the influence (DUI) investigation.

At approximately 5:59 a.m., Officer Santos, who was standing by with the suspected DUI driver Kevin Mireles, heard yelling coming from her left. She turned to see an unknown male, later identified as Adam Barcenas, running in her direction yelling, "Fuck pigs," and "I hate pigs," while holding a five-foot-long steel pole over his shoulder like a baseball bat.

When she saw Barcenas, Officer Santos directed Mireles out of the way, drew her taser, and positioned herself between the two vehicles behind her. During this time, Officer Schwartz and Officer Parker were near the back of Officer Santos' patrol vehicle. They heard the yelling and saw Barcenas running towards Officer Santos and Mireles with a steel pole over his shoulder. Officer Schwartz and Officer Parker responded by drawing their department-issued firearms and running in Officer Santos' direction.

Barcenas ultimately ran past Officer Santos and towards Officer Parker and Officer Schwartz, who were now near the front of Officer Santos' patrol unit, still holding the steel pole. As Barcenas continued to advance, both Officer Schwartz and Officer Parker instructed Barcenas to put the pole down several times. Barcenas refused to comply.

As Barcenas closed the distance, he quickly changed his direction and attention to Officer Schwartz who was standing with his back against a patrol vehicle. As Officer Schwartz ordered Barcenas to drop the pole for the last time, Barcenas began running at him. Barcenas got within 10 feet of Officer Schwartz with the pole raised over

his shoulder in a ready-to-strike position when Officer Schwartz fired four shots. Three of the four shots hit Barcenas causing him to fall to the ground. Officer Santos fired her taser nearly simultaneously. Officer Parker did not fire his firearm or deploy his taser. The entire interaction with Barcenas unfolded within approximately 12 seconds.

Officer Schwartz immediately notified dispatch of the shooting and requested help. He instructed Barcenas to turn onto his stomach. When Barcenas did not comply, Officer Schwartz approached and kicked away the pole that was now on the ground next to Barcenas. Officer Parker began searching Barcenas for any additional weapons. Officer Santos detained Barcenas in handcuffs for the officers' safety. Once Barcenas was secured in handcuffs, Officer Santos and Officer Parker searched his body for injuries and began applying pressure to his wounds. As Officer Santos and Officer Parker rendered aid, Officer Schwartz advised dispatch to inform any law enforcement units responding that officers were okay and ask them to slow down due to the inclement weather conditions.

Additional law enforcement units, including Officer James Kitka, arrived to assist. Officer Kitka and the other officers cut off Barcenas' pants to obtain a better visual of his injuries, and packed his wounds until medical responders arrived. Barcenas was conscious and breathing on scene but his condition quickly deteriorated as he was transported to the hospital. He was declared deceased at the hospital.

The District Attorney's Office has a 24-hour, on-call, officer-involved shooting team available to all Ventura County law enforcement agencies to assist in the investigation of officer-involved shootings. Once the District Attorney's Office was notified of the shooting, District Attorney Investigators Corina Wondoloski and Dan Horan responded to the scene along with Deputy District Attorney Stephanie Leija.

The Oxnard Police Department (OPD) investigated the shooting, which included interviewing witnesses, collecting physical evidence, and photographing the area of the shooting.

On August 31, 2023, all OPD investigation reports were submitted to the District Attorney's Office for a determination of whether the shooting of Adam Barcenas was justified and, if not, whether criminal charges should be filed. The scope of the District Attorney's review was limited to those issues.

Deputy District Attorney Leija was assigned to review this case. She examined approximately 1,050 pages of reports and other documents including interviews of police and civilian witnesses, diagrams, photographs, and records. She also watched approximately four hours of body-worn camera video and listened to approximately 3 hours 45 minutes of audio interviews.

Based on the evidence available for review, the District Attorney's Office's independent investigation and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Adam Barcenas by OPD Officer Shayn Schwartz was justified and not a criminal act.

II.

STATEMENT OF FACTS

A. Body-Worn Camera Video of Incident

OPD Officer Schwartz, Officer Parker, and Officer Santos were each wearing body-worn cameras and actively recording at the time of the shooting. The entire encounter between the officers and Barcenas was captured on all three body-worn camera videos.

1. Officer Shayn Schwartz Body-Worn Camera Video

Officer Schwartz's body-worn camera activated at approximately 4:58 a.m. as he was conducting a traffic stop on Kevin Mireles' vehicle. In the video, Officer Schwartz parked directly behind Mireles' vehicle and asked Mireles to roll down his windows before approaching the driver side door. Mireles exited his vehicle and asked Officer Schwartz if he spoke Spanish. Officer Schwartz instructed him to return to the

vehicle and requested an additional officer and Spanish speaker through dispatch. Officer Santos and Officer Parker were among several officers who arrived to assist. At approximately 5:59 a.m., Officer Schwartz, Officer Santos and Officer Parker are the only officers remaining on scene. Officer Schwartz can be seen on the video walking eastbound towards Officer Parker's patrol vehicle. Approximately 10 seconds later, as Officer Schwartz approached Officer Parker, Officer Parker looked straight past Officer Schwartz which prompted Officer Schwartz to turn around. Officer Schwartz began moving towards Mireles and Officer Santos, and drew his firearm. Both he and Officer Parker took a position at the rear of Officer Schwartz's patrol vehicle. At this point in the video, Mireles ran towards Officer Schwartz and Officer Parker for protection.

As Mireles ran between Officer Parker and Officer Schwartz, Barcenas continued to follow. Both Officer Schwartz and Officer Parker ordered Barcenas to "put it down" twice. As Officer Schwartz attempted to order Barcenas to put the pole down for a third time, Barcenas stopped running, turned in Officer Schwartz's direction and began running at him. Officer Schwartz fired one round, briefly paused, and fired three rounds in rapid succession which caused Barcenas to collapse to the ground. Officer Schwartz immediately advised dispatch of the shooting and requested help. Officer Schwartz kept his gun drawn on Barcenas, but fired no additional shots.

Officer Schwartz ordered Barcenas to turn onto his stomach. When Barcenas failed to comply, Officer Parker stepped in and began searching Barcenas for additional weapons and Officer Santos detained Barcenas in handcuffs. When Barcenas was in handcuffs, Officer Santos and Officer Parker began rendering aid. While this happened, Officer Schwartz advised dispatch to inform any law enforcement units responding that officers were okay and asked them to slow down. Additional officers arrived on scene and began rendering aid until paramedics arrived.

2. Officer Alexis Santos Body-Worn Camera Video

Officer Santos' body-worn camera activated at approximately 5:04 a.m. when she arrived to assist Officer Schwartz with his investigation. Upon arrival, Officer Santos parked directly behind Officer Schwartz's patrol vehicle which was parked directly behind Mireles' vehicle. At approximately 5:59 a.m., Officer Santos stood on the sidewalk with Mireles at the rear of his vehicle. Officer Parker and Officer Schwartz were not in view. Approximately 50 seconds later, Barcenas can be heard yelling, "Fucking pigs." Barcenas ran on the north sidewalk eastbound in her direction with a steel pole in his hands. As he continued to advance, Barcenas yelled, "I hate pigs. Come on, I hate pigs. I hate you."



Still image from Officer Santos' body-worn camera shows Barcenas running towards Officer Santos while holding the steel pole with both hands over his right shoulder.

Officer Santos reacted by telling Mireles to "get back." She drew her taser and positioned herself between Mireles' vehicle and Officer Schwartz's patrol vehicle behind her. Mireles proceeded to walk quickly east on the sidewalk away from Barcenas. As Mireles walked away, Barcenas continued running in his direction, past Officer Santos, with the pole in his hands. Officer Santos positioned herself again on the north sidewalk several yards behind Barcenas with her taser drawn.



Another still image from Officer Santos' body-worn camera shows Barcenas running past Officer Santos and towards Kevin Mireles while holding the pole with both hands over his right shoulder.

When Mireles reached a point of safety near Officer Parker and Officer Schwartz, who were positioned near the rear of Officer Schwartz's patrol vehicle, Officer Schwartz and Officer Parker yelled at Barcenas to "put it down." Officer Parker stood between the rear of Officer Schwartz's patrol vehicle and the front of Officer Santos' patrol vehicle with a weapon drawn. Officer Schwartz stood with his back against the rear panel of his patrol vehicle with a weapon drawn. Several red and green taser lights were visible on the right side of Barcenas' body.

Officers ordered Barcenas to put down the pole but he continued advancing. Barcenas slowed, almost to a stop, turned in Officer Schwartz's direction, and began running at him holding the pole with both hands and raised it over his right shoulder. Officer Schwartz fired four rounds at Barcenas. Officer Santos deployed her taser simultaneously. Barcenas collapsed to the ground.



Still images from Officer Santos' body-worn camera show Barcenas running towards Officer Schwartz while holding the pole with both hands. The image above shows the distance between Barcenas and Officer Schwartz at the time of the first shot. The image below shows the distance between Barcenas and Officer Schwartz at the time of the second shot, showing Barcenas continued advancing on Officer Schwartz.



Immediately after the shooting, Officer Santos moved back to a position between the two vehicles and informed dispatch of the shooting. Officer Schwartz gave Barcenas orders to roll over on his stomach. When Barcenas did not comply, Officer Schwartz and Officer Parker approached. Officer Schwartz kicked away the pole which was now on the ground next to Barcenas. Officer Santos and Officer Parker put on gloves and Officer Santos detained Barcenas in handcuffs. Barcenas was conscious and breathing although he was not responding to officers. Once detained, several officers arrived and began rendering aid until medical responders arrived and took over.

3. Officer Bryce Parker Body-Worn Camera Video

Officer Parker's body-worn camera activated at approximately 5:27 a.m. when he arrived to assist Officer Schwartz with his investigation. At approximately 5:59 a.m., Officer Parker walked to the rear of his patrol vehicle. Approximately 50 seconds later, Officer Parker walked west towards Officer Schwartz while Barcenas yelled in the background. Barcenas came into view, as he held a steel pole with both hands over his right shoulder. Officer Parker unholstered his OPD-issued firearm and ran westbound towards Barcenas. Officer Parker positioned himself on the north sidewalk between Officer Santos' and Officer Schwartz's patrol vehicles at which point he holstered his firearm and drew his taser. Officer Parker and Officer Schwartz instructed Barcenas to put the pole down twice. Despite their commands, Barcenas continued running at the officers carrying the pole with both hands over his shoulder. As Officer Schwartz ordered Barcenas to drop the pole for a third time, he fired his gun four times. Officer Parker never deployed his taser. In the video, as Barcenas turned to target Officer Schwartz, Officer Schwartz appeared to try to move backwards but his back was pushed against his patrol vehicle.

Following the shooting, Officer Schwartz advised dispatch of the shooting and ordered Barcenas to roll onto his stomach. Officer Schwartz approached Barcenas with his gun still drawn and kicked away the pole that was positioned next to Barcenas on the sidewalk. Officer Parker searched Barcenas and Officer Santos placed him in handcuffs. Officer Parker and Officer Santos began identifying Barcenas' wounds. Other officers and medical personnel arrived and took over medical care.

B. Witness Statements

Numerous individuals were interviewed, including the involved officers, medical personnel, and civilian witnesses. Summaries of the most pertinent witness statements are set forth below.

1. Officer Shayn Schwartz

Officer Schwartz submitted to a voluntary interview with detectives regarding the shooting. At the time of the shooting, Officer Schwartz had been a police officer with OPD for approximately 11 months. Prior to joining OPD, he worked for the Burbank Police Department for four years as a police officer where he also served on the department's crisis negotiation team. Prior to that, he worked for the University of Southern California Department of Public Safety as a police officer for approximately one year.

On March 12, 2023, Officer Schwartz was working a 12-hour overnight patrol shift. He slept for approximately five to six hours prior to starting his shift, which was a normal amount of sleep for him on a workday. Officer Schwartz was wearing his full OPD uniform and was driving a marked patrol vehicle. He was armed with his OPD-issued Sig Sauer 9mm semiautomatic handgun, OC Spray, a collapsible baton, and a taser.

Just before 5:00 a.m., Officer Schwartz conducted a traffic stop on a vehicle on Fourth Street at "A" Street, in Oxnard. The vehicle yielded at the north sidewalk on Fourth Street. Due to a language barrier, Officer Schwartz requested a Spanish-speaking officer. Officer Santos and Officer Parker arrived to assist. At the time of the stop, Officer Schwartz had activated his patrol vehicle's forward facing red and blue lights and the spot lamp on the vehicle.

Upon contacting the suspected driver, Kevin Mireles, Officer Schwartz began a DUI investigation on the north sidewalk. Officer Santos assisted with translation and Officer Parker assisted with the breath-alcohol testing device.

Three civilians who were friends and family of the subjects involved in the investigation also arrived on scene. There was a total of five civilians, including the driver and passenger in the involved vehicle, on scene at the time of the shooting.

Officer Schwartz was nearing the end of his DUI investigation when his contact with Barcenas occurred. After determining that Mireles was driving under the influence, Officer Schwartz walked from the passenger side of his patrol vehicle east towards Officer Parker's patrol vehicle to ask Officer Parker to complete a form. While walking towards Officer Parker, Officer Schwartz noticed a weird look on Officer Parker's face and heard him say something to the effect of, "What's going on?" This prompted Officer Schwartz to turn around. As he looked over the hood of Officer Santos' patrol vehicle, he saw a large metal pole being swung near Mireles and Officer Santos. At this moment, Officer Schwartz became worried for his partners and the civilians on scene. He immediately recognized that the pole could be used as a deadly weapon.

Officer Schwartz reacted by drawing his department-issued firearm and moving west towards the area where he saw the pole being wielded. There, he saw a male, later identified as Adam Barcenas, holding a five-foot metal pole in his hands on the north sidewalk on Fourth Street. As Officer Schwartz moved closer, he saw Barcenas running eastbound, and crossed into the grass area next to the north sidewalk. Officer Schwartz described Barcenas holding the metal pole with both hands over his shoulder like a baseball bat.

Officer Schwartz recognized that the pole was similar to that of a street sign pole, made of steel, and approximately five feet long and two inches wide. He said Barcenas appeared to be staring at Mireles.

As Barcenas got closer, Officer Schwartz noticed Barcenas running towards Officer Parker, who was standing approximately eight feet to his right. Officer Schwartz believed that Barcenas was going to strike him or the others on scene with the pole, and expected that the strike would cause great bodily injury, if not death. He instructed Barcenas to put the pole down two times but Barcenas did not comply. As he attempted to direct Barcenas to put the pole down a third time, Barcenas changed his direction and began running towards Officer Schwartz. Officer Schwartz explained that in that moment, Barcenas stopped running, turned in his direction, made direct eye contact and

began running at him. Officer Schwartz said that Barcenas appeared to raise the pole higher as if he was going to strike.

Barcenas was clearly agitated and angry which made Officer Schwartz fear for his life and the lives of others on scene. Officer Schwartz genuinely believed that Barcenas was running at him to kill him so he fired his firearm four times. Officer Schwartz believed that if he had not used deadly force, Barcenas would have struck him over the head with the pole causing great bodily injury, if not death.

Officer Schwartz recalled firing his first shot and seeing Barcenas still running in his direction. In response, he fired three more times in rapid succession. After the fourth shot, Barcenas fell to the ground. Officer Schwartz explained that he was aiming for Barcenas' lower mid-section and legs because he was concerned that he may miss Barcenas and inadvertently strike someone behind him. Because the incident unraveled so quickly, Officer Schwartz did not have the opportunity to aim using the sights on his firearm.

After the shooting, Officer Schwartz took cover behind a patrol vehicle. He maintained visual of Barcenas and informed dispatch of the shooting. He holstered his firearm and removed himself from the situation in accordance with his training. Officer Santos and Officer Parker stepped in to provide first aid. Other officers arrived and began assisting in rendering aid. When the other officers arrived, Officer Schwartz retrieved his medical bag for them to use.

While Officer Santos and Officer Parker were rendering aid, Officer Schwartz recalled telling officers over the radio that he was okay and asking them to slow down.

Officer Schwartz explained that he knew officers would be responding quickly with lights and sirens due to the nature of the dispatch. He was concerned for their safety because it had been raining and the streets were wet. Officer Schwartz knew of a similar situation at a previous agency where officers responded too quickly to a "shots fired" call and were injured on the way. He wanted to prevent that from happening here.

Officer Schwartz made clear that his request for officers to slow down was not directed at medical responders, only those responding officers on the police radio frequency.

During the interview, Officer Schwartz discussed his reasons for using deadly force. He considered using other force options but found them to be inappropriate under the circumstances. He explained that OC Spray could have temporarily blinded the suspect but it would not have prevented him from swinging the pole and inflicting great bodily injury, or death. He explained that the baton was inappropriate because it was significantly shorter than the five-foot pole and he might still have been gravely injured. He was concerned that under the circumstances the taser may not be effective so he opted to draw his firearm. He kept his firearm drawn because he recognized that his partners both had tasers drawn. Officer Schwartz was trained that it is best to have different use of force options present during an incident in the event that one option fails.

Officer Schwartz described the incident as an ambush and said everyone on scene was in imminent danger.

2. Officer Alexis Santos

Officer Santos submitted to a voluntary interview with detectives regarding the shooting. Officer Santos had been a police officer with OPD for approximately three years at the time of the shooting. On March 12, 2023, she was working a 12-hour overnight patrol shift. Officer Santos was wearing her full OPD uniform and was driving a marked patrol vehicle. She was armed with her OPD-issued Sig Sauer 9mm semiautomatic handgun, taser, OC spray and collapsible baton. She also carried an OPD-issued shotgun on a mounted shotgun rack in her patrol vehicle. At some point during her shift, Officer Santos removed her baton from her duty belt for comfort while working on reports in her patrol vehicle. She did not reattach it prior to exiting her patrol vehicle to assist Officer Schwartz with his investigation.

Officer Santos recalled responding to Officer Schwartz's request for a Spanish-speaking officer. When she arrived, she parked her patrol vehicle behind Officer Schwartz's patrol vehicle. She assisted in the investigation by providing translation for Officer Schwartz. Near the end of the DUI investigation, Officer Santos was standing by on the north sidewalk with Mireles while Officer Schwartz returned to his patrol vehicle. While

speaking with Mireles, Officer Santos heard something to her left. When she turned, she saw Barcenas carrying an object, approximately five feet long, in his hands. She reacted by drawing her taser. She recalled telling Mireles to get back because she was concerned for his safety. At this time, she heard Barcenas yell, “I hate you pig, fuck you pigs,” as he ran aggressively at her partners, who were positioned several feet to her right, with what she now realized was a metal pole. Officer Santos described Barcenas holding the pole like a baseball bat, in a position from which she believed Barcenas could use it to kill or cause great bodily injury. Officer Santos was scared that Barcenas would hurt her partners with the metal pole.

While her taser was drawn, Officer Santos began manipulating it to switch from close to wide spread to ensure that Barcenas was hit when she fired. She felt that she needed to tase Barcenas because he was running at her partners aggressively as if he were going to hurt them. As she was manipulating her taser, she heard Officer Schwartz order Barcenas to put the pole down multiple times but did not see Barcenas respond. Barcenas came within 10 feet of Officer Schwartz when she and Officer Schwartz fired.

Immediately after the shooting, Officer Santos attempted to inform dispatch of the shots fired, but the transmission did not go through. She later requested medical services to respond.

After the shooting, Officer Santos paused to see if Barcenas was going to get up and attack before she rushed to render first aid. Officer Santos placed her finger into one of his bullet wounds in an attempt to stop the bleeding. While providing medical aid, Officer Santos realized the subject was Barcenas and recalled contacting him a few days prior. She went on to describe an incident from her shift on March 9, 2023, that will be explained in more detail in Section II, Subsection C of this report.

Based on Barcenas’ aggressive demeanor, the statements he made about hating police, and manner that he was wielding the metal pole, Officer Santos believed Barcenas had the present ability, opportunity, and apparent intent to cause her and her partners great bodily injury, or death.

3. Officer Bryce Parker

Officer Parker submitted to a voluntary interview with detectives regarding the shooting. Officer Bryce Parker had been a police officer with OPD for approximately 11 months at the time of the shooting. Prior to working with OPD, Officer Parker was a deputy at the Los Angeles County Sheriff's Department for almost four years. On March 12, 2023, Officer Parker was assigned to work a 12-hour patrol shift. Officer Parker was wearing his full OPD uniform that day and was driving a marked patrol vehicle. He was armed with his OPD-issued Sig Sauer 9mm semiautomatic handgun, taser, OC spray and collapsible baton.

Officer Parker recalled responding to Officer Schwartz's request for an additional unit on a traffic stop at Fourth Street and "A" Street. When he arrived, Officer Parker observed three patrol vehicles on scene. Officer Parker parked his patrol vehicle behind the third patrol vehicle on scene.

Officer Parker recalled Officer Schwartz asking for a preliminary alcohol screening device, also known as a PAS or EPAS. Because no one on scene had the device, Officer Parker drove to the OPD station, retrieved the device, and returned to the scene, parking in the same spot. Officer Parker explained that the officer driving the third vehicle, later identified as Officer Mancilla, left prior to the shooting. He recalled five civilians being on scene just prior to the shooting.

After the EPAS was utilized in the investigation, Officer Parker returned the device to his patrol vehicle. As he was walking westbound back towards Officer Santos' patrol vehicle, he heard yelling and saw Barcenas carrying a large metal pole over his shoulder like a bat, running eastbound on Fourth Street. He described the pole to be approximately six feet in length. While Barcenas was holding the pole over his shoulder, Officer Parker heard him yelling, "I hate you guys. I hate cops." Based on Barcenas' words, actions, and aggressive demeanor, Officer Parker was scared for himself, his partners, and the civilians on scene. Officer Parker believed that Barcenas could cause serious harm with

the pole, and was therefore a threat to his life and the lives of the other innocent people on scene.

Officer Parker responded by drawing his OPD-issued firearm and moving towards Barcnas. He and Officer Schwartz positioned themselves near the rear of Officer Schwartz's patrol vehicle. At this time, Officer Parker noticed Officer Schwartz had his firearm drawn so Officer Parker holstered his firearm and drew his taser. Officer Parker explained that he was trained to have multiple force options ready in the event that one option fails. After drawing his taser, Officer Parker realized that Barcnas was wearing baggy clothing and that the taser may not be effective.

While Barcnas continued advancing, Officer Parker and Officer Schwartz began giving Barcnas verbal commands to drop the pole, but Barcnas continued to run at them. Officer Parker recalled seeing Barcnas within 10 to 15 feet of Officer Schwartz when Officer Schwartz fired four rounds. Barcnas collapsed to the ground. Officer Parker explained that the incident with Barcnas transpired over a few seconds.

Officer Parker put on gloves and began checking Barcnas for weapons and injuries. He handcuffed Barcnas for safety and began rendering medical aid. Shortly after, Officer James Kitka arrived and took over medical aid until medical responders arrived. Officer Parker explained that while he was rendering aid, he recognized Barcnas from a contact the day prior. He went on to describe that incident which will be outlined in further detail in Section II, Subsection C.

Based on Barcnas' words, actions, and demeanor, Officer Parker believed Barcnas had the present ability, opportunity, and apparent intent to cause himself and others on scene great bodily injury, or death.

4. Kevin Mireles

Kevin Mireles was driving Jazmin Duran's vehicle when he was stopped by Officer Schwartz. He speaks only Spanish and was relying on Officer Santos for translation

during the investigation. Towards the end of the investigation, Mireles was standing with Officer Santos on the sidewalk near his vehicle when he saw Barcenas dragging a long, thick, pole down the street. He heard Barcenas yell at Officer Santos but could not understand what was being said other than the word “Bitch.” As Barcenas advanced, Mireles retreated between two police vehicles. He saw Barcenas raise the pole as officers were telling him to stop. He described seeing Barcenas lunge at the officers and hearing five shots. After the shots were fired, Barcenas fell to the ground. Mireles was shocked that the suspect would approach the officers in that manner.

5. Jazmin Duran

Jazmin Duran was a passenger in her vehicle driven by Kevin Mireles when Officer Schwartz stopped it. At one point during the DUI investigation, officers allowed Duran to leave the vehicle to be with her mother, Irene Ruvalcaba, and her mother’s boyfriend, Christian Jimente-Fonseca, who were standing across the street from the traffic stop. Duran said that as she crossed the street, she saw Barcenas running towards officers while holding a metal pole in his hands. She described the pole as being so big that Barcenas had to hold it with both hands.

Duran believed that the suspect was two feet from Officer Schwartz when the shots were fired. She also explained that it appeared Barcenas was moving his body in a swinging motion just prior to the shooting. After hearing one shot, she ran to the back of a patrol vehicle.

6. Alexis Lagunas

Alexis Lagunas is friends with Kevin Mireles and Jazmin Duran. Mireles and Duran were following Lagunas in Duran’s vehicle when Officer Schwartz initiated the traffic stop. Lagunas saw this and decided to park in a nearby parking lot northwest of the traffic stop. He initially approached officers to check on Mireles but was directed to wait for him in the parking lot. Lagunas stood near the parking lot where he parked during most of the DUI investigation, but at one point he walked over to Duran who was across the street

with her mother. He and Duran began walking northwest across the street to return to the parking lot when he heard yelling. He saw Barcenas running towards Officer Santos with a large pole in his hands. Lagunas believed he saw Barcenas swing the pole at Officer Santos before shots were fired. Lagunas could not understand what Barcenas was saying but described him as sounding “mental.” He believed Barcenas targeted Officer Santos.

7. Christian Armando Jimenez-Fonseca

Christian Armando Jimenez-Fonseca drove to Fourth Street and “A” Street with his girlfriend, Irene Ruvalcaba, to pick up her daughter, Jazmin Duran. They arrived at approximately 5:00 a.m., and parked on the south curb of Fourth Street across from the DUI investigation. As they were waiting in their vehicle, Jimenez-Fonseca saw Barcenas approaching officers with a large pole in his hands. He heard Barcenas yell, “I’m going to kill you motherfuckers! I hate you!” as he ran at the officers. Jimenez-Fonseca was unsure whether the statements were directed at the officers or Mireles who was standing near Officer Santos. Jimenez-Fonseca heard approximately five to six gunshots and saw Barcenas fall to the ground. Jimenez-Fonseca stayed in the vehicle the entire time.

8. Irene Ruvalcaba

Irene Ruvalcaba traveled to the scene after receiving a call from her daughter, Jazmin Duran, informing her of the traffic stop. As Ruvalcaba watched the investigation from her vehicle, she saw Barcenas with a “big piece of metal” moving towards Mireles “like he was going to hit him.” She described the metal object as a thick, square-shaped and long piece of construction metal. Ruvalcaba explained that Barcenas was holding the metal object with two hands like a baseball bat. She heard officers tell Mireles to get out of the way and Barcenas to put the weapon down. She heard the officers tell Mireles to get out of the way again and heard five to six shots being fired. Her view was being obstructed when the officers fired.

9. Isaac Hudgins

Isaac Hudgins had known Barcnas for an unknown period of time. They became acquainted when they began staying at the sober living program at the Rescue Mission, in Oxnard. He described Barcnas as “completely normal” until recently when he began getting into altercations with others at the Rescue Mission. Hudgins was aware of two incidents Barcnas was involved in leading up to the shooting.

On March 11, 2023, at approximately 8:00 a.m., Hudgins recalled seeing Barcnas near the downtown Oxnard parking structure bus stop. Hudgins was in the bus looking out the window when he saw Barcnas “whack” a female known to him as “Maria” over the head with a large pole two times. He saw Barcnas drop the pole and run away.

The following morning, March 12, 2023, Hudgins said he was standing on the south sidewalk of Fourth Street east of “A” Street just before the shooting occurred. He claimed to have seen Barcnas dragging a sign pole, approximately four to five feet in length, walking westbound on the south sidewalk of Fourth Street west of “A” Street. Hudgins said he attempted to call out to Barcnas, but Barcnas did not respond and continued walking. At that moment, he said Barcnas “darted” across the street towards officers. Hudgins described Barcnas as holding the pole like a baseball bat in an “offensive” and “aggressive” way as if he were “ready to swing” and “do damage.” He further described Barcnas’ actions by stating, “He was pretty much going to hit anybody.”

As Barcnas ran towards officers, Hudgins heard Barcnas yell, “I hate you pigs,” two to three times. He believed those statements were directed at “any and every cop in that vicinity.” Hudgins heard officers tell Barcnas to get down and drop the weapon repeatedly, but Barcnas failed to comply. Hudgins heard four gun shots.

10. Firefighter Devin Todd

Firefighter Devin Todd arrived on scene and found Barcnas lying on his side in a prone position being treated by officers. He rolled Barcnas over and observed three gunshot

wounds, one in the upper part of each leg and one on the stomach. He placed Barcenas on a gurney. He noted Barcenas was conscious and breathing at the time of his contact.

C. Prior Recent Contacts with Involved Officers

1. St. John's Regional Medical Center Call - March 9, 2023

On March 9, 2023, Officer Santos responded to a call for service at St. John's Regional Medical Center, in Oxnard, regarding a subject that battered a nurse. When she arrived on scene, she contacted the disturbing party, Adam Barcenas. She also contacted the nurse who had been treating Barcenas. The nurse explained that Barcenas was brought into the hospital for treatment. At some point during his visit, Barcenas decided to leave against medical advice. When the nurse handed Barcenas his paperwork, Barcenas tried to hit the nurse with a closed fist and grazed her arm. The nurse did not desire prosecution, but wanted Barcenas removed from the property. Officer Santos returned to Barcenas who was standing by in handcuffs. She took off his handcuffs and gave Barcenas a trespass admonishment. He began to gather his items. As Officer Santos turned to speak to security, Barcenas charged at the other officers and attempted to strike Officer Evangelista. Officers on scene took Barcenas to the ground and detained him in handcuffs. Barcenas was ultimately cited and released for a violation of Penal Code § 148(a)(1), resisting, obstructing, delaying a peace officer.

2. Bus Stop Assault - March 11, 2023

On March 11, 2023, police responded to an assault at an Oxnard bus stop. The reporting party said that a female victim had been struck with a metal pole. While on scene for this incident, officers received another possibly related call of a subject at the OPD station who was turning himself in. Officer Parker responded and contacted Adam Barcenas outside of the police station. Barcenas told Officer Parker that he wanted to turn himself in because he believed he committed a crime. He claimed to have seen someone get injured at a bus stop earlier that day but was unable to provide specific details about what occurred or how he was involved. While speaking with Barcenas, Officer Parker was

advised that the victim of the bus stop assault identified Oscar Villareal as the perpetrator, so Barcenas was released. Barcenas told Officer Parker that he planned to go to the laundromat to dry his shoes and return to the Rescue Mission. Later, officers received surveillance video of the attack. Officers determined the suspect in the video was not Villareal. Although the detectives were not able to see the suspect's face in the surveillance video, they believed Barcenas attacked the victim because he matched the description and he admitted to hurting someone close in time to the incident. Additionally, Hudgins provided a statement identifying Barcenas as the attacker.

D. Adam Barcenas' Background

Adam Barcenas was born on July 22, 1962, and was 60 years old when he died. Adam had one adult daughter, Cassandra Barcenas, who lives in Riverside County. Cassandra drove to Oxnard monthly to see her father and last saw him on March 8, 2023. According to Cassandra, Adam moved from El Centro, California, to the Rescue Mission in Oxnard, in 2014. He lived at the Rescue Mission until a few days prior to his death. At the Rescue Mission, Adam participated in a sober living program and was employed in laundry services. Investigators learned through witness interviews that Adam left the facility days prior to the shooting after an altercation with security personnel at the Rescue Mission. It is unknown where he lived in the interim.

Investigators learned through family interviews [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

III. PHYSICAL EVIDENCE

A. Shooting Scene

The shooting scene consisted of the north sidewalk bordering Fourth Street between the intersection of “A” Street and South Oxnard Boulevard, in the Oxnard downtown central business district.

At the time of the shooting, the officers’ patrol vehicles were parked along the north curb of Fourth Street, just east of the intersection at “A” Street behind Mireles’ vehicle.

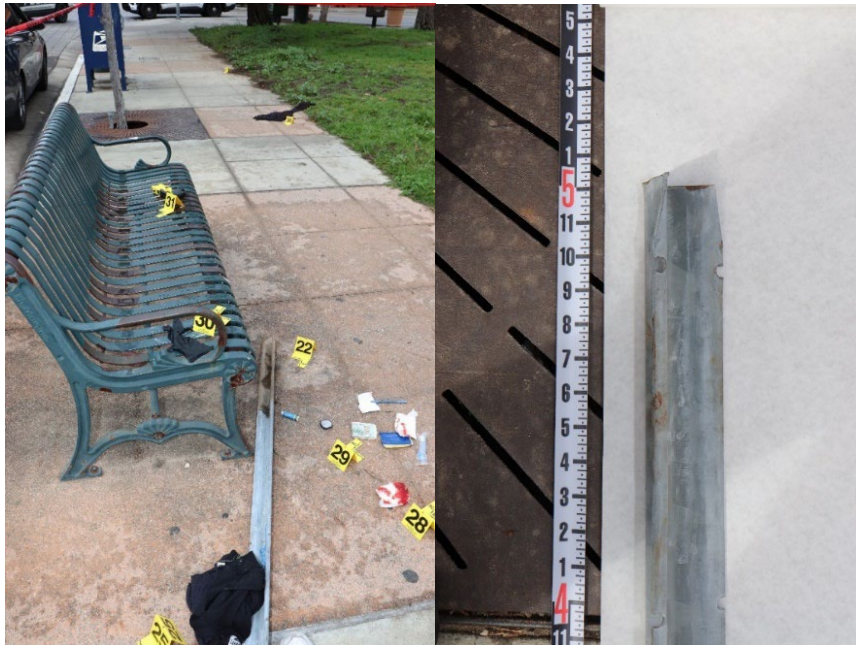


Image taken by an unmanned aerial vehicle, looking down on Fourth Street east of “A” Street. The gray vehicle at the far right was Kevin Mireles’, followed in line by Officer Schwartz’s patrol vehicle, Officer Santos’ patrol vehicle and Officer Parker’s patrol vehicle.

Various items of physical evidence were located at the scene and collected. These items included the pole Barcenas wielded during the incident (identified by photo marker #22) , four spent shell casings (identified by photo marker #17, 18, 19, and 21), and a taser with expended cartridges (identified by photo marker #31). The pole was ultimately determined to be a steel street sign pole. The pole was photographed and measured to be five feet in length.



Image of scene taken between Officer Schwartz's and Officer Santos' patrol vehicles facing northwest.



Left image shows the pole Barcenas wielded as it was found after the shooting. Right image shows the pole measured five feet long and had sharp edges.



Image taken by an unmanned aerial vehicle, looking down on Fourth Street east of "A" Street. The red arrow depicts the approximate path Barcenas took as he advanced on the officers. The letters represent the officers' approximate locations at the time of the shooting.

B. Autopsy

Dr. Joseph Vallone, a forensic pathologist and medical examiner for the Ventura County Medical Center, conducted an autopsy on Barcenas' body on March 13, 2023.

Dr. Vallone located a total of three gunshot wounds to his body. Dr. Vallone identified the following gunshot wounds to Barcenas' body and corresponding internal injuries:

- 1) A gunshot wound to Barcenas' front left abdomen causing injury to the small intestine and iliac vein and penetrating the fifth lumbar vertebra.
- 2) A gunshot wound to Barcenas' front left hip which perforated the pelvis and penetrated the sacrum.
- 3) A gunshot wound to Barcenas' front right thigh which perforated the left saphenous vein.

Two bullets were recovered from Barcenas' body during the course of the autopsy. The remaining gunshot entrance wound, on Barcenas' right thigh, had a corresponding exit wound indicating the bullet did not remain in his body.

Dr. Vallone concluded that Barcenas died from multiple gunshot wounds and that the killing was a homicide, meaning a death at the hands of another.

C. Toxicology Report

A sample of Barcenas' blood was collected during the autopsy and submitted to NMS Labs for testing. [REDACTED]
[REDACTED]

IV.

LEGAL PRINCIPLES

A. Law of Homicide and Self-Defense

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

Homicide is justifiable and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal.App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.) Penal Code § 196 et. seq. set forth the law of self-defense as to peace officers in homicide cases.

Penal Code § 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code § 835a. Under Penal Code § 835a, police officers may use deadly force “only when necessary in defense of human life.” (Penal Code § 835a(a)(2).) A police officer “is justified in using deadly force upon another person only when the officer reasonably believes based on the totality of the circumstances, that such force is necessary . . . [t]o defend against an imminent threat of

death or serious bodily injury to the officer or to another person” or “[t]o 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 § 835a(c)(1)(A) & (B).)

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 to another person.(Penal Code § 835a, subd. (e)(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 deadly force.(Penal Code § 835a, subd. (e)(3).)

To determine whether deadly force is necessary, “officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Penal Code § 835a(a)(2).) Deescalation methods and the availability of less than lethal force may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Penal Code § 835a, subd. (a)(4).)

A police officer “need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested.” However, “‘retreat’ does not mean tactical repositioning or other deescalation tactics.” (Penal Code § 835a(d).)

Police officers have a duty “to maintain peace and security” and “to protect citizens from harm.” (*Batts v. Superior Court* (1972) 23 Cal.App.3d 435, 438.) A police officer may use deadly force when the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. (*Graham v. Conner* (1989) 490 U.S. 386, 396-

397.) Reasonableness includes “allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”

Under the Fourth Amendment, police are “not required to use the least intrusive degree of force possible” but may use only such force as is objectively reasonable under the circumstances. (*Forrester v. City of San Diego* (9th Cir. 1994) 25 F.3d 804, 807.) An officer’s use of deadly force is reasonable only if “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” (*Tennessee v. Garner* (1985) 471 U.S. 1, 3.) Furthermore, “if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” (*Plumhoff v. Rickard* (2014) 572 U.S. 765, 777; 134 S.Ct. 2012, 2022.)

“The test of reasonableness in this context is an objective one, viewed from the vantage of a reasonable officer on the scene. It is also highly deferential to the police officer’s need to protect himself and others.” (*Martinez v. County of L.A.* (1996) 47 Cal.App.4th 334, 343 (quoting *Graham* 490 U.S. at 396-397).) The reasonableness test requires careful attention to the facts and circumstances of each particular case, including: (1) “the severity of the crime at issue;” (2) “whether the suspect poses an immediate threat to the safety of the officers or others;” and (3) “whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.” (*Graham, supra*, 490 U.S. at 396.)

B. Adam Barcenas’ Criminal Conduct

Barcenas engaged in felony and misdemeanor criminal conduct immediately prior to the shooting. Had he survived, he could have been charged with the commission of the following crimes:

- Attempted murder in violation of Penal Code § 664/187(a);
- Assault with a deadly weapon in violation of Penal Code § 245(a)(1);
- Assault with a deadly weapon on a peace officer in violation of Penal Code § 245(c);
- Brandishing a deadly weapon in violation of Penal Code § 417(a)(1);

- Resisting an executive officer in violation of Penal Code § 69;
- Resisting, obstructing, or delaying a peace officer in violation of Penal Code § 148(a)(1).

V.

ANALYSIS

On March 12, 2023, Adam Barcenas targeted and ambushed OPD officers during a traffic investigation causing Officer Schwartz to use deadly force. Officer Schwartz's use of deadly force against Adam Barcenas was both reasonable and necessary under the circumstances because Officer Schwartz, Officer Santos, Officer Parker, and Kevin Mireles were all faced with an immediate threat of serious bodily injury, or death, when Barcenas ran at them while wielding a five-foot-long steel sign pole over his shoulder.

Barcenas expressed his intent to target and harm the officers through his words and actions. While running at the officers, Barcenas yelled, "I hate pigs. Come on, I hate pigs. I hate you." His words were directed at the officers on scene as evidenced by his use of the derogatory term "pigs," commonly used as an insult towards police officers. As Barcenas ran at officers, he ignored their repeated commands to drop the pole. As Barcenas got closer, he came to a stop, turned to target Officer Schwartz, and ran at him with the pole raised over his shoulder in a ready-to-strike position. The distance between Barcenas and Officer Schwartz at the time of the first shot was approximately 10 feet and closing rapidly. By the time the second shot was fired, the distance was significantly less, nearly within the pole's striking distance. Barcenas' words, actions, and failure to follow the officers' commands would cause a reasonable officer in Officer Schwartz's position to conclude that Barcenas intended to strike him with the pole, thereby placing Officer Schwartz in reasonable fear that he was in imminent danger of being killed, or suffering serious bodily injury.

The officers were trained to have multiple use of force options armed in these situations. In the event that one method of force is ineffective, another may be used to save someone from death, or serious bodily injury. Based on the totality of the circumstances,

Officer Schwartz reasonably believed that the use of deadly force was necessary to defend against the imminent threat of death, or serious bodily injury that Barcenas posed.

The number of rounds Officer Schwartz fired was also reasonable under the circumstances. Officer Schwartz fired one round and paused briefly. He fired three more rounds in rapid succession only after realizing that the threat had not been eliminated and Barcenas was still running at him with the steel pole.

VI. CONCLUSION

It is the conclusion of the District Attorney that:

- A. At the time Officer Schwartz fired his handgun at Adam Barcenas, Officer Schwartz honestly and reasonably believed that he was under imminent threat of death, or great bodily injury;
- B. Officer Schwartz honestly and reasonably believed that the immediate use of deadly force was necessary to defend himself against the danger posed by Adam Barcenas;
- C. Officer Schwartz used no more force than was reasonably necessary to defend against the apparent danger posed by Adam Barcenas;
- E. The fatal shooting of Adam Barcenas by Officer Shayn Schwartz was a justifiable homicide.