

OFFICE OF THE DISTRICT ATTORNEY

May 28, 2024



REPORT ON THE APRIL 28, 2022,
SHOOTING OF DERRICK PADILLA
BY
SIMI VALLEY POLICE DEPARTMENT
SENIOR OFFICER DAVID MAUPIN
AND
OFFICER DANIEL STRADLING

ERIK NASARENKO
DISTRICT ATTORNEY
COUNTY OF VENTURA

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	STATEMENT OF FACTS	4
	A. Simi Auto Spa and Speed Wash Surveillance Video.....	4
	B. Body-Worn Camera Video of Incident.....	7
	1. Officer Daniel Stradling Body-Worn Camera Video	7
	2. Officer Randall Van Winkle Body-Worn Camera Video.....	8
	3. Officer Chad Van Dyke Body-Worn Camera Video.....	9
	C. Witness Statements	10
	1. Senior Officer David Maupin	10
	2. Officer Daniel Stradling.....	12
	3. Kurt Supinger.....	14
	4. Officer Randall Van Winkle	15
	5. Officer Chad Van Dyke	16
	6. Sergeant Daniel Frates	17
	D. Murder of Monique Ayala	19
	E. Carjacking of Silvia Padilla	20
III.	PHYSICAL EVIDENCE	21
	A. Shooting Scene	21
	B. Firearms Analysis	26
	C. Autopsy.....	26
	D. Toxicology Report	27
IV.	LEGAL PRINCIPLES	27
	A. Law of Homicide and Self-Defense.....	27
	B. Derrick Padilla’s Criminal Conduct	30
V.	ANALYSIS.....	30
VI.	CONCLUSION.....	32

I.
INTRODUCTION

On the evening of April 27, 2022, Los Angeles Police Department (LAPD) officers found Derrick Padilla's wife, Monique Ayala, fatally shot in her bed at 2025 7th Avenue in Los Angeles. That same evening, Padilla's sister, Silvia, was driving near Padilla's residence in her 1996 BMW, when Padilla ran toward her and entered her vehicle. He produced a handgun and pointed it at her. She drove a short distance before exiting the vehicle, at which time Padilla entered the driver's seat and fled the area.

The next day, at approximately 7:46 a.m., Simi Valley Police Department (SVPD) Officer Casey Nicholson located Silvia's BMW abandoned in the roadway in the 300 block of Royal Avenue, in Simi Valley. LAPD Detective John Lamberti advised SVPD officers that Padilla was wanted for murder and carjacking. Detective Lamberti provided a wanted flyer that SVPD distributed to all on-duty officers, including Senior Officer David Maupin and Officer Daniel Stradling. The flyer included a physical description of Padilla and three photographs of him. The flyer advised that Padilla should be considered armed and extremely dangerous.

At approximately 5:02 p.m., Padilla entered the 7-Eleven located at 1369 Erringer Road, in Simi Valley. Padilla borrowed the clerk's cellular phone to call his father, Rodolfo. Padilla told his father that this may be the last time the two of them talk. Rodolfo reported this call to Detective Lamberti, who conveyed it to SVPD personnel.

Just after 8:00 p.m., Officer Maupin was driving a marked patrol vehicle when he observed Padilla walking on First Street. Officer Maupin broadcast to other officers that he had located a possible suspect and requested a second unit to assist with contact. Officer Stradling responded. Officer Maupin drove toward Padilla and activated his overhead lights. He parked in the number three northbound lane of traffic on First Street, near the corner of First Street and Los Angeles Avenue. Officer Maupin observed Padilla walking toward the parking lot of Simi Auto Spa and Speed Wash. Officer Stradling

made a U-turn across the center median of First Street and parked his vehicle in the number two northbound lane, parallel to Officer Maupin's patrol vehicle.

Officer Maupin exited his vehicle and immediately drew his weapon. While standing behind the hood of his vehicle, Officer Maupin ordered Padilla to get on the ground several times. Padilla refused to comply. Padilla raised his hands up several times with his palms facing away from Officer Maupin. The third time Padilla raised his hands, Officer Maupin saw a silver firearm in Padilla's right hand, later identified as a Ruger .357 Magnum revolver. Padilla pointed the revolver at Officer Maupin. Perceiving that he was about to be shot, Officer Maupin fired two to three rounds at Padilla using his 9mm Sig Sauer semiautomatic pistol. Officer Maupin saw a muzzle flash from Padilla's firearm and dropped below his vehicle. When Officer Maupin stood back up and saw that Padilla was still on his feet, Officer Maupin fired two additional rounds.

Padilla fired at least two rounds from his Ruger .357 Magnum at Officer Maupin and Officer Stradling in rapid succession. One round from Padilla's revolver hit the front bumper of Officer Maupin's patrol vehicle, and the other penetrated the passenger-side headlight of Officer Stradling's patrol vehicle and entered the engine compartment.

As Officer Stradling was disengaging his rifle from his patrol vehicle, he saw Padilla produce a large silver revolver and point it at Officer Maupin. Officer Stradling exited his vehicle and yelled, "gun." He saw Officer Maupin go down toward the ground and heard a possible gunshot. Officer Stradling observed Padilla rapidly moving away from them northeast through the carwash parking lot, while still aiming his weapon at them. Officer Stradling fired three rounds from his rifle at Padilla. Padilla went to the ground momentarily but rolled to his side and again pointed his firearm at the officers. Officer Stradling fired three additional rounds at Padilla. After the second volley of shots, Officer Stradling noted that Padilla was down and motionless. Neither officer fired any additional shots.

Approximately 15 seconds passed from Officer Maupin's initial contact with Padilla to the last shot fired.

As additional officers arrived to assist, they developed a tactical plan to approach Padilla safely because they could not see the firearm and did not know whether Padilla was still armed. After deploying a light sound diversionary device (LSDD) and seeing no movement by Padilla, Officers Maupin, Stradling, Chad Van Dyke, Randall Van Winkle, Laura Austin, and Sergeant Daniel Frates approached behind a ballistics shield. Officer Van Dyke observed the revolver within inches of Padilla's hands and kicked it away. Officers secured Padilla in handcuffs and then provided emergency aid. Ventura County Fire Department and American Medical Response (AMR) personnel responded and took over life-saving measures. Padilla was pronounced deceased at the scene.

The autopsy revealed that Padilla was shot five times. The cause of death was multiple gunshot wounds and the manner of death was homicide. The bullet fragments recovered from Padilla's body—that contained sufficient detail for comparison—were consistent with having been fired from Officer Stradling's .223 Remington caliber rifle. One fragment contained insufficient detail for comparison.

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, Senior Deputy District Attorney Christopher Harman and District Attorney Investigators Brandon Conger and Dan Horan responded to the shooting scene and consulted with the investigating officers.

The SVPD investigated the shooting, which included interviewing witnesses, collecting physical evidence, and photographing the area of the shooting.

On May 31, 2023, all SVPD and Ventura County Crime Laboratory reports were submitted to the District Attorney's Office for a determination of whether the shooting of Derrick Padilla was justified and, if not, whether criminal charges should be filed. The scope of the District Attorney's review was limited to those issues.

Senior Deputy District Attorney Thomas Dunlevy was assigned to review this case. He examined approximately 210 pages of reports and other documents including interviews of police and civilian witnesses, diagrams, photographs, and records. He also watched approximately seven hours of body-worn camera video and listened to approximately one hour of audio interviews.

Based on the evidence available for review, the District Attorney's independent investigation and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Derrick Padilla by SVPD Officer Daniel Stradling, and the shooting or attempted shooting of Derrick Padilla by SVPD Officer David Maupin were justified uses of force and not criminal acts.

II.

STATEMENT OF FACTS

A. Simi Auto Spa and Speed Wash Surveillance Video

The Simi Auto Spa and Speed Wash is located on the southeast corner of the intersection of Los Angeles Avenue and First Street, in Simi Valley. Los Angeles Avenue runs east to west direction and First Street runs north to south. The main entrance to the carwash is located on Los Angeles Avenue, and the exit to the carwash leads out onto First Street. The shooting occurred in the parking lot of the carwash exit bordering First Street. A security camera facing the First Street exit captured the entirety of the incident on surveillance video. The video is in night vision mode, utilizing infrared. The video is in black and white.

At 8:04:28 p.m., Padilla entered the frame of the camera walking northbound on First Street along the east sidewalk. At 8:04:28 p.m., Officer Maupin's patrol vehicle entered the frame with overhead emergency lights activated, traveling northbound on First Street in the number two lane. Padilla stopped walking but had his back to Officer Maupin. Officer Stradling's vehicle conducted a U-turn across the center median

of First Street and parked parallel to Officer Maupin's vehicle. Officer Van Winkle's patrol vehicle traveled southbound on First Street from Los Angeles Avenue.

At 8:04:31 p.m., Officer Maupin's vehicle stopped in the lane closest to the sidewalk, approximately 35 to 40 feet behind Padilla. Officer Stradling's vehicle was parked in the middle lane. Padilla raised his hands several times from his side to waist level and back down again to his side. At 8:04:34 p.m., Padilla turned 90 degrees to his right and began walking away from the officers. Officer Van Winkle's vehicle was parked behind Officers Stradling's and Maupin's vehicles at this point. Padilla began to walk from the sidewalk up a grassy embankment toward the carwash parking lot, while looking over his right shoulder toward the officers. Officer Maupin's actions were obscured from camera view by the overhead lights and headlights from his vehicle.

At 8:04:37 p.m., Padilla reached into his waistband area with his right hand and produced a firearm. Light reflected off the firearm at various points in the video. Padilla pointed the firearm at the officers as he began to run away from the officers, towards the camera. Less than a second after Padilla produced the firearm, what appears to be a muzzle flash can be seen from the firearm in Padilla's right hand, at 8:04:37 p.m.



At the same time, Officer Stradling can be seen exiting his vehicle. Padilla continued running away from the officers while pointing his right hand backward toward the officers. At 8:04:38 p.m., what appears to be a second muzzle flash can be seen from Padilla's firearm.



At 8:04:40 p.m., Officer Stradling moved to his vehicle's front left bumper area. Padilla was still running and pointing the firearm directly at the officers with his right arm outstretched. At 8:04:41 p.m., Padilla fell to the ground in the carwash parking lot approximately 100 feet from the patrol vehicles. He fell quickly to his left side and immediately rolled to his right. He rolled 360 degrees, stopping on his left side again. Now facing back toward the officers, Padilla immediately raised his right arm again, fully extended, and pointed the firearm back at the officers.



At 8:04:44 p.m., Padilla rolled to his right. The shine of the firearm could still be seen in his right hand. As he rolled, he flinched and arched his shoulders back. At 8:04:47 p.m., Padilla rolled onto his stomach with his hands by his head. Officer Stradling moved from

his vehicle to the front of Officer Maupin's vehicle. Padilla moved his left hand toward his head and his left foot moved slightly. No further movement from Padilla is observed.

At 8:06 p.m., additional officers arrived on scene and approached Officer Maupin and Officer Stradling. At 8:11 p.m., Officer Van Dyke deployed a LSDD near Padilla's feet. As the group of officers approached Padilla, Officer Van Dyke kicked the firearm away from Padilla. At this time, officers handcuffed Padilla and began lifesaving measures.

B. Body-Worn Camera Video of Incident

SVPD Officer Stradling and Officer Maupin were wearing body-worn cameras at the time of the shooting. However, Officer Maupin did not activate his body-worn camera upon initial contact due to the immediate threat that Padilla's actions posed.

Officer Maupin did not activate his body-worn camera until after Padilla was secured in handcuffs.

1. Officer Daniel Stradling Body-Worn Camera Video

Officer Stradling activated his body-worn camera at 8:04:16 p.m. while approaching Officer Maupin's location. At 8:04:34 p.m., Officer Stradling placed his patrol vehicle into park and retrieved his rifle before exiting his vehicle. At 8:04:40 p.m., Officer Stradling fired three rounds from his rifle at Padilla, who could be seen in the distance on the camera. At 8:04:42 p.m., Officer Stradling reached up with his left hand, presumably to activate his radio. At 8:04:43 p.m., Officer Stradling regained his front grip with his left hand and fired three more shots.

At this point, Officer Stradling moved up to where Officer Maupin was stationed and began to communicate with dispatch about the emergency. Officer Stradling advised dispatch that shots were fired, that officers were "okay," and that the suspect was down in the parking lot with a gun to his right. Officer Stradling and Officer Maupin can both be heard giving Padilla commands not to move. Officer Stradling told Padilla he would shoot him again if he moved.

Over the next several minutes, Officer Stradling and Officer Maupin waited for additional officers and a supervisor to respond to their location. Officer Stradling advised other officers that he could no longer see Padilla's gun and did not know where it went. At 8:06 p.m., Officer Stradling told Sergeant Frates, "Check Maupin 'cause that gun went right at him. So, make sure nobody's hit."

Officers discussed a tactical plan to detonate a LSDD to determine if Padilla still posed a threat before approaching. Sergeant Frates, Officer Maupin, Officer Stradling, Officer Van Winkle, and Officer Van Dyke approached Padilla at 8:09 p.m. after Officer Van Dyke deployed the LSDD. Upon seeing no movement from Padilla, the team approached Padilla. As they approached, Officer Stradling said, "The gun is in front of him." Officer Van Winkle can be seen placing Padilla in handcuffs.

2. Officer Randall Van Winkle Body-Worn Camera

Officer Van Winkle activated his body-worn camera at 8:04:21 p.m. as he was driving toward Officer Stradling's and Officer Maupin's location. He exited his vehicle at 8:04:40 p.m. with his firearm in his hand and approached the driver's side of Officer Maupin's vehicle. Officer Van Winkle took up position behind Officer Maupin at the driver's side door of Officer Maupin's vehicle and pointed his firearm in the direction of Padilla. At 8:04:52, Officer Stradling can be heard on the radio reporting shots fired. As officers approach Padilla in the parking lot at 8:11 p.m., Padilla's revolver is visible near his right hand.



Still image from Officer Van Winkle's body-worn camera shows the revolver near Padilla's head and right hand.

Officer Van Dyke kicked the revolver away from Padilla's hand at 8:11:45 p.m. Officer Van Winkle placed handcuffs on Padilla at 8:12 p.m. After searching Padilla's person for any additional weapons, officers checked for vital signs and attempted to render aid beginning at 8:13 p.m.

3. Officer Chad Van Dyke Body-Worn Camera

Officer Van Dyke activated his body-worn camera at 8:04:04 p.m. as he was driving toward Officer Maupin's and Officer Stradling's location. He exited his vehicle at 8:04:54 p.m. He approached Officer Maupin's location with his rifle in hand. At 8:05:07 p.m., he took up position to the rear right of Officer Maupin's vehicle with his rifle pointed toward the parking lot. At 8:05:12 p.m., he moved around to the left side of Officer Maupin's vehicle where Officer Maupin and Officer Stradling were standing with firearms drawn. Officer Van Dyke stood behind and slightly to the left of Officer Stradling and pointed his rifle toward Padilla.

At 8:11:28 p.m., Officer Van Dyke detonated the LSDD. Upon seeing no visible response from Padilla, the group of officers approached Padilla. At 8:11:41 p.m., one of the officers said, "Gun's in front of him." The next several seconds of footage were obscured

from view, likely by the camera's proximity to an officer's uniform. Subsequent footage captured arrival of an ambulance and AMR paramedics attempts to render aid.

C. Witness Statements

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

1. Senior Officer David Maupin

On May 5, 2022, Officer Maupin, a six-year law enforcement veteran with SVPD, met with SVPD detectives at the Simi Valley Police Station. After speaking with his legal counsel, Officer Maupin agreed to provide a voluntary statement to detectives. His counsel was present throughout the interview.

Officer Maupin reported that on April 28, 2022, he began his patrol shift at 2:00 p.m. He was scheduled to end his shift at midnight. Officer Maupin was assigned as a field training officer, meaning that his duties included training new officers on patrol. During his shift, he received information via radio that Padilla was wanted by the LAPD in connection with a homicide. He viewed a SVPD bulletin via his mobile data terminal that included a photograph of Padilla and indicated that Padilla shot and killed his wife on April 27, 2022, and that Padilla is considered armed and dangerous. Officer Maupin also reviewed the LAPD wanted flyer for Padilla on his department-issued cellular phone. That flyer included three photographs of Padilla, as well as information that he was wanted in connection with the murder of his wife and carjacking a family member at gunpoint. The flyer contained a warning that Padilla should be considered armed and extremely dangerous.

Officer Maupin later learned that Padilla entered a local 7-Eleven store that evening and contacted his father to say goodbye. Officer Maupin was informed via radio that officers verified Padilla went to the 7-Eleven store at Erringer Road and Royal Avenue, in Simi Valley, and called his father from that location.

As Officer Maupin was patrolling, he observed Padilla walking while turning from Royal Avenue north onto First Street. Officer Maupin was initially unsure if the subject he observed was Padilla. Officer Maupin drove ahead of Padilla and made a right turn from First Street onto Cedar Creek Lane, where he waited for the subject to pass by again. Still unable to positively identify the subject as Padilla, Officer Maupin drove north on First Street and turned onto Snapdragon Lane to get a closer look. As the subject passed by him again, Officer Maupin suspected it was Padilla. Officer Maupin began broadcasting to nearby officers that he had a possible suspect and he intended to contact the suspect. He asked for a second officer to arrive prior to contact because he knew that Padilla was wanted for homicide and was likely armed and dangerous. Officer Maupin felt there was a high likelihood that this encounter could be violent. Officer Stradling broadcast via radio that he was nearby and would arrive shortly. Sergeant Frates broadcast that the clothing description Officer Maupin provided of the suspect he had identified, matched the clothing that Padilla was wearing in the 7-Eleven surveillance footage Sergeant Frates had just reviewed.

Officer Maupin pulled out onto First Street and pulled up to a nearby curb standing by for Officer Stradling to arrive. Upon seeing Officer Stradling's patrol vehicle turn onto First Street toward Officer Maupin's vehicle, Officer Maupin drove up to Padilla and activated his overhead lights. Officer Maupin exited his patrol vehicle and immediately drew his weapon. He ordered Padilla to "get to the ground" several times. Padilla did not comply. Padilla raised his hands up, palms facing toward himself, in a manner Officer Maupin described as challenging the contact, as though saying, "What's up?" Padilla did this several times. On the third time, Officer Maupin saw a silver firearm in Padilla's hand. Officer Maupin believed that Padilla produced the firearm from his waistband but could not say for certain. Officer Maupin saw Padilla point the gun at him. Perceiving that he was about to be shot, Officer Maupin fired two or three rounds at Padilla. Officer Maupin said there was no time to warn Padilla that he was about to fire because of how quickly Padilla pointed the firearm at him. Officer Maupin said he fired his weapon to stop the threat.

Officer Maupin saw a muzzle flash from Padilla's gun and thought, "Oh fuck, so I know he's trying to fucking kill me." Officer Maupin dropped behind the hood of his patrol vehicle for cover. After a brief assessment, Officer Maupin determined that he was uninjured, at which time he stood up again and saw that Padilla was moving away but had not gone down. Believing that Padilla still posed a threat, Officer Maupin fired his weapon two more times at Padilla. On the last shot, Officer Maupin heard Padilla exhale loudly and stop moving. Officer Maupin stopped firing and reassessed the situation.

At this point, Officer Stradling joined Officer Maupin by his patrol vehicle. Officer Stradling communicated their situation via radio. During the exchange of gunfire, Officer Maupin did not observe Officer Stradling's actions because he was fully focused on Padilla's actions.

2. Officer Daniel Stradling

On May 5, 2022, Officer Stradling, a seven-year law enforcement veteran with SVPD, met with SVPD detectives at the Simi Valley Police Station. After speaking with his legal counsel, Officer Stradling agreed to provide a voluntary statement to detectives. His counsel was present throughout the interview.

Officer Stradling reported that on April 28, 2022, he began his patrol shift at 2:00 p.m. He was scheduled to end his shift at midnight. During a briefing at the start of his shift, Officer Stradling learned that Padilla was wanted in connection with a homicide investigation by LAPD and that the vehicle he had been driving was found abandoned in Simi Valley earlier that day. Later in his shift, Officer Stradling reviewed the LAPD flyer that described the murder and carjacking, and warned that Padilla should be considered armed and extremely dangerous.

Officer Stradling conducted a protective search for Padilla at local hotels, checking guest lists. Officer Stradling also checked local parks. During his shift, Officer Stradling learned that Padilla made a phone call to his family from a local 7-Eleven.

Officer Stradling heard Officer Maupin broadcast that he had a possible suspect walking on First Street near Los Angeles Avenue. Officer Stradling drove eastbound on Los Angeles Avenue. He activated his overhead lights and briefly sounded his siren to get through heavy traffic at the intersection of First Street and Los Angeles Avenue. He sounded his siren only briefly so as not to alert Padilla. Officer Stradling considered that Officer Maupin was alone near the suspect at that point. Officer Stradling heard Sergeant Frates broadcast that the suspect Officer Maupin described was likely Padilla based on the surveillance footage from 7-Eleven.

Officer Stradling saw Officer Maupin approaching a pedestrian on the east side of First Street with activated overhead emergency lights. Officer Stradling drove over the center median and positioned his patrol vehicle next to Officer Maupin's vehicle facing northbound on First Street. Officer Stradling chose this position to effectuate a high risk stop.

As Officer Stradling exited his vehicle, he could see Padilla throwing up his hands at Officer Maupin in way that Officer Stradling took to be challenging Officer Maupin as to why he was being stopped. It did not appear to Officer Stradling that Padilla was cooperating with the stop.

As Officer Stradling disengaged his rifle from his patrol car, he saw Padilla produce a large silver revolver and point it at Officer Maupin. Officer Stradling exited his vehicle and yelled, "gun!" He took up a position to the front of his patrol vehicle and saw Officer Maupin go to the ground. Officer Stradling was concerned that Officer Maupin may have been hit by gunfire. Officer Stradling heard a muffled pop which he thought might have been a gunshot. Officer Stradling saw Padilla running rapidly away from them in a northeastern direction through the carwash parking lot. Padilla was still aiming his revolver at the officers.

Officer Stradling fired several rounds at Padilla using his rifle. Officer Stradling was not certain from memory how many rounds he initially fired but, after reviewing his body-worn camera, he determined it was three rounds. Officer Stradling observed Padilla go to

the ground. However, he also saw Padilla recover to the point where he thought Padilla would reengage the officers with gunfire. Officer Stradling could see that Padilla was still holding the revolver in his hand, so Officer Stradling fired a second volley from his rifle of three additional shots.

After the second volley of shots, Officer Stradling stopped firing to reassess the situation. He saw that Padilla was down and motionless. Officer Stradling did not fire any further shots. He proceeded from his initial position by his patrol vehicle over to Officer Maupin's patrol vehicle. Officer Stradling could see that Padilla was down but he could not see Padilla's hands, nor could he see the revolver.

Officer Stradling broadcast that shots were fired, that Padilla was down, and that the officers were unharmed. He requested a BearCat armored vehicle respond to provide additional resources, if needed. He also requested use of a LSDD to determine whether Padilla was lying in wait. Sergeant Frates granted that request and Officer Van Dyke deployed and detonated the LSDD. When Padilla did not respond to the LSDD, Officer Stradling approached Padilla with fellow officers and Padilla was placed in handcuffs.

3. Kurt Supinger

Kurt Supinger was driving northbound on First Street near an arroyo wash when he saw a SVPD patrol vehicle parked on the right side of First Street. The vehicle was partially impeding the number two lane. He saw an additional police vehicle responding through the Los Angeles Avenue and First Street intersection with emergency lights activated.

As Supinger approached the carwash located at 1144 E. Los Angeles Avenue, the SVPD vehicle he had just passed turned on its emergency lights. Supinger pulled over to the eastside curb on First Street, believing that he was being stopped by police. He parked between the two exits to the Simi Auto Spa and Speed Wash. He sat in his vehicle with his windows rolled up.

Supinger observed much of the incident by looking in his rearview mirror. At approximately 8:02 p.m., Supinger heard three to five gunshots coming from behind him. He looked back toward the carwash parking lot and saw someone running across. Supinger described the subject as male, approximately 5'8", weighing about 210 pounds, and wearing dark clothes. Supinger saw the subject stop and raise his arms up. Supinger saw something shiny in the subject's hand. Supinger heard additional gunshots. He noted that the subject's hand was bouncing as though firing a gun. He demonstrated the movement in a manner consistent with the recoil from shooting a handgun. Supinger noted that the subject's hand was pointed southwest in the direction of the police vehicles. Supinger heard five or six more gunshots and saw the subject fall to the ground.

4. Officer Randall Van Winkle

Officer Van Winkle was driving his patrol vehicle when he heard Officer Maupin advise over the radio that he observed a subject matching Padilla's description walking northbound on First Street toward Los Angeles Avenue. Officer Van Winkle was aware that Padilla was wanted for murder and that he was considered armed and dangerous. Officer Van Winkle responded to Officer Maupin's location. As Officer Van Winkle drove westbound on Los Angeles Avenue, he saw Officer Stradling responding. As Officer Van Winkle made a left turn, southbound onto First Street, he saw Officer Stradling make a U-turn over the center raised median and park his patrol vehicle next to Officer Maupin's patrol vehicle.

Officer Van Winkle parked behind Officer Maupin's and Officer Stradling's patrol vehicles. Officer Van Winkle exited his vehicle and immediately heard shots fired from Officer Maupin and Officer Stradling. Officer Van Winkle drew his gun as he exited his patrol vehicle and quickly made his way to Officer Maupin, who was positioned near the driver's side front wheel of his patrol vehicle. Officer Van Winkle took a position to Officer Maupin's right and pointed his gun over the hood of Officer Maupin's patrol vehicle at the suspect. Officer Van Winkle observed Padilla down on the ground on his stomach in the parking lot of the carwash. Officer Van Winkle observed Padilla's body

move once as he was face down on the ground. Officer Van Winkle did not see any of Padilla's actions prior to seeing him on the ground.

Sergeant Frates and Officer Van Dyke arrived on scene and took a position with the officers already present near the front of Officer Maupin's patrol vehicle. After the LSDD was detonated with no response from Padilla, the officers approached Padilla.

Officer Van Winkle secured Padilla in handcuffs and searched him for weapons.

Officer Van Winkle also checked Padilla for a pulse but felt none. Officer Van Winkle, along with Officer Austin and Officer Jay King, rendered medical aid to Padilla until Ventura County Fire and AMR personnel arrived to take over. Officer Van Winkle stood by while medical personnel rendered aid to Padilla.

5. Officer Chad Van Dyke

On April 28, 2022, Officer Van Dyke received information from Sergeant Frates that Padilla was wanted for murder by LAPD and was possibly in Simi Valley. Officer Van Dyke also received and reviewed the LAPD wanted flyer for Padilla.

At approximately 6:00 p.m., officers were notified via radio that Padilla used a 7-Eleven clerk's cellular phone to call his father and tell him goodbye. While officers responded to the 7-Eleven on Erringer Road, Officer Van Dyke patrolled the surrounding area searching for Padilla. At 8:04 p.m., Officer Maupin broadcast that he had a possible suspect matching Padilla's description in the area of First Street and Los Angeles Avenue. Officer Maupin advised that Padilla was wearing a backwards hat, sweatshirt, and shorts. Sergeant Frates announced via radio that this clothing description matched the clothing Padilla was wearing in the 7-Eleven surveillance footage.

Officer Van Dyke responded with lights and sirens activated to Officer Maupin's location. Upon arriving, Officer Van Dyke observed three patrol vehicles facing northbound on First Street. He saw officers firing their guns in a northeast direction toward the Simi Auto Spa and Speed Wash parking lot. As he exited his patrol vehicle, Officer Van Dyke grabbed his rifle and ran up to Officer Maupin, Officer Stradling, and

Officer Van Winkle. While standing to the left of Officer Stradling, Officer Van Dyke observed Padilla lying face down, his feet facing west and his head facing east, in the parking lot. Officer Van Dyke could not see Padilla's hands nor could he see Padilla's firearm.

Officer Van Dyke deployed the LSDD near Padilla at Sergeant Frates' direction. Upon seeing no movement from Padilla, the group of officers approached him. Officer Van Dyke observed a silver revolver with a black grip on the ground inches away from Padilla's hands, which were above his head. Officer Van Dyke kicked the firearm away from Padilla. While other officers handcuffed Padilla and provided medical aid, Officer Van Dyke stood by the revolver to prevent it being disturbed any further. As soon as the scene was safe, Officer Van Dyke advised SVPD dispatch that the Ventura County Fire Department and AMR were clear to enter the scene. Once emergency personnel arrived, they took over medical treatment and ultimately pronounced Padilla deceased.

6. Sergeant Daniel Frates

On April 28, 2022, at approximately 2:30 p.m., Sergeant Frates received a briefing regarding Padilla and reviewed photographs of Padilla. Sergeant Frates learned that Padilla was wanted by LAPD for shooting and killing his wife, and for carjacking his sister. Sergeant Frates learned that Padilla's sister's stolen BMW was recovered in Simi Valley.

At about 6:20 p.m., Sergeant Frates was informed that Padilla called his father from a 7-Eleven in Simi Valley shortly after 5:00 p.m. to say goodbye. Officer King and Officer Ignacio Juarez went to the 7-Eleven located at Erringer Road and Royal Avenue and spoke with the clerk, who informed them that he allowed a man matching Padilla's description to use his cellular phone to make a call. Sergeant Frates responded to the location and reviewed the surveillance video. In the footage, Sergeant Frates observed Padilla using the clerk's phone. The surveillance footage showed Padilla leaving the store and walking northbound toward Rancho Simi Park.



Still image from 7-Eleven at 1369 Erringer Road shows Padilla using the clerk's cellular phone at 5:11 p.m.

After reviewing the 7-Eleven surveillance footage, Sergeant Frates entered his patrol vehicle and began to leave the parking lot. At approximately 8:04 p.m., he heard Officer Maupin advising dispatch that he saw the possible homicide suspect walking southbound on First Street. Officer Maupin stated that the suspect was wearing dark shorts, a dark sweatshirt, and a hat. Sergeant Frates notified Officer Maupin and other responding officers that Padilla was wearing matching clothing in the 7-Eleven surveillance video.

While Sergeant Frates was en route, Officer Stradling advised via radio that shots were fired. He indicated that the suspect had been shot and that the involved officers were unharmed. Upon arriving at the shooting scene, Sergeant Frates approached Officer Maupin, Officer Stradling, Officer Van Dyke, and Officer Van Winkle, who were all standing near the left side hood of Officer Maupin's patrol vehicle. All four officers had their weapons drawn and aimed in a northeastern direction toward the Simi Auto Spa and Speed Wash parking lot. As Sergeant Frates got closer, he saw a subject lying face down in the parking lot. He was not able to see the subject's hands or any weapons.

Officer Stradling told Sergeant Frates that one of the rounds nearly hit Officer Maupin. Sergeant Frates pulled Officer Maupin back for a moment and checked his body for injuries but located none. Sergeant Frates retrieved a ballistics shield from his patrol vehicle. After Officer Van Dyke deployed a LSDD, Sergeant Frates and fellow officers

approached Padilla on foot. When Sergeant Frates was within several feet of Padilla, Sergeant Frates saw a revolver near Padilla's head.

Once Padilla was secured, Sergeant Frates obtained public safety statements from Officer Stradling and Officer Maupin. Officer Maupin was unsure of his round count but estimated he fired approximately four times in a northeast direction. He recalled Padilla shooting at him two times in a southwest direction. Officer Stradling said he fired two or three times in his first volley and another two or three times in his second volley. All his shots were fired in a northeast direction toward Padilla.

D. Murder of Monique Ayala

Ayala and Padilla were married in November 2021. They lived together in the back portion of the Padilla family residence located at 2025 7th Avenue, in Los Angeles. At approximately 5:30 p.m. on April 27, 2022, a neighbor heard several loud bangs followed by the sound of a dog barking. She did not know what the bangs were and did not call police.

At approximately 9:00 p.m., Padilla's brother Rudy, who lived across the street, called 9-1-1 to report that the front door to the residence was open. He feared an intruder because his parents were out of town for the weekend. He reported that Padilla and Ayala lived in the back of the residence and he believed they did not have access to the front of the house, where his parents lived. Rudy also reported that his father's work truck was missing.

Officers responded and searched the residence. In the back bedroom, they discovered Ayala lying face-up on a bed with a gunshot wound to her chin and blood on her face, neck, and arms. Next to the bed was a pile of laundry partially folded. As they moved into the back kitchen, they noticed that the oven door was broken, glass was on the floor, and there appeared to be a bullet hole in a sheet pan in the oven, and a fired bullet.

Detectives learned that Padilla turned off his phone at about 4:30 p.m. on April 27, 2022, and did not turn it on again. LAPD detectives determined that Padilla was the prime suspect in Ayala's murder.

On April 29, 2022, Dr. Paul Gliniecki of the Los Angeles County Department of Medical Examiner-Coroner conducted an autopsy on Ayala's body. He determined that she died of two gunshot wounds: one to the back and one to the chest.

E. Carjacking of Silvia Padilla

Silvia Padilla reported that on April 27, 2022, just before 6:00 p.m., she was driving her 1996 BMW in the area of 10th Avenue and Washington Boulevard, just a few blocks from the family residence she shared with her parents, Padilla, and Ayala. While driving, she saw her brother, Padilla, walking on the sidewalk.

Padilla saw Silvia and ran toward her car. He got into the passenger seat. Silvia noticed that Padilla was sweating profusely and acting nervous. Almost immediately upon entering the vehicle, Padilla pulled out a handgun, pointed it at Silvia, and told her to drive. He did not give her directions.

Silvia had been on her way to see their brother Rudy at his jobsite so she continued driving there. When they arrived, she got out of her car and walked onto the sidewalk. Padilla slid into the driver's seat and quickly drove away southbound on Saint Andrews Place. Silvia reported Padilla's crime to police. Detectives broadcast a law enforcement alert describing Padilla and his crimes.

SVPD Officer Casey Nicholson was on uniform patrol on April 28, 2022. At approximately 7:46 a.m., he observed Silvia's BMW abandoned in the number two eastbound lane of traffic in the 300 block of Royal Avenue. Officer Nicholson noted the car was abandoned with the keys in the ignition and a backpack with clothing strewn about on the passenger's seat. Since the vehicle presented a traffic hazard, Officer Nicholson had it towed.

III.
PHYSICAL EVIDENCE

A. Shooting Scene

The shooting scene consisted of the parking lot on the west side of 1144 E. Los Angeles Avenue, the east sidewalk of First Street and the number two and three lanes of northbound First Street. The parking lot is part of the Simi Auto Spa and Speed Wash. Between the east sidewalk and the parking lot was a grass embankment. Vehicle 23, Officer Maupin's vehicle, was parked at a slight angle in the number three lane, partially blocking the south driveway of the parking lot. Vehicle 39, Officer Stradling's vehicle, was parked at an angle in the number two lane. Both vehicles had their driver doors open. Padilla's body was located approximately halfway down the parking lot and approximately 10 yards from the curb of the grass embankment.



Aerial map depicting the locations of Officer Stradling's vehicle, Officer Maupin's vehicle, and the location at which Padilla's body was located when the scene was processed.

Various items of physical evidence were located at the scene and processed. These items included the .357 Magnum revolver that Padilla fired at officers during the incident. The revolver contained three expended cartridge cases.



The photograph on the left depicts Padilla's revolver. The photograph on the right shows the three spent cartridges located inside the revolver's cylinder.

Officers also located bullet strikes to Officer Maupin's and Officer Stradling's patrol vehicles. An impact appeared on the front bumper of Officer Maupin's vehicle and bullet fragments were lying in the street near the impact site.



The image on the left depicts the front bumper of Officer Maupin's patrol vehicle. The image on the right depicts bullet fragments located on the ground just below the bullet strike.

Officers located a bullet hole in the front right headlight of Officer Stradling's vehicle. The bullet penetrated through the headlight and traveled into the engine compartment. Officers found bullet fragments inside the engine compartment.

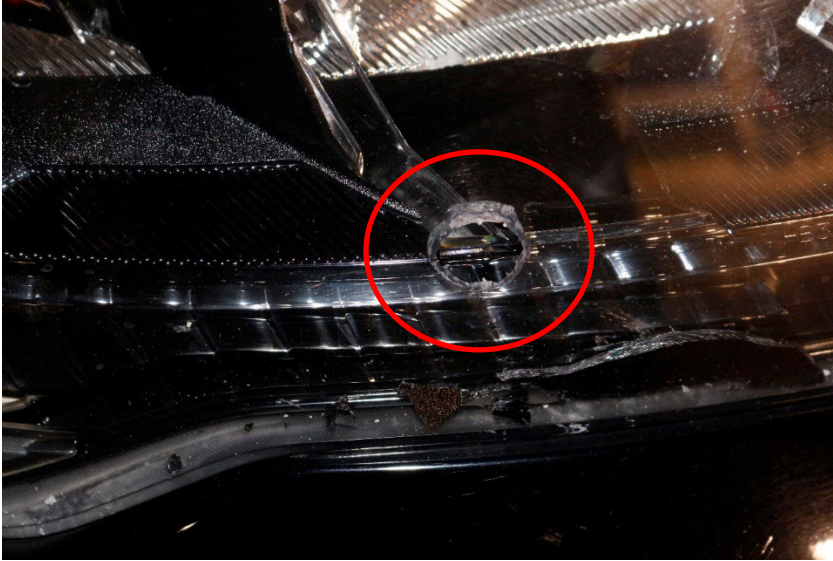


Image of the right front headlight of Officer Stradling's vehicle. The red circle marks the bullet hole.

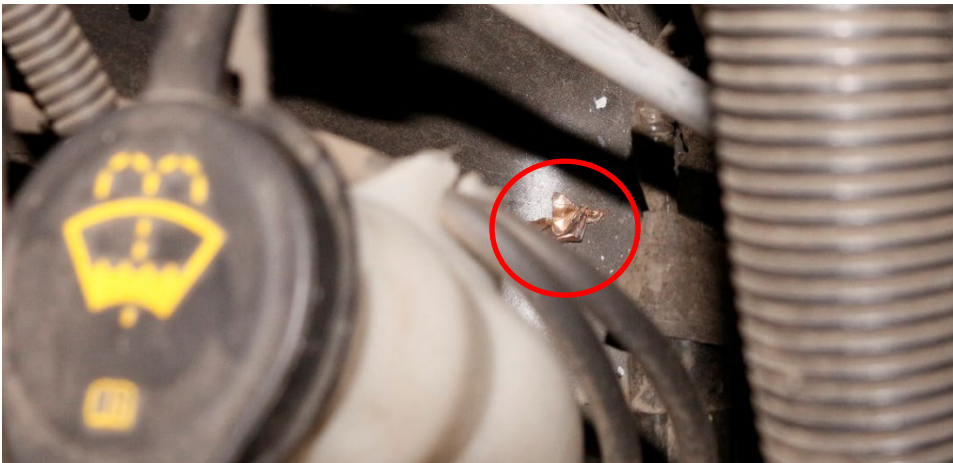


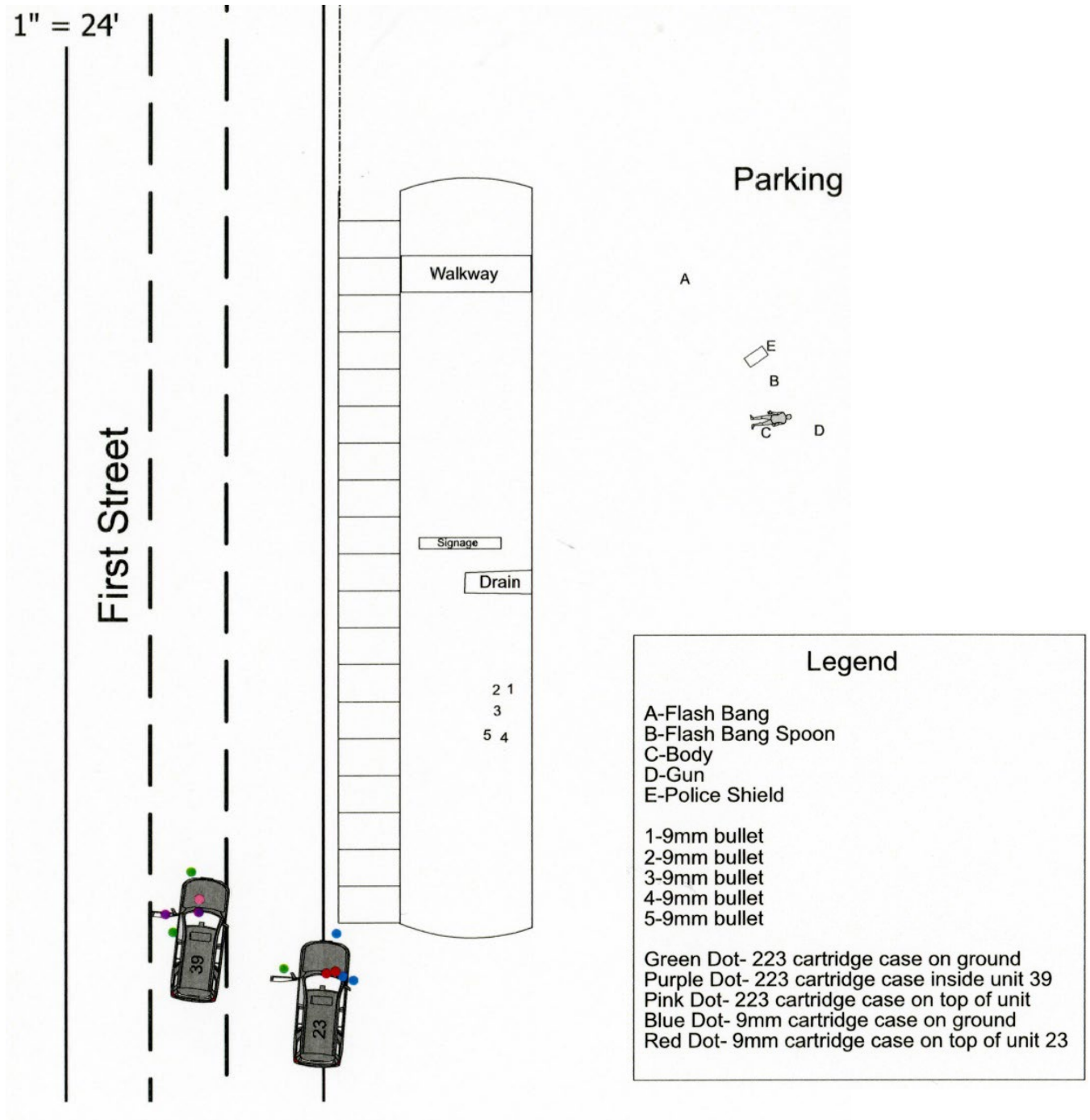
Image of the engine compartment of Officer Stradling's patrol vehicle. The red circle marks a bullet fragment.

Additional items located at the scene included five expended 9mm cartridge cases and six .223 Remington expended cartridge cases. Five divots on the grass embankment were marked and searched. Bullets were recovered from four of the divots. The fifth divot had the same appearance and a similar trajectory path to the other four divots, but no bullet was located.



Image of the five divots located on the grass embankment.

The crime scene diagram below depicts the location of the two patrol vehicles, Padilla's body, cartridge cases, and the bullet strikes on the grass embankment.



An inspection of Officer Maupin's and Officer Stradling's firearms and magazines confirmed that Officer Maupin fired five rounds from his 9mm Sig Sauer semiautomatic pistol, and that Officer Stradling fired six rounds from his .223 Remington caliber Patriot Ordnance Factory rifle.

B. Firearms Analysis

Ventura County Crime Laboratory Forensic Scientist Jason Kwast compared bullets test fired from Officer Maupin's and Officer Stradling's firearms to bullets located at the crime scene, and to bullet fragments recovered from Padilla's body during the autopsy. Forensic Scientist Kwast concluded that the four bullets recovered from the divots on the grass embankment had a similar design to the 9mm Luger caliber cartridges from Officer Maupin's Sig Sauer semiautomatic pistol. Those four bullets were not fired from a .223 Remington caliber rifle due to the caliber difference.

As to projectiles recovered from Padilla's body during the autopsy, Forensic Scientist Kwast concluded that four of the projectiles from Padilla's body had a similar design to the bullets fitted to the .223 Remington caliber cartridges from Officer Stradling's rifle. These projectiles were not fired from a 9mm Luger caliber pistol due to the caliber difference. As to the fifth projectile recovered during the autopsy, there was insufficient detail for comparison.

C. Autopsy

Dr. Joseph Vallone, Associate Forensic Pathologist for the Ventura County Medical Examiner's Office, conducted an autopsy on Padilla's body on April 29, 2022.

Dr. Vallone located a total of five gunshot wounds to Padilla's body. Dr. Vallone identified the following gunshot wounds to Padilla's body and corresponding internal injuries:

- 1) A gunshot wound to Padilla's left lower back that perforated the diaphragm, spleen, left lower lung lobe, left pulmonary artery, and aorta;

- 2) A gunshot wound to Padilla's right buttock that perforated skin, soft tissue, and the femoral artery;
- 3) A gunshot wound to Padilla's left upper back that perforated skin and subcutaneous tissue;
- 4) A gunshot wound to Padilla's right medial foot/ankle and associated wound complex to the left knee likely caused by the same projectile;
- 5) A gunshot entry and exit wound to the right side of Padilla's abdomen that perforated skin and subcutaneous tissue.

Bullet fragments recovered from Padilla's body during the autopsy were provided to the Ventura County Crime Laboratory for comparison. Dr. Vallone concluded that Padilla died from multiple gunshot wounds and that the killing was a homicide, meaning a death at the hands of another.

D. Toxicology Report

A sample of Padilla's blood was collected during the autopsy. Toxicology performed on postmortem blood detected cannabinoids, methamphetamine, and amphetamine.

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).) De-escalation 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. Derrick Padilla’s Criminal Conduct

The day prior to the shooting, Padilla engaged in felony criminal conduct that involved death and a threat of serious bodily injury. He further engaged in felony and misdemeanor criminal conduct toward officers immediately prior to and during the shooting that posed an imminent threat of death to the officers. Had he survived, he could have been charged with the commission of the following crimes:

- Murder in violation of Penal Code § 187(a)
- Carjacking in violation of Penal Code § 215(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)
- Attempted murder of a peace officer in violation of Penal Code § 664(e)/187
- 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 April 28, 2022, at 8:04 p.m., Officer Maupin and Officer Stradling attempted to effectuate a high risk stop on a suspect wanted for murder and carjacking, who was presumed armed and extremely dangerous. Officer Maupin and Officer Stradling were also aware that the suspect, Derrick Padilla, had placed a call to his father a few hours earlier saying goodbye, which indicated he could be suicidal.

Officer Maupin exited his patrol vehicle with his handgun drawn and ordered Padilla to get on the ground multiple times. Padilla refused to comply and quickly produced a revolver, which he aimed at Officer Maupin. Knowing that Padilla was wanted for the murder of his wife and the armed carjacking of his sister, and seeing Padilla aim his

revolver at Officer Maupin, Officer Maupin reasonably concluded that Padilla was going to shoot him and Officer Stradling. Accurately perceiving that his life and his fellow officer's life were in imminent danger, Officer Maupin was legally justified in shooting at Padilla. Within a few seconds of Officer Maupin's initial contact, Padilla fired his revolver in the direction of both officers at least twice within approximately one second. One of Padilla's rounds struck the front of Officer Maupin's vehicle while another struck the front of Officer Stradling's vehicle. Given that both officers were standing behind the hoods of their vehicles, they were both directly in Padilla's line of fire and could easily have been shot and killed. There was no opportunity for the officers to de-escalate or consider less-lethal force given the immediate threat to human life Padilla's actions posed.

Officer Stradling's belief that Officer Maupin's life was in imminent danger was evident from his perception of Padilla firing at Officer Maupin and his concern that Officer Maupin was hit when he went down monetarily. Officer Stradling's fear for his fellow officer's safety continued well after Officer Stradling fired his last shot, as demonstrated by his request to have Sergeant Frates check Officer Maupin for injuries.

Officer Maupin's and Officer Stradling's use of deadly force against Padilla was both reasonable and necessary under the circumstances. Officer Maupin fired five rounds and Officer Stradling fired six rounds at Padilla during an exchange of gunfire in which Padilla was firing at them. Neither officer used more force than was reasonably necessary to eliminate the threat Padilla posed. As Officer Stradling reported, and as corroborated by surveillance footage, even after being struck once, falling to the ground, and rolling, Padilla again extended his right arm and pointed his firearm back toward the officers. Officers continued firing only until such time as Padilla no longer presented a threat to their lives.

Based on the autopsy and firearms analysis, multiple rounds from Officer Stradling's rifle struck Padilla. One bullet fragment recovered from Padilla's body contained insufficient detail for comparison to determine whether any rounds from Officer Maupin's handgun struck Padilla.

Based on the totality of circumstances, the fatal shooting of Derrick Padilla by Officer Stradling, and the shooting or attempted shooting of Derrick Padilla by Officer Maupin were legally justified uses of deadly force.

VI. CONCLUSION

It is the conclusion of the District Attorney that:

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

- G. Officer Maupin used no more force than was reasonably necessary to defend himself and Officer Stradling against the apparent danger posed by Derrick Padilla;

- H. The shooting or attempted shooting of Derrick Padilla by Officer Maupin was a justifiable use of deadly force.