



COUNTY OF TUOLUMNE DISTRICT ATTORNEY'S OFFICE

LAURA L. KRIEG
DISTRICT ATTORNEY

COPY

May 27, 2016

Chief Mark Stinson
Sonora Police Department
100 South Green Street
Sonora, CA 95370

Sheriff James W. Mele
Tuolumne County Sheriff's Office
28 N. Lower Sunset Drive
Sonora, CA 95370

Re: Officer Involved Shooting of Bruce Thomas Snyder

Dear Chief Stinson and Sheriff Mele:

The Tuolumne County District Attorney's Office has concluded our independent investigation and review of the facts surrounding the death of Bruce Thomas Snyder as a result of the use of lethal force by Officer Ryan Webb of the Sonora Police Department, and Tuolumne County Sheriff's Deputies Jerry McCaig and Scott Meyer on November 22, 2014. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Bruce Thomas Snyder. It is my conclusion that the use of lethal force under circumstances encountered by Officer Webb and Deputies Jerry McCaig and Scott Meyer on that date was legally justifiable pursuant to the provisions of California Penal Code Section 196. Consequently, no criminal charges will be brought against any of the officers for their participation in the shooting and resulting death.

The investigation conducted by the District Attorney's Office revealed the following:

FACTUAL SUMMARY

On November 22, 2014 at approximately 10:07 p.m., the Sonora Police Department dispatch center received a 911 call from Seth Behr stating "we need an officer here right now!" Mr. Behr reported that a "crazy" male subject he identified as Bruce Snyder was trying to break into his house on Orchard Avenue in Sonora. Mr. Behr further reported that the suspect had a gun and

was in a blue El Camino. Sonora Police Officer Ryan Webb began to respond to the location driving solo in full uniform and a fully marked patrol car. While en route, dispatch contacted Officer Webb and advised him that the suspect had left the home driving a blue colored Chevrolet El Camino heading towards Sonora High School. As Officer Webb turned onto North Washington Street/Shaws Flat Road near Sonora High School, he observed a blue El Camino with a sole male occupant. The El Camino stopped at the intersection of North Washington/Shaw's Flat and had its blinker on signaling to turn right onto Washington Street. Officer Webb conducted a u-turn of his patrol vehicle and immediately turned on his overhead lights to initiate a traffic stop.

The El Camino failed to yield to Officer Webb as it continued southbound on Washington Street. Officer Webb activated his siren and the El Camino continued southbound towards downtown failing to yield. A review of Officer Webb's MVAR video recording shows that the suspect travelled for 1 minute and 6 seconds after Officer Webb had activated his emergency lights. The El Camino ultimately yielded to the west curb line of South Washington Street in front of the Mi Pueblo Bar and Restaurant at 126 S. Washington Street.

As Officer Webb exited his patrol car, the suspect exited the El Camino, pointed his gun directly at Officer Webb and immediately began firing multiple rounds. The suspect continued to shoot at Officer Webb while standing nearly in the middle of Washington Street. Officer Webb returned fire and quickly noticed citizens on the sidewalk directly behind the suspect. In an effort to limit the danger to innocent civilians, Officer Webb moved away from the cover of his patrol vehicle and exchanged fire with the suspect in the middle of the street. The suspect continued to fire multiple rounds at Officer Webb who returned fire as the two circled around Officer Webb's patrol vehicle. During this initial exchange, the suspect shot Officer Webb in the right hip of his duty belt. (Later it was confirmed that a shot also went through his pant leg but did not make contact with his body.) At about this time, Officer Webb realized he had emptied his first magazine (Officer Webb carries a .40 Glock with a 15 round magazine and one round in the chamber) and while at the rear passenger side of his patrol vehicle he reloaded. When Officer Webb looked back up the suspect had gotten back into the El Camino and took off southbound on Washington Street.

This event happened very quickly. From the moment the suspect exited his vehicle and started shooting at Officer Webb, to the moment when the suspect got back into his vehicle and fled the scene, only 27.3 seconds elapsed.

Despite having been shot, Officer Webb got back into his patrol vehicle and began a second pursuit of the suspect. Officer Webb activated his radio and was able to update dispatch that shots had been fired and that he believed he had been hit. He also advised that he was in a second pursuit of the suspect vehicle. Due to the quickness of the initial encounter, Officer Webb had not been able to activate his radio up until this point. The suspect continued southbound on Washington Street to westbound Highway 108 with Officer Webb in pursuit. Sonora Police Officer Brandon Norris responded to Officer Webb's location and took up the second position in the pursuit going westbound on Highway 108.

From westbound Highway 108 the suspect turned eastbound onto Stockton Road. As the vehicles continued east on Stockton Road, two Tuolumne County Deputy units who had been responding to provide backup were near Mill Villa Court. Tuolumne County Sheriff's Deputy Jerry McCaig saw the El Camino approaching him on Stockton Road. He pulled to the side of the road near Mill Villa Court and ducked in his patrol car as the El Camino drove by. He then turned around and positioned himself directly behind Officer Webb's patrol car taking up the second position in the pursuit. Tuolumne County Sheriff's Deputy Meyer also had pulled over near Mill Villa Court in his patrol car. He also saw the suspect vehicle approaching and ducked as it drove by his location. He then turned around and positioned himself directly behind Deputy McCaig as the third patrol unit in the pursuit. At this point Officer Norris became the fourth unit in pursuit. In follow up interviews, both Deputy McCaig and Deputy Meyer explained that they had ducked as the El Camino drove by out of fear of being shot.

As the vehicles approached the intersection at Stockton Road and Washington Street, the officers noticed that the suspect had turned off his vehicle's lights. They further noticed that the suspect made a left onto Washington Street against a red light and then yielded to the east curb line near Theall Street, almost directly opposite of where the first shots had been fired at Officer Webb. Officer Webb pulled over behind the suspect vehicle in the northbound lane and Deputy McCaig pulled up alongside Officer Webb in the southbound lane. Deputy Meyer and Corporal Imlach who were doubled in their patrol vehicle parked in the northbound lane about one car length behind Officer Webb's patrol vehicle.

The suspect exited his vehicle and quickly walked to the middle of Washington Street. Officer Webb, Deputy McCaig, and Deputy Meyer all saw a black pistol in the suspect's right hand. Officer Webb yelled at the suspect to "Drop the Gun!" The suspect rose his arm up and the officers saw the firearm pointed at them. Officer Meyer and witnesses saw a flash from the suspect's gun and Officer Webb and Deputies McCaig and Meyer returned fire. The suspect began to go to the ground and Officer Webb assumed he had been hit. As the suspect was on his knees on the ground, Officer Webb saw the suspect still had the gun in his right hand and again the suspect raised the gun towards the officers. Officer Webb and Deputies McCaig and Meyer fired more shots. The suspect then went to his stomach and no longer had the weapon in his hand. The weapon appeared to be under the suspect's forearms. Officer Webb approached the suspect and kicked the weapon out from underneath him. Deputy Meyer then retrieved the gun and turned it over to Deputy Leyva when he arrived on scene. Officer Webb holstered his firearm and handcuffed the suspect as Deputy McCaig provided cover. At this point, Officer Webb advised Deputy McCaig that he had been hit. Officer Webb searched the suspect on the ground and then went to his knees and appeared to be in physical distress. Deputy McCaig then advised dispatch of "Officer down."

Sergeant Greg Rogers from the Tuolumne County Sheriff's Office who was responding to the scene and monitoring radio traffic throughout the pursuit had heard Deputy McCaig update that the suspect was stopping at Theall Street. At the end of Deputy McCaig's radio transmission advising that the pursuit was stopping, Sergeant Rogers heard Deputy McCaig say "He's got a gun!" The next radio transmission heard was from Deputy McCaig saying, "Shots Fired! Shots Fired! Suspect down!" Deputy McCaig can then be heard over the radio saying "Officer down!" At that time, Sergeant Rogers believed that Deputy McCaig had been shot, but when he

arrived at the scene he saw Officer Webb limping and confirmed that the Officer shot was Officer Webb. Sergeant Rogers called for two ambulances to respond to the scene, one for the suspect, and one for Officer Webb.

INVESTIGATION AND FOLLOW-UP INTERVIEWS

In an interview with Tuolumne County Sheriff's Detective Lowry after the shooting, when asked if he felt his life or the life of another was in danger at the time of the shooting, Officer Webb stated that "Without a doubt that I felt immediately my life was in danger." Officer Webb explained that there were three main bars near the shooting location that were open at the time. He further explained that there were people on the sidewalks and that "others were in . . . possible danger or threats of loss of life." Officer Webb told Detective Lowry that he felt his life and the lives of others were in imminent danger the entire time he was dealing with the suspect, explaining that "The entire time during the first incident and the entire time until the second incident ended I felt that my life was in danger not to mention obviously during the first incident it was thinking about my life as well as the possibility of others the entire time. And no time, not a second did . . . that threat stop, it was constant."

An interview with Tuolumne County Deputy Jerry McCaig was also conducted following the shooting. Deputy McCaig explained that when he saw the suspect exit his car with the gun in his hand he felt the following: "he had already shot at an officer and he was going to shoot me and that is why he was coming at me at a fast pace and he had that gun in his hand and that was it. I was afraid I was going to get shot right then and there." Deputy McCaig expressed that when he saw the suspect raise his arm with the gun, Deputy McCaig started shooting. Deputy McCaig then heard something hit his patrol car, and felt what he believed to be a bullet go by his head.

Also in an interview with Detective Lowry, Tuolumne County Sheriff's Deputy Meyer stated that he could see a firearm in the suspect's hand and "At that point I felt that he was going to shoot at us. That I felt my own life was in danger. I felt the Deputy and the Officers life was in danger. I saw a muzzle flash . . . a flash of light coming from the object that I recognized as a firearm and I returned fire at the time." Deputy Meyer explained that he believed the suspect was "trying to kill either me or other law enforcement officers." He further explained that after the initial exchange of gunfire, the suspect went to his knees and then gripped and lifted up his gun again appearing as if he was going to reengage. Deputy Meyer fired at the suspect again. When the suspect went down, Deputy Meyer recalled hearing people on the street shouting "Bruce." Deputy Meyer told them that paramedics were on the way and that they needed to stay back. A review of Officer Norris' body camera confirms several officers having to give multiple commands to people on the street to stay back and out of the crime scene following the shooting.

Follow up investigation of these events revealed that an innocent female bystander on the street had been shot by the suspect during the initial shooting exchange between the decedent and Officer Webb. This victim suffered a gunshot wound but was treated and released from Sonora Regional Medical Center. Investigation revealed that the female had just finished having dinner with friends on the evening of the shooting and was walking on the east sidewalk of Washington Street. She noticed a blue El Camino drive southbound past her followed by a police car with its lights and sirens on. She explained that the El Camino pulled over in front of the Mi Pueblo

restaurant and the police car stopped behind it. As she was standing on the east curb of Washington Street facing westbound she heard gunshots and then felt pain and impact to her left upper torso. Her friends assisted in laying her down on the ground and called 911. A short time later, they saw an ambulance and flagged it down. Paramedic Jeremiah Andrews was treating a patient in the back of the ambulance while his partner Nic Peterson was driving. They heard yelling and stopped on Washington Street. They were told someone had been shot. They left the ambulance and assessed the shooting victim and decided to load her in the ambulance and start treating her. They called for a second ambulance and during that time heard gunfire erupt.

The second ambulance was coming from medic eleven quarters on Tuolumne Road and had not yet arrived. Paramedic Andrews had reports that there were more victims so he and his partner made the decision to go to the scene and start triaging patients immediately. When they reached the scene they had two firefighters get into the ambulance to monitor the two patients already being transported. Paramedic Andrews then went to the suspect lying in the roadway and determined he was dead at the scene.

Sonora Police Officers are equipped with body cameras and their patrol vehicles are equipped with MVARs (Mobile Video/Audio Recording Systems). Officer Webb's MVAR was activated on November 22, 2014. Officer Webb was wearing a body camera but did not activate it due to the shooting occurring unexpectedly and very immediately upon his contact with Snyder. MVAR recordings and body camera recordings were utilized on November 22, 2014 by Sonora Police Officer Norris and Sergeant Vanderwiell. Tuolumne County Sheriff's Deputies are not equipped with body cameras or MVARs.

A review of Sonora Police Officer Norris' MVAR camera after the second shooting event showed that the time that elapsed between the first round being heard fired to the final round being fired was 16 seconds. The time that elapsed between the last shot fired to the first request for a "Medic" to stage in the area was 45 seconds.

When Sergeant Rogers arrived on scene he saw Tuolumne County Sheriff Deputy Frank Leyva standing on the west sidewalk holding a firearm. Deputy Leyva advised him that the weapon was the one the suspect had used, a Smith & Wesson model 410 pistol, and it had been handed to him by Deputy Meyer. In order to render the weapon safe, Deputy Leyva pulled the side back and locked it in place. A live round ejected. Also as Deputy Leyva pulled the magazine out, a bullet from the magazine ejected. Deputy Leyva turned the firearm, magazine, and bullets over to Sergeant Rogers. The firearm was secured in a paper bag in Sergeant Rogers' patrol car and later turned over to the Department of Justice who arrived and examined the entire crime scenes of both shootings.

A subsequent examination of the decedent's firearm by Department of Justice personnel determined that the firearm was operable. The firearm held a magazine with the capacity of 10 cartridges. There were two unfired 40 S&W cartridges submitted with the pistol. One cartridge had a copper full metal jacket and a headstamp indicating it was marketed by Remington. The second cartridge had a jacketed hollow point style bullet and was marketed by Winchester. A report from the Department of Justice confirmed that four bullets and a cartridge case collected from the scene had been fired by Snyder's Smith & Wesson gun. The four bullets confirmed as

coming from Snyder's firearm were: 1) One bullet collected from Officer Webb's vehicle inside the hood; 2) One bullet collected from Deputy McCaig's vehicle that went through the windshield and headrest of the passenger seat; 3) One bullet collected from Officer Webb's duty belt; and 4) One bullet collected from the left upper breast area of the female victim during the first shooting.

A search of the decedent's vehicle revealed an empty Styrofoam ammunition holder capable of holding 50 bullets on the passenger seat. Open on the passenger seat, investigators located a Suboxone 8mg/2mg packet. Nineteen Winchester .40 caliber live rounds were on the passenger seat along with four R-P .40 caliber Smith and Wesson rounds. Indicia of Bruce Snyder, including a CDL/ID document request was located in the glove box. Inside a red ball cap in the inner brim, investigators located one open Suboxone packet and two unopened Suboxone packets. On the driver's floor board under the mat a single Winchester .40 caliber live round was found.

SNYDER'S CRIMINAL HISTORY

Snyder had a criminal record that included convictions for battery causing serious bodily injury, assault with a deadly weapon, evading peace officers, driving under the influence, resisting arrest, violating the civil rights of another as a result of the victim's racial status, and assault on a peace officer likely to cause great bodily injury. He was eventually sentenced to the California Department of Corrections in 2009 for a term of 5 years, 8 months.

AUTOPSY

Snyder's autopsy was performed by Sung-Ook Baik, MD at the Stanislaus County Coroner's Office. The cause of death was determined to be blood loss due to multiple gunshot wounds involving vital organs. There were 11 gunshot injuries and two grazing wounds located on the decedent's body. At the time of his death, the Coroner's report concluded that Snyder was intoxicated with ethyl alcohol. A further confirming test by Central Valley Toxicology showed that the defendant's blood alcohol level at the time of death was a .25%.

LEGAL ANALYSIS

Throughout the investigation into this matter, Officer Webb and Deputies McCaig and Meyer cooperated fully and provided interviews. As a result of our investigation and review of all of the evidence, including the autopsy and statements from percipient witnesses, as well as the MVAR recordings of both shooting incidents, it is the conclusion of this office that the use of lethal force by Officer Webb and Deputies McCaig and Meyer on November 22, 2014, which resulted in the death of Bruce Thomas Snyder, was justifiable under Penal Code Section 196. The statements of the officers were corroborated by the MVARs (Mobile Video/Audio Recording Systems) on Officer Webb and Norris' patrol vehicles, as well as many witness statements. There were in excess of 31 witnesses to the events that occurred prior to, during, or immediately after the shooting.

During the follow-up investigation in the weeks after the shooting, Detectives from the Tuolumne County Sheriff's Office with assistance from the Tuolumne County District Attorney's Office Investigator interviewed a number of people who knew the decedent. One female witness, who had dated the decedent, told detectives that when the decedent obtained the gun about a year prior to the shooting, he told her he did not want to go back to prison and that the gun was meant for cops but not to kill them. She explained that he told her he would rather die by suicide than go back to prison. Another witness who stated that he and the decedent had been best friends for years advised law enforcement that the Snyder had told him in the past "If the cops ever try to pull me over, we are all going down." A prior girlfriend of Snyder's who had seen Snyder on the evening of the shooting from about 6:30 p.m. to approximately 8:30 p.m. indicated that Snyder was upset about his current girlfriend and thought she was cheating on him. After leaving her home, later in the evening, Snyder called her and told her that he was going to go to Mi Pueblo's where he thought his girlfriend was. His ex-girlfriend reported that she was at Mi Pueblo's and told Snyder that his girlfriend was not there. He reportedly told her that he was going to go to the guy's house where he thought they were. She advised him not to.

Following the shooting, another witness/friend of Snyder's brought three letters to the Sonora Police Department that he said Snyder had left behind and written about a year prior. Two letters were to his friend and one letter was addressed to Snyder's mother. The letter to the friend begins "...if your reading this I'm most likely Dead." The letter goes on to say "If anything happens to me or I end up killed or dead . . ." The letter then explains what Snyder would like done with some of his possessions.

Officer Webb, Deputy McCaig, and Deputy Meyer exercised their police powers in a lawful manner against a person who on a traffic stop got out of his car and immediately started firing at an officer. The officer was shot in this initial exchange. The subject then led officers on a pursuit and again stopped his vehicle, pointed a gun at officers and began firing. The officers were confronted by an armed subject, and public safety required the officers to use deadly force to protect themselves and others in the immediate vicinity. A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. Officer Webb, Deputy McCaig, and Deputy Meyer reasonably believed their lives were in danger, as well as the lives of others. While it is always unfortunate to have to exercise deadly force against any person, this case reminds us of the danger police officers face in circumstances involving fleeing felons who pull out firearms and threaten the safety of the officers and citizens in our community. The community relies on your police officers for protection in situations such as this, and your officers acted appropriately in providing that protection.

If you have any questions regarding this investigation or my conclusions, please do not hesitate to call me. A copy of this letter will be made available to the public after you have received it.

Kindest Regards,


LAURA L. KRIEG, DISTRICT ATTORNEY