

**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF VENTURA
February 2, 2011**

**REPORT ON THE FATAL SHOOTING
OF DANIEL CHILSON
BY VENTURA POLICE OFFICERS
ON NOVEMBER 15, 2009**

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INTRODUCTION

On November 14, 2009, the Simi Valley Police Department issued a probable cause warrant for the arrest of Daniel Chilson (aged 34) for spousal abuse, criminal threats and vandalism. Chilson had left Simi Valley and the authorities did not know where he was. In an attempt to locate Chilson, the Simi Valley Police Department utilized GPS technologies to locate his cell phone based upon cell site information. This technique is referred to as “pinging” a cell phone. The signal to Chilson’s cell phone was located in the industrial complex on Palma Drive in the city of Ventura. Simi Valley police notified the Ventura Police Department of Chilson’s presence in Ventura. Ventura police dispatched officers to the scene at approximately midnight on November 14 to locate Chilson.

While at the scene, officers saw Chilson hiding on a roof of one of the businesses. He repeatedly refused to comply with demands to turn himself in. The Ventura police officers had been told that Chilson was possibly suicidal and that he had also made statements that he was going to kill his ex-wife and her family. A perimeter was established while the officers attempted to secure and arrest Chilson.

On November 15, 2009, at approximately 4:00 a.m., the Ventura Police SWAT unit was deployed to the area. While the officers surrounded the building, Chilson managed to break the established perimeter. The officers had seen Chilson running in the area, and several officers had seen him armed with what appeared to be a handgun. The officers were able to communicate with Chilson by cell phone, and they began to negotiate with him to turn himself in. During the

negotiations, Chilson, in addition to making threats that he was going to kill himself and his family, also told the negotiators it was his intention to kill the SWAT officers that were in the area.

At approximately 12:30 p.m., Chilson was seen running westbound from the business complex, just south of where two SWAT officers and one patrol officer had been positioned. Officers Dan Stegner, Karl Reyes and Josh Young were posted on the roadway with no cover. Upon entering the dirt roadway, Chilson, who was holding a weapon, ran southbound away from the officers. The officers ordered him to stop and drop the weapon. As Chilson ran, he slowed down and began to turn towards the officers with the gun raised in their direction. Fearing for their safety, all three officers shot at Chilson. He was hit twice, and one of the wounds was fatal. He was pronounced dead at the scene. It was later discovered that the black handgun that Chilson was carrying was actually a BB gun that was an exact replica of a 9 mm Beretta semiautomatic handgun.

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. Ventura Police Department immediately notified District Attorney Chief Investigator Rob Briner. Senior Deputy District Attorney Stacy Ratner (who authored this report), Senior District Attorney Investigator Danny Miller, and District Attorney Investigator Robert Coughlin, all responded to the shooting scene and consulted with the investigating officers.

The Ventura Police Department conducted a detailed investigation of the shooting, which included interviewing witnesses, collecting physical evidence, photographing the area of the shooting, and conducting interviews with the involved officers, Dan Stegner, Karl Reyes and Josh Young. The Ventura Police Department investigation reports were then submitted to the District Attorney's Office for a determination of whether the shooting of Daniel Chilson was justified, and if not, whether criminal charges should be filed. The scope of the District Attorney's review was limited to those issues.

The District Attorney's review included studying over 500 pages of reports and documents, detailing interviews of police and civilian witnesses, reviewing diagrams, photographs, tape-recorded interviews, records of radio transmissions, and examining the scene of the shooting.

After a complete review of all of the evidence, it is the conclusion of the District Attorney that Officers Dan Stegner, Karl Reyes, and Josh Young acted lawfully when they shot at Daniel Chilson, and Chilson's resulting death was a justifiable homicide.

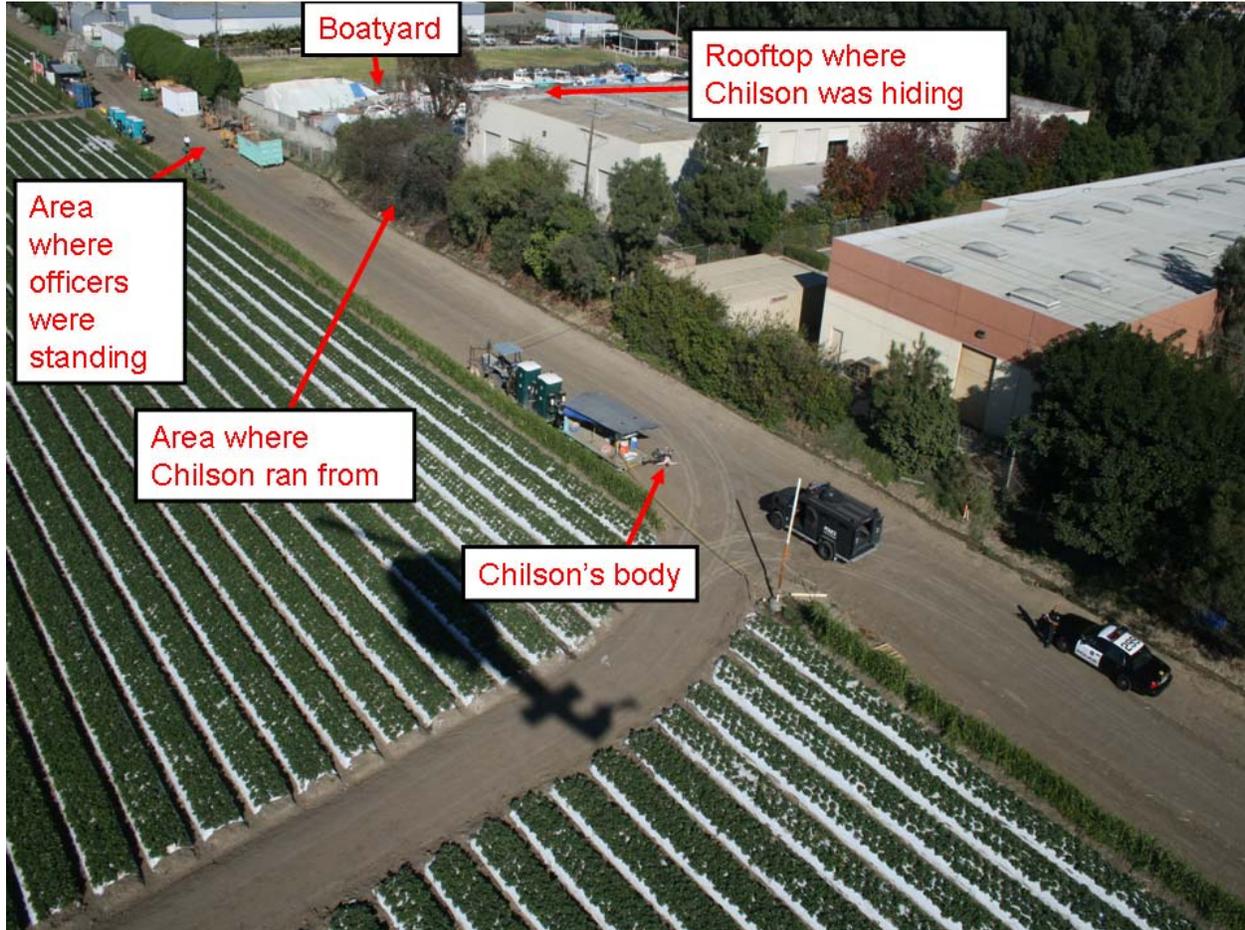
STATEMENT OF FACTS

The District Attorney's review of the facts indicates the following:

Daniel Chilson's confrontation with Ventura Police Officers Dan Stegner, Karl Reyes and

Josh Young

On November 15, 2009, Daniel Chilson (aged 34) was hiding on the roof of an industrial complex on Palma Drive in the city of Ventura. He had been there since around midnight the night before, and he was wanted by the Simi Valley Police Department (SVPD) for a variety of charges stemming from a violent confrontation and threats to his ex-wife. The Ventura police officers had information that he was armed with a handgun. Chilson ran from his hiding place holding the weapon, and when ordered to stop, he turned towards the officers with the gun raised in their direction. Three officers fired at Chilson, hitting him twice. He was pronounced dead at the scene. The weapon, which turned out to be a replica 9 mm Beretta firearm, was recovered at the scene.



Statement of Officer Jack Ortega

Officer Ortega told investigators that he was working patrol as a K-9 handler for the Ventura Police Department. He was working the graveyard shift on the evening of November 14, 2009, when he received a phone call from SVPD K-9 handler Officer Chris Martin. Officer Martin informed Officer Ortega that a suspect named Daniel Chilson had a probable cause warrant for his arrest for a domestic violence incident that occurred in Simi Valley. Officer Ortega was also notified that Chilson had been employed by a company called All Star Awning which is located at 2851 Palma Drive in Ventura. Chilson was also wanted in connection with a vandalism of that

business. Throughout the evening of November 14, 2009, Officer Ortega and Officer Alexander went to the business at 2851 Palma Drive to see if Chilson was there. They were looking for his vehicle in the area; however, they did not locate it, nor were they able to locate Chilson.

Throughout the evening, Officer Ortega received information that the SVPD was attempting to locate Chilson by pinging his cell phone. The signal was being received by a radio tower near the Camarillo Airport. Later, Officer Ortega received updated information from SVPD that Chilson's phone was sending signals in the area of 2851 Palma Drive in Ventura. Officer Martin and two other SVPD officers drove to Ventura and met with Officer Ortega sometime after 2:00 a.m. on November 15, 2009. They approached the business on Palma drive to see if Chilson was there. They were unable to locate his vehicle, so Officers Ortega, Martin and Wilfert approached the business on foot. They walked down a dirt road that is adjacent to the industrial park where the business is located. As they stood on the road looking at the business in the darkness, they saw a lit cigarette fall to the ground and bounce a couple of times. One of the officers saw the figure of a person on the roof that appeared to be looking out and over the ledge towards the ground.

Other officers arrived to assist. During the next hour, SVPD continued to ping Chilson's phone, and they discovered that he was still at the location on Palma Drive. Officers from Ventura Police Department then surrounded the business and made announcements over the public address system of a patrol car. The announcement said, "Daniel, this is the Ventura police. Please call me at 207-9058." Officer Ortega was informed by Officer Martin that after this

announcement, Chilson had called one of the SVPD officers and told him that he was located at the Toys R Us store in Ventura. The officers did not believe that this was true because Chilson's phone was still signaling from Palma Drive and the call came directly after the PA announcements to Chilson. Officer Ortega believed that Chilson was attempting to hide his location from the police to gain some sort of advantage. The Ventura County Sheriff's Department deployed a helicopter to the scene in an unsuccessful attempt to locate Chilson. Ventura Police Department's SWAT was also activated to handle the situation.

Officer Ortega maintained a position near a large dumpster on the dirt road adjacent to the building. He saw a subject on the roof of the business move around several times. Some time afterward, Officer Ortega heard a noise coming from a boat storage yard north of his location. He saw a male subject climb up and over a fence. One of the other officers attempted to make verbal contact with the subject, but he did not respond. Officer Ortega saw him reach into his rear waistband and retrieve what looked like a gun. He saw the subject jump off the fence and out of the officer's view with the gun at his side. The subject remained out of sight for a long period of time.

Later, Officer Ortega heard a report over his radio that the subject was running near the railroad tracks on the north side of the building. Officer Ortega moved further north along the dirt road and took a position near a water tank. He stayed there with Officer Josh Young. Suddenly he saw a subject, later identified as Chilson, coming up from under a fence, westbound onto the dirt road where Officers Ortega and Young were. Chilson slowly crawled out from under the fence on his

stomach and continued to crawl along the ground in an attempt to avoid detection. Officer Ortega called his police K-9 to get the dog's attention. As soon as he did this, Chilson immediately jumped to his feet and started running south down the dirt road. Officers Ortega and Young began running after Chilson who was about 50 to 60 yards ahead of them. Officer Ortega saw Chilson reach into his back waistband and pull out a gun. Officer Ortega's dog was given a command to go after Chilson; however, the dog did not comply. Officer Ortega continued to chase Chilson when he disappeared from view. Officer Ortega could hear noises in the bushes, which indicated to him that Chilson had fled back into the parking lot of the All Star Awning business.

Officers Ortega and Young repositioned themselves near the dumpster and eventually Officers Stegner and Reyes, and Corporal Steve Arroyo joined them. Officer Ortega could see through the brush bordering the business, and he saw Chilson running south from the business towards the driveway that faced Palma Drive. This information was relayed to other officers over the police radio. Officer Ortega then heard over the police radio that Chilson was seen running westbound, which would have been towards Officer Ortega. Within seconds, he saw Chilson break the tree line and run westbound back onto the dirt road where Officer Ortega and the other officers were standing. Chilson was running away from the officers and he had the gun in his left hand. Corporal Arroyo yelled, "Stop!" Once this command was made, Chilson continued running, but he began turning to his right while holding the gun in his left hand. The gun was raised up to at least waist level. As soon as Chilson turned toward the officers with the gun raised at them, Officer Ortega heard officers' gunfire from both his right and his left side. He was not certain

how many rounds were fired, but he knew it was officers who were firing. Chilson immediately went down to the ground. Officer Ortega had seen Chilson running with his gun earlier in the day, and on those occasions he always kept the gun down. On this occasion as he began to turn, Officer Ortega saw Chilson raise his gun, and Officer Ortega believed that Chilson was going to shoot at the officers. He was in fear for his life, but he was controlling the canine and did not draw his weapon.

Statement of Officer Dan Stegner

Officer Dan Stegner told the investigators that he is a member of the SWAT team and he was called to the incident in that capacity. Officer Stegner had been briefed when he arrived at the station at approximately 4:30 a.m. on November 15, 2009. He was shown a picture of Daniel Chilson, and he was told that Chilson was in a standoff with police on Palma Drive. He was also told that Chilson was wanted for violations of Penal Code section 273.5 and that he was possibly armed with a handgun. Once at the scene, Officer Stegner was briefed again. He was told that Chilson was confined to the roof area of the business. Officer Stegner went to the east side of the building and took a position in the tree line east of the buildings at approximately 5:30 a.m. He stayed there with other officers for approximately 30 minutes to an hour. Officer Stegner heard a member of the entry team report over the radio that they saw Chilson running northbound through a boat storage yard with a gun in his hand. The reporting officer indicated that they saw him place the gun into his waistband while he ran.

Officer Stegner ran northbound and met with other officers. Officer Stegner then moved further northbound on Ortega Street. While at that location, Officer Stegner saw Chilson climbing over an eight-foot wall and jump down between the wall and a barbed-wire fence. Officer Stegner lost sight of Chilson at that point as he went behind some bushes. Officer Kelly broadcast that Chilson was now crawling westbound towards Officers Kelly and Brown, but he again eluded the officers. While the entry team continued to search for Chilson, Officer Stegner heard radio reports that Chilson was communicating with the crisis team. Chilson was falsely telling them that he was in the city of Moorpark and not at their location in Ventura. Finally Chilson admitted that he was within the perimeter that the officers had set up. Lieutenant Vance reported over the radio that Chilson had stated, "I'm either going to turn myself in on Monday or I'm going to die today." Chilson also said, "If I run into any SWAT officers, I'll take them out."

Officer Stegner said that this information, coupled with the reports that officers had seen Chilson with a handgun, caused him to fear that Chilson was going to follow through with his threats and "kill one of us if he did make contact with us." Officer Stegner changed locations several times that morning, going to different locations along the perimeter. At one point, he heard a radio report that officers were in a foot pursuit of Chilson on the east side of the perimeter. Chilson was reportedly running in a dirt lot with a handgun. The pursuing officer lost sight of him as he ran away. Officer Stegner asked fellow officers to show him where they had lost sight of Chilson. He was directed towards a courtyard between the primary building, a secondary building, and a barbed-wire fence. As he stood

looking at the courtyard, Officer Stegner heard another radio broadcast that Chilson was running westbound through the industrial complex.

Officer Stegner moved across the dirt roadway and took a position behind a tractor with his rifle resting on a five-foot tractor tire. Other officers were nearby with no cover at all. He waited there to see if the suspect would run through this location. After a “few seconds,” he saw Chilson climb over a fence and run westbound across the dirt road in front of him. Officer Stegner saw that Chilson had a black handgun in his hand as he began to run down the dirt roadway. Officer Stegner estimated that Chilson was approximately 55 to 60 yards south of his location. Officer Stegner heard someone in the group order Chilson to stop. At that point, Chilson slowed and began to turn to his right, towards Officer Stegner and the other officers. Officer Stegner was worried because of the threat the suspect made of taking a shot at police. Officer Stegner shot at the suspect and he heard other rounds going off at the same time. Chilson immediately fell to the ground.

Officer Stegner told the investigator that while Chilson was running, he had the gun down at his side. As soon as the suspect turned to his right, Officer Stegner did not wait to see what he was going to do. He said that he was in fear for his life and he shot him. Officer Stegner said that he was in fear for his life because he knew that Chilson was a violent felon who was armed with a handgun. He also knew that Chilson had made statements that if he saw a SWAT officer, he was going to use deadly force and that he was either going to turn himself in on Monday or die that day. Officer Stegner feared that Chilson might try to shoot at the

first officer he came into contact with or another member of the public. Officer Stegner was also aware that there were additional officers to the south of his location, which was the direction that Chilson was running in.

Officer Stegner said that all the shots were fired at the same time, and no one fired at Chilson while he was on the ground. Once on the ground, Chilson started to move one of his arms. Officer Stegner yelled out for him not to move. Someone from the group advised dispatch that Chilson had been shot. Someone also requested that the armored vehicle move to their location to assure that the gun was away from the suspect and that he was no longer a threat.

Statement of Officer Josh Young

Officer Josh Young told investigators that he is on the Ventura Police Department SWAT team. He was at home when he received a call telling him that the SWAT team had been dispatched. He responded to the station and was briefed by fellow officers. He learned that Chilson had been in a domestic violence situation and had threatened to kill his family. He also learned that he had sent a picture of a gun to someone via text message. He was shown a picture of Chilson and given a physical description.

Officer Young was made a part of the immediate reaction team for the SWAT team and he was armed with his MP5 rifle. He was staged behind a large trash dumpster on a dirt road at the west side of the business. He was informed that Chilson was on the rooftop of the business and was

homicidal. He was fearful that Chilson would fire down at officers from his location on the roof. After several hours at that location, Officer Young heard another officer yell, "Show me your hands." Officer Young saw Chilson standing on something over the fence line of the boatyard, which was adjacent to the business they were surrounding. Officer Young saw Chilson pull a gun from his waistband and jump over the fence and run out of sight. Officer Young was surprised that Chilson was freely showing his firearm. Officer Young had heard that Chilson had threatened to shoot at the officers, and when he saw him displaying the firearm, he believed that Chilson was going to carry out his threats. The officers lost sight of Chilson as he ran away from the area. Officer Young moved his position from the dumpster to an area near a water tank south of the building.

Officer Young stayed at the water tank with Officer Ortega for several hours. The officers believed that Chilson had re-entered the business and was possibly back on the rooftop. As he was monitoring the west side of the building, Officer Young heard something south of them. He turned and saw Chilson low-crawling on the ground about 15 to 20 yards away from him. Chilson had a black handgun in his hand. He was moving very slowly and appeared to be attempting to sneak up behind them with the gun. Officer Young became concerned that Chilson was going to get close enough to shoot him and Officer Ortega. Officer Young and Ortega advanced towards Chilson and he suddenly sprang to his feet and began to sprint southbound down the dirt road. Officer Young and Officer Ortega sprinted towards him and Officer Young yelled for Chilson to stop. Chilson did not follow the commands and continued running down the

road. Officer Young was hoping that Officer Ortega's K-9 would catch up to Chilson but he did not.

Chilson ran towards the dumpster and then disappeared from view again. Officer Young and Ortega stayed at the dumpster and informed other officers of Chilson's movements over the radio. Officer Young then saw Chilson walking through the parking lot of the business they were surrounding. Chilson disappeared again around the building. The other officers were repositioning themselves to maintain the perimeter. Officer Young maintained his position at the dumpster, and then he heard another officer say over the radio that Chilson was going westbound, which was towards Officer Young and Ortega. He saw Chilson running towards them through the trees and bushes at the property line. Yong saw Chilson break through the tree line and run onto the dirt road where the officers were staged. Chilson was about 30 to 50 yards away from Officer Young when he suddenly turned to his right. Officer Young saw Chilson holding a gun in his left hand. Chilson's left elbow was at a 90-degree angle and it appeared to Officer Young that Chilson was going to kill him and his fellow officers. As soon as Chilson turned towards the officers with the gun raised, Officer Young shot at him three times with his MP5 rifle. Officer Young heard other officers firing from both the right and left sides of him. When they stopped firing, Chilson was on the ground.

Statement of Officer Karl Reyes

Officer Reyes told investigators that he arrived at work at the Ventura Police Department at approximately 5:40 a.m. for his regular shift as a patrol officer. He was scheduled to begin his

shift at 6:00 a.m. He was not initially asked to assist in the call-out regarding Chilson at 2851 Palma Drive, but at approximately 6:05 a.m., he heard a radio call indicating that Chilson had broken free of the perimeter and that additional officers were needed near the railroad tracks north of the location. Officer Reyes initially went to Ortega Street and maintained his position. From that location he could see the north fence line of the industrial area and some of the industrial complex. At one point, he heard the sound of bushes being rustled. He heard officers relaying information over the radio that they had seen a subject crawling in the bushes. Officer Reyes was summoned by other officers to move his location to an area just outside the fence line of the building near a telephone pole. Officer Reyes stayed in this location for several hours. Throughout the morning, he heard information from other officers about Chilson's desire to "turn himself in Monday or die today." He also heard that Chilson was armed with a handgun and that he was not willing to tell the officers where he was.

Later in the morning, Officer Reyes heard Officer Ortega announce over the radio that Chilson was near the west fence line and was attempting to break the perimeter. Officer Reyes saw Chilson running southbound on the dirt road about 100 yards to the south of him. He saw Officer Ortega running towards Chilson with his K-9. He heard Officer Ortega give the K-9 the order to bite Chilson, but the K-9 did not obey the command and merely ran along with Officer Ortega. Officer Reyes ran towards Officer Ortega and Officer Young who stopped by the dumpster on the dirt road. By the time he caught up to them, Chilson had gone east through the bushes and back into the industrial area alongside the dirt road. Officer Reyes could see Chilson in the parking lot of the business approximately 40 feet away from him, but there were thick bushes

between them. Officer Reyes then lost sight of Chilson. Officer Ortega told Officer Reyes that when Chilson was running away from him he had a gun in his hand.

Officer Reyes stayed near the dumpster and met with other officers. Officer Reyes saw Chilson again running southbound through the parking lot of the business. As other officers met up with Officer Reyes and Officer Ortega, they started formulating a plan to try to contain Chilson. They requested that traffic be stopped on Olivas Park Drive because they were concerned that Chilson may run in that direction or shoot at the officers in that area. While he was staging with the other officers near the dumpster, Officer Reyes heard Sergeant Weeks on the radio saying that Chilson was running south and west. A few seconds later, Officer Reyes saw Chilson running westbound on the dirt road west of the industrial complex on Palma Road. Officer Reyes estimated that Chilson was about 40 to 50 yards south of him when he entered the dirt road. Officer Reyes immediately dropped down to one knee in order to provide himself with a better shooting platform if he needed to shoot. Officer Reyes raised the rifle and used an EOTECH scope which produces a red dot on the target site. Officer Reyes heard one of the officers behind him yell, "Stop." Chilson then appeared to slow down, and suddenly he turned toward the officers. Officer Reyes did not see the gun in Chilson's hand, but he was aware of the fact that he had a gun from the prior radio transmissions that informed them that Chilson was armed.

As Chilson turned toward the officers, Officer Reyes believed that he was trying to get into position to shoot at them. As Chilson was turning, both his right and left hands began rising up around his waistline and Officer Reyes immediately started shooting at him. Officer Reyes

believed that he fired five rounds from his AR15 rifle at Chilson; however, later he discovered that he actually fired six rounds. Officer Reyes believed that he needed to shoot Chilson so that he or his fellow officers would not be shot. Officer Reyes also knew that traffic on Olivas Park Drive had not yet been stopped and Chilson was running towards that traffic. Officer Reyes believed that if Chilson got to Olivas Park drive he could seriously harm citizens or the other officers who were positioned there. Officer Reyes knew that other officers fired at the same time he did. Once Chilson fell to the ground, Officer Reyes did not fire again.

Chilson's Domestic Violence Crimes Against Meghan Shaner

Daniel Chilson was married to Meghan Shaner and they had two children together. He also had two children from a prior marriage. Shaner admitted to investigators that Chilson had a drug problem. He had also recently told her that he had not been paid at his job for two months and that his former employer was accusing him of stealing money from the company. She said that their relationship had not been stable and she had tried to leave Chilson before but could not. She explained that she had finally decided to leave him the week before the shooting.

Shaner told the investigators that on Monday, November 9, 2009, she told Chilson that she wanted to move out of their house and separate from him. She said that they had been having problems for over a month and she had tried to leave him once before but he disabled her vehicle and would not allow her to leave. On November 9, 2009, she called SVPD because he once again disabled her vehicle as she was trying to move some things out of the house. Officer Mulligan came to her house to help keep the peace. After he left, Chilson threatened Shaner with a knife

and told her if she were to leave, he would cut her throat. Shaner left and went to her parents' house in Simi Valley. Chilson followed her to her parents' house and attempted to run her over with his car. Shaner once again notified SVPD. On November 9, 2009, Shaner applied for a temporary restraining order to keep Chilson away from her and the children. As she was driving her vehicle, it stopped running. She noticed there was something sticky near the gas tank and discovered that Chilson had put soda into the gas tank. Later that day, Chilson went to the school where their children attend and removed the two girls from school. The SVPD went to his house and served him with the restraining order. Later in the day, she went to her parents' house and she found some of her children's belongings left on the porch. These belongings had originally been at her residence. She walked into the backyard and found a noose hanging in a tree. Once again she called SVPD and reported what had happened.

On November 11, 2009, Chilson talked to Shaner via text message and phone calls. He told her that he wanted to commit suicide and that he took some Advil to try to kill himself. Shaner advised Chilson to go to the emergency room, but he did not go. Shaner told investigators that Chilson had made numerous suicidal statements in the past over their breakups. He also told her that he was afraid to commit suicide because it might hurt in some way. On November 12, 2009, Chilson asked Shaner if he could see their youngest daughter. The two of them met and Chilson became very upset. He was crying and begging Shaner to take him back but she refused. Chilson began calling and texting her continuously the rest of the day. On November 13, 2009, Chilson contacted Shaner and told her he was at her parents' house and that he was going to cut the gas line to the house and set it on fire. Shaner took her two kids over to her parents' house. As she

pulled into their driveway, Chilson drove up behind her. He was screaming at the two kids, telling them, "Don't move." He then ordered Shaner and the kids into the residence. He went into the kitchen and took some knives. He threatened to kill Shaner and to cut himself. He grabbed an electrical cord and struck Shaner with it. Then he took the electrical cord out into the backyard and fashioned a noose with it. Shaner locked him out of the house and left the residence. That was the last time she saw Chilson. Later that day, Shaner and her kids checked into a hotel in Woodland Hills in order to get away from Chilson.

Meghan Shaner's sister, Heather, was interviewed by investigators on November 16, 2009. She was aware of all of the problems that her sister was having with Chilson and his potential for violence. She said that Chilson had been violent with her sister in the past. She also told investigators that Chilson had a methamphetamine problem that had been going on for years. She said that on Monday, November 9, 2009, Chilson had been fired from his job. She believed that the combination of him losing his job and her sister leaving him may have contributed to his problems. On November 14, 2009, she received a text message from Chilson stating, "I'm going to make the kids pay for what she did." Heather called her sister to check on her and also reported the threat to SVPD. Meghan had gotten a new phone number so that Chilson could no longer reach her. Later that same day, Heather received another text message from Chilson. This time it was a picture of a gun with a message that he was going to kill everybody. He also sent her a picture that same day with a message that he was going to kill himself if Meghan did not talk to him. She called SVPD and informed them of this threat.



Text and photo message Chilson sent to Heather Shaner

The rest of the day she received numerous messages from Chilson. One of them said, "I'm not playing any more. I'm sorry for what I did. She has 30 minutes to call me. She is the only one who can stop me." At 6:00 p.m., he sent her a message that said, "Time's up" and "fuck it all," "All shit to the side. Bye." At Approximately 8:00 p.m., Heather spoke to Chilson on the phone. She told him to stop what he was doing and get some help. Throughout the evening he kept texting her, telling her that he was in different locations near San Luis Obispo. He sent her repeated messages expressing his desire to kill himself. He wrote, "I'm really going to do it, I'm really going to kill myself." He added, "By 11:00 I'm going to do it." Her phone kept ringing all throughout the night. At 8:00 a.m. the next morning, she received word that the SWAT team was involved in the incident. She did not hear from Chilson after that time.

Other Information

On November 14, 2009, at approximately 5:00 p.m., Chilson called SVPD. He told Officer Jeffrey Quartararo that he wanted to make a statement. He asked Quartararo if Meghan had been injured during the altercation that he had with her. He was told that she had some injuries from the extension cord he hit her with. Chilson told the officer that he had to kill himself because he injured his wife. Chilson abruptly hung up the phone after making that statement. Later, Chilson called the officer again. Chilson said that he had a gun and that he was heading towards Santa Barbara. He said that if he did not hear from Meghan by 11:00 p.m., he was going to kill himself.

SVPD Officer Chris Mulligan also spoke to Chilson on November 14. During the phone contact, Chilson was extremely emotional and crying. Chilson stated that he knew what he had done to his wife was wrong. He said that he had “messed up” and he could not believe how he acted towards his wife and children. Mulligan told Chilson that he was worried about his well being and that he wanted to help him. Chilson said that he was worried about his own welfare and that he had a gun, rope and pills. He said he had to go and hung up the phone. Mulligan requested that his department attempt to locate Chilson by “pinging” his cell phone. Once that was done, they were able to determine that Chilson was on Palma Drive in Ventura. Heather Shaner contacted Officer Mulligan. She told him about the text message Chilson sent her, stating that he was going to kill himself if he did not speak to his wife. Mulligan called Chilson again after learning this information. Chilson answered the phone but was still highly emotional and crying. Chilson told him that he was going to put a gun to his head. He hung up again.

Officer Doug Cleavenger works as a crisis negotiator for the Ventura Police Department crisis negotiation team as well an investigator. On November 13, 2009, Cleavenger responded to a company called All Star Awning located at 2851 Palma drive in Ventura in relation to a potential civil issue. The owner of the company, James Krall, told him that an employee named Daniel Chilson had been named president of the company in March 2009. Krall had appointed Chilson president in the hopes that he would run the company and Krall could retire. Krall had recently noticed that Chilson had cashed some company checks and deposited the money into his own personal account. Krall also noticed that Chilson was not paying any of the bills, and he was neglecting his duties as president. Krall saw that all of the files for the company had been removed and several thousand dollars in tools were also missing. Krall intended to fire Chilson and he left him several messages informing him that he was terminated. Cleavenger spoke with Chilson over the phone on November 13, and informed him that he was being terminated from the business. Cleavenger made arrangements for Chilson to return the files and tools. Chilson told Cleavenger that he was having marital problems and that he had let the business go for the last month.

On November 14, 2009, at approximately 9:00 a.m., Krall called Cleavenger again. He reported that when he arrived at work that day, he found the front door window was smashed out. He suspected that Chilson was responsible for the damage. At approximately 2:00 p.m. that same day, Cleavenger was contacted by SVPD and informed that Chilson was wanted for felony domestic violence charges. He was also informed that Chilson had threatened to kill his wife and himself. Cleavenger made contact with Chilson over the phone. Chilson was very upset and he

told Cleavenger that he had “fucked up.” He admitted that he had threatened his wife with a knife and he said that wanted to kill himself. Cleavenger spoke to Chilson for approximately 25 minutes and was able to calm him down. Cleavenger told him he could turn himself in to the Ventura Police Department rather than Simi Valley Police. That seemed to mollify Chilson, and by the end of the conversation he was talking more calmly and said that he no longer was feeling suicidal. At approximately 11:36 p.m. that night, Cleavenger was off duty when he received a text message from Chilson. It read: “I’m running behind on where I want to be, you know how people on dope are, just wish I could have spoken to her for a minute or two to tell her I’m sorry. Good job.” Cleavenger did not respond to the message.

On November 15, 2009, at approximately 4:24 a.m., Cleavenger received a call to report to the scene of a barricaded subject at the corner of Palma Drive and Olivas Park Drive. Once he got there he learned that the subject was Chilson. At 6:17 a.m. on November 15, 2009, Cleavenger made contact with Chilson by phone. Chilson’s speech was extremely rapid, and he said that his phone battery was running out and he needed to get off the phone. Chilson hung up and did not answer the phone until two hours later. At approximately 8:00 a.m., Chilson told Cleavenger that he was going to turn himself in later in the week. Cleavenger left Chilson several messages after that, telling him that he was willing to help him and that he needed to get in touch with him. Chilson answered the phone again later and told Cleavenger that the police helicopters were in the area and the police needed to leave. During one brief conversation, Chilson told Cleavenger, “I’m going to turn myself in on Monday, or I am going to die today.” At 11:35 a.m., Chilson called Cleavenger and said, “If I run into any SWAT officers I’ll take them out.” Cleavenger

told Detective Lieutenant Vance about these threats and Vance transmitted this information to officers at the scene.

Daniel Chilson had a history of spousal abuse dating back to 2001 when he moved back to Ventura County after being discharged from the military. In 2001 he lived in Oxnard with his first wife, Michelle Chilson, and their two children. On August 19, 2001, Michelle Chilson called the Oxnard Police Department to report that Daniel had threatened to kill himself because she had told him to leave the house. Daniel was taken to mental health for a 72-hour observation. Michelle Chilson told the police that Daniel had been diagnosed with a personality disorder and that he was discharged from the military for threatening to kill his sergeant and himself. Michelle Chilson obtained a restraining order against Daniel in December 2001. She and Daniel separated sometime before December 2001 and divorced sometime thereafter.

PHYSICAL EVIDENCE

An investigation of the scene of the shooting showed that Officer Reyes fired his weapon from a position near a green dumpster that was 218 feet from where Chilson's body was found. Officer Young fired his weapon from an area between that same dumpster and a tractor that was parked along the west side of the dirt road. This location was 213 feet from Chilson's body. Officer Stegner fired his weapon while positioned near the tractor on the west side of the road. He used one of the tractor tires as a shooting platform, and he was also 213 feet from Chilson's body.

Chilson's body was located on the north-south dirt road, west of the Palma Drive business complex on the property located at 5005 Olivas Park Drive in the city of Ventura. The distance from where the officers fired their weapons to the opening on the east side of the dirt road from where Chilson first entered the road is approximately 95 feet. It is unknown how far Chilson ran once he was shot, but it appears that he ran a short distance before he fell to the ground.

On November 16, 2009 at approximately 8:30 a.m., Doctor Janice Frank performed the autopsy on Daniel Chilson. She found that Chilson had sustained two gunshot wounds. He had sustained one through and through gunshot wound of the right lower leg. The direction of the wound was back to front, slightly right to left and downward. There was no skeletal damage.

The second gunshot wound entered the right upper back approximately 15 inches from the top of the head and 7 inches right of the posterior midline. This bullet, after entering the chest cavity between the 8th and 9th posterior rib, penetrated the lobe of the right lung, perforated the thoracic spine at the "T-8" level, lacerated the left lateral side of the thoracic aorta, perforated the lower and upper lobes of the left lung. The bullet exited the body via the 5th rib near the left lower axilla (armpit). The bullet re-entered the left inner upper arm at a location approximately 7 inches from the top of the shoulder. A bullet was recovered from the triceps area approximately 6 inches from the top of the left shoulder. The bullet path was back to front and right to left. Doctor Frank ruled the cause of death to be a gunshot wound of the chest. Dr. Frank opined that the path of both bullets that struck Chilson were consistent with him turning, or beginning to

turn, to his right towards the officers when he was shot. Toxicology tests of Chilson's blood showed the presence of amphetamine and methamphetamine.

Jim Roberts, forensic firearms expert from the Ventura County Sheriff's Department Crime Laboratory, examined two bullet fragments found at the scene of the shooting and one bullet fragment taken from Chilson's left arm during the autopsy. He determined that the bullet taken from Chilson's left arm and one bullet fragment found at the crime scene were fired by the AR-15 semi automatic rifle that Officer Stegner was using. The second bullet fragment found at the crime scene had Chilson's DNA on it which indicated that this was the round that passed through his right lower leg. Roberts found that this bullet could have been fired by the MP-5 submachine gun which was used by Officer Young; however, no positive identification could be made. A replica firearm was found on the ground near Chilson's body. The replica firearm had Chilson's DNA on the slide and on the trigger.



Replica 9mm Beretta firearm carried by Chilson photographed below actual 9mm Beretta pistol

LEGAL PRINCIPLES

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

The shooting of another person in self-defense or in the defense of others is justifiable and not unlawful.

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

Under California law, anyone, including a police officer, who is threatened with an attack that justifies the use of self-defense, need not retreat. The person attacked may stand his ground and defend himself, if necessary, by deadly force, even if he might have more easily gained safety by flight. See People v. Newcomer (1897) 118 Cal. 263, 273; People v. Dawson (1948) 88 Cal. App. 2d 85, 95.

A police officer may use deadly force where 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; Martinez v. County of Los Angeles (1996) 47 Cal. App. 4th 334.

ANALYSIS

The primary question that must be answered is: Did Officers Stegner, Young and Reyes reasonably believe that they were in imminent danger of great bodily injury or death from Daniel Chilson as he ran out onto the dirt roadway with a black handgun in his hand? If the officers had such a state of mind at the moment they shot at Chilson, their use of deadly force was justified under the law.

Daniel Chilson had been making homicidal and suicidal threats for several days before he was shot. He had barricaded himself on the top of an industrial building and threatened to kill any officers he came into contact with. Chilson was seen numerous times running around the building with a black handgun in his hand. He made no attempt to conceal the firearm and it appeared as if he wanted the officers to believe he was armed with a real firearm. When officers attempted to stop him, he ran into the bushes and escaped back onto his rooftop perch. He was non-compliant and the officers on scene were increasingly alarmed at his homicidal threats.

Officers Stegner, Young and Reyes were positioned on the dirt roadway with no cover. They each had been out at the scene for several hours and they knew that Chilson had breached the perimeter several times. They did not know when or if Chilson was going to run in their direction as they waited on the dirt roadway.

Suddenly, they saw Chilson emerge from the bushes and crawl along the ground before he stood up and began running away from them. He had the gun in his left hand as he began to run down

the roadway. The officers saw that he was running southbound towards Olivas Park Road. They knew that other officers were positioned on Olivas Park Road and that traffic had not yet been stopped. The officers were also concerned that Chilson would escape from them and shoot their fellow officers or civilians in their cars. When one of the officers yelled “Stop!” Chilson slowed down and began to turn to the right towards them. Officer Reyes did not see the firearm but he believed that Chilson was trying to position himself to shoot at them. Officer Stegner saw the gun in Chilson’s hand as he was running, and he saw Chilson turn towards his right, toward the officers. Officer Young saw Chilson raise the handgun as he began to turn towards them. Each of these officers believed that Chilson was going to shoot at them as he began to turn. It is clear that the circumstances created a reasonable fear of death or serious bodily injury in the minds of the officers.

All three officers shot at Chilson numerous times and he fell after being hit twice. Once he was on the ground, the officers ceased their fire. Once it was determined that Chilson no longer posed a threat, other officers approached him. A replica 9 mm Beretta with Chilson’s DNA on it was found on the ground a short distance from Chilson’s body.

One bullet entered Chilson’s upper back and traveled through his body. That bullet exited his left armpit and re-entered his left arm. The second bullet entered his right lower leg and exited through the front of his right lower leg. The path of both of these bullets was back to front and right to left which is consistent with Chilson starting to turn towards the officers when he was shot. If he had been merely running away, the bullet paths would be directly back to front with

no directionality. The findings of the autopsy and the opinions of the medical examiner corroborates the movements of Chilson as described by the officers. It appears that he was turning towards the officers and raising his gun towards the officers in an effort to incite the officers to shoot him.

Chilson had a history of mental health problems and domestic violence. In addition, he was abusing methamphetamine. He had just been fired from his job and his marriage was ending. He was obviously very depressed. It is clear from the text messages that Chilson sent to his wife and her family that he was suicidal. He repeatedly threatened to kill himself over several days. He also told officers from both the Simi Valley Police Department and the Ventura Police Department that he intended to harm any officers he came into contact with. He obviously wanted the officers to believe that he was ready to use deadly force because he repeatedly exhibited the firearm to officers while he was running around the industrial complex where he was holed up. Chilson knew that the officers would use deadly force against him and he seems to have invited that force by the actions that he took. This scenario looks like a classic example of “suicide by cop.” Chilson had repeatedly talked about taking his own life but was unable to take the final step. The officers involved had no way of knowing that the firearm he was carrying was a replica. It appears identical to a real firearm and from a distance it is impossible for the officers to have made that distinction.

The officers believed that their lives and the lives of fellow officers were in danger when Chilson raised the firearm towards them. They correctly reacted to the threat against them by firing their weapons at him.

CONCLUSION

It is the District Attorney's conclusion that Officers Dan Stegner, Josh Young and Karl Reyes acted reasonably under the circumstances, and their use of deadly force was within the limits of the law. For that reason, the District Attorney concludes that the killing of Daniel Chilson was a justifiable homicide.