Use of Force – Non-Fatality

Ezequiel Medina Parra

Washington State Patrol, Incident #2023-003940

King County Prosecuting Attorney

Public Integrity Team

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DECLINE MEMORANDUM

Law Enforcement Use of Force – Non-Fatality Ezequiel Medina Parra

WARNING – This memorandum contains images and descriptions of violence that may be offensive and disturbing to some readers. The images and descriptions are included to provide the reader with the most accurate information regarding the topic of this memorandum.

I. INTRODUCTION

1. Purpose of the Memorandum

The King County Prosecuting Attorney's Office (KCPAO) is mandated by law to analyze certain incidents regarding police use of force and to determine if the action was justified or if there was a criminal action such that criminal charges should be filed.[1] Because the investigation and analysis are mandatory if specific criteria are met, the KCPAO's review of an incident does not implicitly signal that the use of force was either justified or that criminal charges are appropriate. Instead, the KCPAO is required to assist independent investigations involving police use of deadly force to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for everyone.[2]

Pursuant to the Law Enforcement Training and Community Safety Act, an independent investigation must be completed when the use of deadly force by a peace officers results in the death, substantial bodily harm, or great bodily harm.[3] The independent investigation is conducted in the same manner as a criminal investigation.[4] The independent investigation is conducted in the same manner as a criminal investigation.[5]

2. Status of the Independent Investigation

After a thorough review of the independent investigation and applicable laws, the Special Operations Unit Public Integrity Team (the Team) has determined the investigation into this matter is complete.

3. Scope of the Memorandum

The KCPAO's determination if the police action was justified or if there was a criminal action such that criminal charges should be filed is based entirely on the investigation materials

[1] Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard and satisfied other applicable laws and policies. RCW 10.114.011. Similarly, if the Office of Independent Investigation is the lead investigation agency, the prosecutorial entity must review the investigation. RCW 43.102.020. 2021 c 318 § 101.
[2] Id. See also WAC 139-12-010.
[3] RCW 10.114.011. See also WAC 139-12-010.
[4] Id.
[5] Id.

provided to the KCPAO, relevant criminal laws, rules of evidence governing criminal proceedings, the applicable burden of proof, and the KCPAO's Filing and Disposition Standards. This determination is not intended to address matters outside the scope of this memorandum including, but not limited to, administrative action by the involved agency or any other civil action. The Team expresses no opinion regarding the propriety or likely outcome of any such actions.

II. OVERVIEW

At approximately 2:00AM on March 5, 2023, subject, Ezequiel Medina-Parra, fired a handgun at King County Sheriff's Office Involved Officer 1 who was attempting to arrest him for an outstanding $500 misdemeanor arrest warrant. The incident occurred at the Chevron gas station located at NE 145 St. and 17th Ave. NE in the city of Shoreline. Involved Officer 1 returned fire. Both men were struck by the gunfire. Medina-Parra fired at least six shots and Involved Officer 1 fired fourteen shots. Neither man was seriously injured. Bullets also struck a customer's truck, nearly striking her, as well as the gas station convenience store, and a storage shed. The bullet recovered from the truck's tailgate appears to have been fired by Mr. Medina-Parra as the slug recovered was not a hollow point duty round. Mr. Medina-Parra fled northeast on foot. A K9 unit located the subject a few blocks away hiding inside the laundry shed of a resident's yard. During a subsequent search of the shed, the subject's firearm was recovered. Mr. Medina-Parra is awaiting trial on the underlying charges and Involved Officer 1 is on administrative leave, which is routine administrative procedure following an officer-involved shooting.

III. INVESTIGATION

1. Incident Scene

The King County Independent Force Investigations Team (IFIT-KC) was activated because an officer of one of its member agencies, KCSO, was involved in a shooting in the Shoreline area. Washington State Patrol (WSP) was selected as the lead investigating agency. Kirkland PD assisted. Bellevue PD assisted and investigated the underlying crime. At 4:40AM, WSP Officer 1 received a call from Kirkland PD Officer 2 who is one of the IFIT-KC commanders. He informed her that there was an officer-involved shooting (OIS) at a Chevron gas station in Shoreline and WSP was the lead agency. Officer 1 called Officer 3 and Officer 4 to assist. At 5:30AM, WSP arrived at the scene and was briefed at the command post located at a QFC grocery store just south of the OIS location.

Officer 5 briefed IFIT-KC about the incident. At 6:23AM, WSP entered the crime scene, conducted a walk-through, and began investigating.

The roadway was wet, and it was dark out. Visibility at the gas station was above average due to overhead lights at the gas pumps. Visibility was poor to the east and west of the gas pumps as there was little to no lighting in those areas.

The Chevron gas station is north of NE 145th St. and west of 17th Ave. NE. There are four gas pump stands between the building in the northwest corner of the property and NE 145th St. Each pump stand has gas pumps on the north and south sides. A shed and enclosed trash area are on the northeast side of the property. The back side of a Goodwill store is west of the Chevron. An access road, oriented north/south, is behind the Goodwill store and is accessible from NE 145th St. and from the west end of the Chevron parking lot.

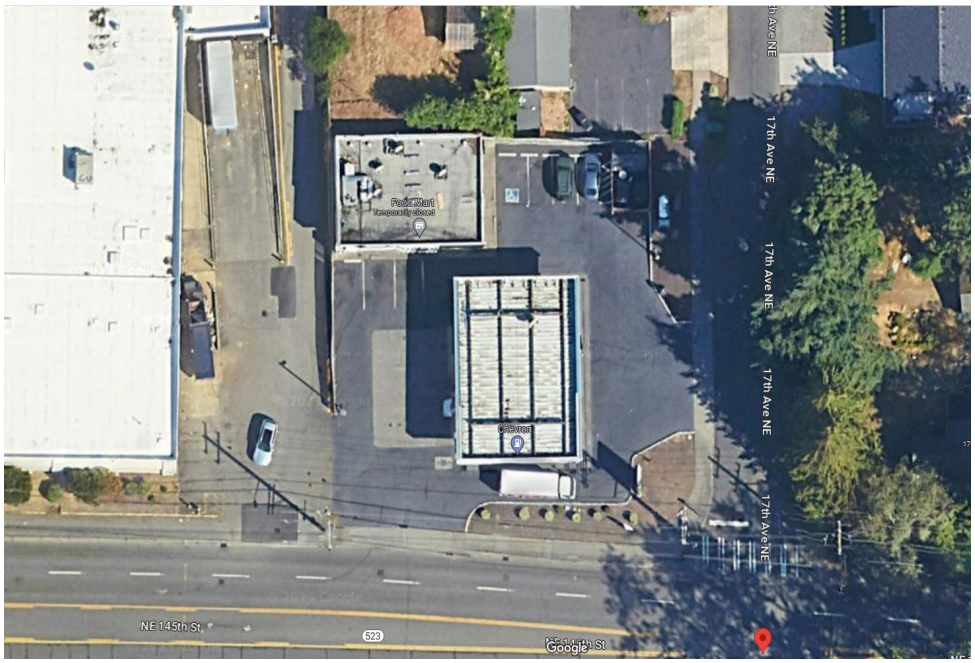

Figure 1: Google Maps aerial photo of Chevron gas station on NE 145th and 17th Ave. NE in Shoreline. The shed is on the northeast corner of the Chevron. The Goodwill and it access road are pictured to the left of the Chevron parking lot.

A silver Ford F-150 was observed facing east at gas pump number two on the south side of the northeast pump stand. A red Audi TT convertible was facing west at gas pump number four on the south side of the northwest pump stand. A Shoreline PD Ford Police Interceptor was facing northeast near the Audi TT, just west of the southwest gas pump stand. Six other Shoreline and Seattle PD Ford Police Interceptors were on scene.

2. Timeline of Events

(Based on CAD and video footage from the Chevron gas station)

1:48 The subject parks his red Audi at gas pump #4.
1:57 Civilian 2's truck arrives at Pump #2.
2:00 The subject enters the Chevron store.
2:02 The subject exits the Chevron.
2:03 Civilian 2 enters the Chevron & Involved Officer 1's Shoreline patrol vehicle arrives.
2:04 Involved Officer 1 drives past the Audi.
2:06:44 Involved Officer 1 calls in license plate for inquiry.
2:07 Civilian 2 returns to her vehicle.
2:08 Subject walks away from the Deputy, shortly after, Civilian 2 ducks.
2:08:58 Involved Officer 1 radios "Starting to run…shots fired."
2:09:05 Subject struck by fire or fell to the ground.
2:09:12 Subject begins to run away
2:09:29 Subject runs off the screen of the gas station cameras, NB on 17th Ave. NE.
2:09:37 Involved Officer 1 radios that the subject is running NB on 17th Ave.
2:10:31 Involved Officer 1 radios subject description- hoodie, blue jeans, blk leather jacket.
2:11:15 Involved Officer 1 radios that he sustained GSWs to right arm and left hand.
2:25:42 K9 begins tracking on 17th Ave. NE.
2:34:33 Subject located at resident -1738 NE 146th St.
2:35:39 Subject proned out and taken into custody.
2:37:26 Arresting officer notes subject has GSW to R hand.
3:28:13 K9 bomb sniffing dog requested to locate subject's firearm.
4:47:54 Subject transported to Harborview.
5:43:36 Subject's firearm located in laundry shed.

3. Arrest of Medina-Parra

Soon after the OIS, KCSO K-9 Officer 6, his K9 Oscar, and other deputies conducted a track and located Medina-Parra hiding in a shed in the backyard of a residence located at 1738 NE 146th Street Shoreline, WA 98155. According to Google Maps the total distance from the Chevron gas station to the residence is 0.2 miles.

The homeowners gave consent for law enforcement to access to their property and laundry shed. Located in the front yard were Medina-Parra's gray pants and iPhone. A fresh muddy shoe print was located next to the backyard's wooden fence on a tall metal chair. Located in the backyard was Medina-Parra's black jacket. The jacket had blood on it and a large hole in the left arm. Located on the ground in the shed was a red stain that resembled blood. Later in the morning, the subject's black Glock 29 was located in a pile of clothes in the shed. The Glock 29 had blood on it. There was one chambered round and three rounds in the magazine. The firearm was inoperable when it was recovered having apparently malfunctioned at some point during the exchange of gunfire (likely because it was loaded with the wrong size ammunition).

Figure 2: Laundry shed where subject hid, and his firearm recovered inside the shed a few hours later.

IV. SUMMARY OF EVIDENCE

1. Items Reviewed

KCPAO reviewed all relevant reports, photographs, search warrants, medical records, expert reports, CADS, audio recordings, and video recordings.

2. Deputy Processing

Involved Officer 1 was processed by WSP detectives. He had both a duty pistol, a Glock 45 which takes 9mm rounds, and a backup firearm. A round count was performed. Involved Officer 1 fired 14 shots from his duty weapon. His backup weapon, a Glock 26 Gen 4 handgun, was not fired.

Figure 3: To the left is Involved Officer 1's duty firearm. To the right is his backup firearm.

Medina-Parra fired at least 6 shots from his Glock 29 Gen 4 handgun, which he loaded with 10mm rounds, even though it is designed to fire a 9mm round.

3. Deputy Witness Statements

None. There were no law enforcement officers who witnessed this incident.

4. Involved Deputy Statement

None. Involved Officer 1 declined to provide a statement.

5. Subject Statement

The subject did not agree to be interviewed. However, after Officer 8 attempted to interview the subject, Firefighter 1, heard him say in English, "Only reason I shot was because I was scared, and cops wear vests so they can't get hurt." He repeated this statement twice more to Firefighter 1 while being transported to the hospital and both times the subject asked if the cop was hurt. The subject became emotional and repeatedly said, "I am f***ed!" He also described how he was in a gunfight with the cop and then fled and ditched the gun. He mentioned several times that he thinks the officers will find it.

The subject also discussed the incident in recorded phone conversations in the King County Jail after being arrested.

6. Recorded Jail Calls

In one of those calls, a March 7, 2023 phone call, Mr. Medina-Parra told an unknown male:

> *Medina-Parra:* I didn't have an option .... They didn't kill me ... just in my arm. I shot him in the middle so he would get scared because if you shoot him in the middle they have the vest and they don't die so nothing happens and everything's ok… It wasn't the policeman's fault. He was cool. But he didn't give me a chance ... I wasn't thinking ... But nothing happened I just didn't want to go to jail...
>
> *Unknown male:* I told you to leave that shit ... You said that shit wasn't yours ... that gun ... Why didn't you turn it in? Why didn't you leave it...?
>
> *Medina-Parra*: I never had one ... I want to talk to the officer and ask forgiveness ... I'll never do that again. Never ever. I'll never handle a gun. I did it on purpose ..."

7. Civilian Witness Statements

a. Civilian 1

Civilian 1 stated that he was at the gas station and asked the subject for spare change. The subject said no. The police officer then drove up and asked the subject if he was having car trouble. The subject said no. He heard the officer advised the subject that he had a warrant from Lake Forest Park. The subject told the officer that he was mistaken. The officer told the subject to walk with him to the front bumper of the patrol car while they straightened it out. The subject walked, then ran out of the parking lot shooting three to four times at the officer. The officer returned fired. The subject circled back around to his vehicle where he shot at the officer three to four more times. Civilian 1 then ran into the store to seek cover. While inside the store he heard three to four more gunshots, but he did not see who fired the shots. He saw the subject run away eastbound.

b. Civilian 2

She said that she exited the gas station store and began to pump her gas. As she was walking to the pump, the subject was standing next to his car having a discussion with the police officer about an outstanding warrant for driving on a suspended license. The officer told the subject to come with him. The subject said, "No I'm just going to go away. I'm going to go now." He then walked away. The officer said, "No you can't do that. You have to come back." The subject said, "No I'm just going to go." The subject ran towards the Goodwill store, pulled a silver pistol out of his sweatshirt, and began firing. The subject was facing away from Civilian 2 when she made these observations. She then hid next to the truck door. The subject ran back to his car from QFC still firing shots in an unknown direction. He then shot a couple more times at the police officer who was

hiding behind his squad car near pump 7. The subject then ran to the entrance of the parking lot, shot a few more times, and ran northbound on 17th Ave.

c. Civilian 3

Civilian 3 was in the passenger seat of Civilian 2's F-150 when they pulled into the Chevron gas station. Civilian 2 went into the store. Civilian 3 stayed in the truck. He looked in sideview mirror and saw the subject speaking to homeless male. Soon after he heard shots fired.

He did not see what preceded it. Civilian 2 returned and told him people were shooting. He then saw the subject run northbound on 17th Ave. Civilian 3 got out of car to make sure Civilian 2 was okay and saw bullet holes in their truck. They then asked the deputy if he was okay and the deputy showed them an injury to his right arm.

d. Civilian 4

Civilian 4 stated that he was working in the Chevron store when he heard gun shots outside. Civilian 4 could not count the number of gunshots with certainty but estimated that he heard approximately six shots. When he heard the gunshots, he ran into the back room to take cover.

8. Video Evidence

a. Chevron

Law enforcement recovered footage from five video cameras – two from the inside of the gas station store and three covering the outside of the property including the gas pumps.

Unfortunately, none of the footage captures the initial shots, and Involved Officer 1 is not seen on the footage either firing or holding his gun. The footage shows Mr. Medina-Parra driving and parking his Audi at the gas pump. It shows Mr. Medina-Parra shooting at Involved Officer 1 and then fleeing on foot north on 17th Ave. NE. At times, Civilian 2 and Civilian 3 are seen positioned in the line of fire.

Figure 4: Top left shows deputy and subject speaking while Civilian 2 walks back to her truck. Top right shows deputy and subject walking towards the patrol car at top right of frame. Bottom left shows subject walking away from deputy in the direction of Goodwill before breaking into a sprint. Bottom right shows the subject, after the circling back to his car, seeking cover behind his car and pointing his firearm in the direction of the deputy.

Figure 5: Top left shows the deputy's bullet striking the windshield of the Audi approx. one second after the subject pointed his gun at the deputy. Top right shows subject in right hand corner pointing a firearm in the deputy's direction again. Bottom left shows the subject running towards 17th Ave NE while still holding a firearm. Bottom right shows the deputy right at the top of the frame where investigators later found a trail of blood.

b. Goodwill

The footage obtained was of no evidentiary value because it did not capture the incident.

c. Drone

KCSO Officer 9 utilized a drone which assisted K-9 units locate and arrest the subject nearby. The drone captured the arrest of the subject using infrared technology.

Figure 6: Five KCSO deputies and a K-9 apprehending the subject who was hiding in the laundry shed at a stranger's residence on NE 146th St.

9. WSP Forensic Science Report by Expert 1, dated July 28, 2023

Based on the cartridge casings found at the scene, at least 20 shots were fired during the incident. Fourteen recovered cartridge casings were 9mm Luger rounds. As noted above, Involved Officer 1's duty weapon receives 9mm rounds and he was armed with Luger rounds. Six recovered cartridge casings were from 10mm rounds. Also noted above, the Mr. Medina-Parra's gun was loaded with 10mm rounds when it was recovered.

Of the casings recovered, fifteen were on the ground near the NE 145th St. entrance to the Chevron parking lot. Fourteen were 9mm rounds. One was a 10mm round, which was found on the sidewalk.

Five 10 mm cartridge casings and a possible lead core were collected from near the entrance

to the access road behind the Goodwill where the initial shots were fired.

Three fired bullets were found. One on the ground northwest of the pump stand. One in the parking lot east of the gas station. And one in the parking lot south of the gas station. Further testing would be needed to determine which gun fired these bullets.

There were eight bullet defects observed. One to the trash can at the pump station. One to the pump stand and video screen at the pump station. Another one on a pillar at the pump station. Another to the door of the gas station store. Yet another to the shed at the northeast corner of the gas station. Another to the fence also at northeast corner of the gas station. And two to Civilian 2's F-150 truck. Specifically, one to the driver's side tailgate which was recovered in the truck's bed and another in the passenger side panel that ricocheted multiple times between the lining of the truck bed and the side paneling before impacting the paneling at the front of the bed. All were fired in a northeasterly direction except for the bullets that struck the store door – fired in a northerly direction – and the fence – fired in an easterly direction.

10. WSP Forensic Science Report by Expert 2, dated July 6, 2023

The bullet defect in both the deputy and subject' car was examined by a WSP forensic scientist. WSP concluded that at least five shots struck each car. On the squad car, the bullet directionality of all five shots was rear to front, instead of front to rear. On the subject's car, the directionality of each bullet was front to back, except for one defect whose directionality was undetermined.

11. Search Warrants

On March 14, 2023, King County Superior Court Judge 1 authorized two search warrants. Search Warrant 23-0-60645-3 allowed detectives to a search for evidence in the interior of the suspect's Audi TT. Search Warrant 23-0-60653-4 permitted detectives to receive Medina-Parra's medical records from Harborview Medical Center.

Mr. Medina-Parra's medical records show that he was treated for a single through and through gunshot wound to his left forearm. The bullet fractured his left ulnar bone. He underwent a successful surgery, which resulted in his arm being placed in a splint for two weeks. Investigators did not write a search warrant application for Involved Officer 1's medical records. However, the

evidence shows that he sustained gunshot wounds to his right arm and left hand.

Detectives learned that he underwent at least one surgery, one of those was to remove a bullet fragment from his right elbow, which was later placed into evidence.

On March 15, 2023, SW 23-0-60645-3 was served on the Audi TT. Officer 4, Officer 3, and CSRT Forensic Scientist's Expert 2, Expert 3, and Expert 4 performed the search. There were no further items of evidence located inside the Audi TT. The CSRT examined the projectile defects and determined trajectory measurements were not possible.

Following the search of the Audi TT, the CSRT examined the KCSO Ford Explorer driven by Involved Officer 1. They were able to retrieve a single fired bullet from the left side threshold of the truck area. Projectile defects were examined, and it was determined trajectory measurements were not possible.

12. Underlying Criminal Case

The subject was charged in Cause No. 23-1-02359-1 SEA for the alleged underlying crimes of First Degree Assault – Firearm, Reckless Endangerment, Obstructing Law Enforcement, and Unlawful Discharge of a Dangerous Weapon. The case currently has a trial date of May 13, 2024.

V. FACTUAL ANALYSIS

On March 5, 2023, at approximately 1:48AM, Mr. Medina-Parra drove his Audi TT into the Chevron Gas Station located at 1554 NE 145th Street in Shoreline and parked at gas pump 4 facing west. At approximately 2:04AM, King County Sheriff's Office Involved Officer 1 was on routine patrol when he drove in Chevron parking lot and obtained the license plate to the Audi which he thought looked suspicious and then drove out of the parking lot. Involved Officer 1 drove a fully marked police vehicle and wore a uniform identifying himself as police.

Figure 7: Google map of scene from KPD Officer 7's report. The location of NE 146th St. is where the subject was apprehended. Arrows for #12 and #13 denote the direction cameras faced. Neither camera captured the officer involved shooting.

Involved Officer 1 performed a routine license plate check through Department of Licensing ("DOL"). DOL showed the registered vehicle was a red 2001, Audi TT, registered to the subject, Ezequiel Medina-Parra. Involved Officer 1 requested a driver's license and warrant check through DOL, National Crime Information Center, and Washington Crime Information Center, which returned an outstanding $500 misdemeanor warrant for Driving While License Suspended 3rd Degree out of Lake Forest Park, Warrant # 3A0178768.

Involved Officer 1 re-entered the Chevron parking lot and parked approximately 15 feet to the side and facing the Audi's left front corner. He then exited his vehicle and contacted Mr. Medina-Parra.

Figure 8: Depiction of subject and deputy's vehicles when the incident occurred. The deputy's patrol car shows gunshot damage.

According to Civilian 2, Involved Officer 1 advised Medina-Parra that he had an arrest warrant for a suspended driver's license. Medina-Parra replied, "I am just gonna go. I'm just gonna go away now." Involved Officer 1 told Medina-Parra, "You actually can't do that. You need to come over by my car with me." Medina-Parra replied, "No, I'm gonna go away now," and started to walk away from Involved Officer 1 towards the Goodwill Store, which is adjacent to the Chevron on the west side.

Medina-Parra picked up his pace as Involved Officer 1 followed him. Then, according to Civilian 2, Medina-Parra pulled a gun out of his pocket or pants and started firing rounds while running away. Five 10mm cartridge casings were recovered at this location. Medina-Parra ran southbound crossing NE 145th Street towards the QFC and then ran northbound towards the Chevron gas station. Fifteen cartridge casings were found between these locations, one 10mm casing and the remainder 9mm casings. Mr. Medina-Parra then returned to his vehicle, unsuccessfully attempted to enter the driver's door, and then took cover outside of his passenger-side door.

Civilian 2 stated that Medina-Parra then fired multiple times at Involved Officer 1.

Involved Officer 1 returned fire, and then Involved Officer 1 took cover behind his squad

car. This is consistent with the video and physical evidence that tends to show that Involved Officer 1 shot through his squad car toward the subject. Medina-Parra ran to the eastern driveway on the 17th Ave NE side of the gas station, turned around, and attempted to fire two to three more times at Involved Officer 1, during which time Civilian 2 was between Involved Officer 1 and Medina-Parra. Medina-Parra then ran north on 17th Ave NE. No cartridge casings were found near the gas pumps, likely because his gun was jammed. However, the gas station footage shows Medina-Parra pointing his firearm in the direction of the deputy during this time frame.

Involved Officer 1's duty belt, Glock 9mm service firearm, Taser, hand cuffs, and ammo magazines were later recovered behind the Goodwill adjacent to and west of the Chevron gas station. Scattered on the pavement in the same area were multiple Luger 9mm spent shell casings and Sig 10mm spent shell casings, as well as one 10mm Ammo Inc. casing. Additional spent shell casings were in the roadway of NE 145th Street and the Chevron gas station parking lot. In addition, trails of blood were observed on the pavement. Involved Officer 1's police SUV had multiple bullet defects. The Audi had multiple bullet defects. Civilian 2's Ford F-150 had multiple bullet defects. And the gas station had multiple bullet defects.

Figure 9: Numerous expended cartridge casings & blood trail from officer located at scene.

Shortly thereafter, Mr. Medina-Parra was apprehended nearby by deputies with the assistance of a K9 unit and drone. Officers observed that Medina-Parra had been struck in his left arm by one of Involved Officer 1's bullets. A firearm was later recovered where Medina-Parra was arrested. He was transported by ambulance to Harborview Medical Center for non-life threating injuries.

During the gunfire, Involved Officer 1 was struck by two of Medina-Parra's bullets. One bullet struck his right arm and the other in his left hand. Involved Officer 1 was transported by

ambulance to Harborview Medical Center for non-life threating gunshot wounds.

VI. LEGAL STANDARD

The State must prove each element of a criminal charge by competent evidence beyond a reasonable doubt.[6] The KCPAO will file charges if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defenses that could be raised under the evidence, would justify conviction by a reasonable and objective factfinder.[7]

In addition, the State must disprove the existence of a defense that negates an element of the crime.[8] Prosecution should not be declined because of an affirmative defense unless the affirmative defense is of such nature that, if established, would result in a complete defense for the accused and there is no substantial evidence to refute the affirmative defense.[9]

RCW 9A.16.040(4) states that a peace officer shall not be held criminally liable when using deadly force in good faith. Good faith is an objective standard. The pertinent question is whether a reasonable officer, similarly situated, considering all the facts and circumstances and the information known to the officer at the time, would believe that using deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

The legislature outlined the limited circumstances when deadly force in good faith can be used. The instance applicable in this incident is subsection 1(c)(i) which says that using deadly force is justified when, acting in good faith, when it is used to apprehend an individual who the officer believes has committed a felony. However, the officer must also have probable cause to believe that the subject, if not apprehended, poses a threat of serious physical harm to the officer or another individual. One circumstance to consider is whether the subject threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening.

Additionally, a person may act in self-defense or defense of others. Washington's Pattern Jury Instructions for Criminal Cases (“WPIC”) 17.02 states that:

The use of force upon or toward the person of another is lawful when used by a person who reasonably believes that he is about to be injured or by someone lawfully

[6] RCW 9A.04.100; WPIC 4.01.
[7] KCPAO Filing and Disposition Standards.
[8] WPIC 14.00.
[9] Id.

aiding a person who he reasonably believes is about to be injured in preventing or attempting to prevent an offense against the person, and when the force is not more than is necessary.

Necessary means that, under the circumstances as they reasonably appeared to the actor at the time, (1) no reasonably effective alternative to the use of force appeared to exist and (2) the amount of force used was reasonable to effect the lawful purpose intended. WPIC 17.01.

VII. ANALYSIS AND CONCLUSION

Given the evidence presented in this investigation, no criminal charges be filed against Involved Officer 1. Two civilian witnesses, Civilian 2 and Civilian 1, stated that Mr. Medina-Parra fired first at Involved Officer 1. This is backed up by the forensic evidence. The only casings found near the access road behind Goodwill where the first shots were fired are from a caliber of gun only Mr. Medina-Parra possessed. These actions constitute the felony of First Degree Assault with a firearm. Involved Officer 1's use of deadly force in response was in lawful self-defense and also justified under the good faith standard which permits an officer to use deadly force in these situations in order to accomplish an arrest and prevent serious physical harm to the officer and others. (RCW 9A.16.040(4).)

Even though it is unclear when Involved Officer 1 fired each of the fourteen shots because he did not provide a statement to investigators, it can be properly inferred from the evidence that when Involved Officer 1 returned fire, he reasonably believed he was about to be injured and was protecting himself and the nearby gas station customers. The gas station video footage does not capture the entirety of the gun fight from start to finish, but the videos do corroborate other facts to which the civilians attested that justify the deputy's use of deadly force. In multiple instances near the middle of the exchange, the Chevron video footage shows Mr. Medina-Parra pointing his firearm in the direction of Involved Officer 1 while seeking cover behind his red Audi. In these frames, Involved Officer 1 only appears to fire after Mr. Medina-Parra points a firearm at him. Civilian 2 stated that Mr. Medina-Parra continued to fire his weapon until he fled the gas station onto 17th Ave. Although no casings were recovered in this area, surveillance video shows Mr. Medina-Parra still holding a pistol in his right hand as he stands up from behind his car and runs away eastbound. Involved Officer 1 had no way of knowing that Mr. Medina-Parra's gun may have become inoperable, so it was reasonable for him to believe that based on the subject's actions deadly

force was necessary to prevent death or serious physical harm. Mr. Medina-Parra's loaded firearm was recovered in the laundry shed where he was apprehended a few blocks away, which further corroborates that he was armed throughout the exchange. The Chevron footage also shows that Involved Officer 1 did not fire after Mr.

Medina-Parra fled the gas station and no longer posed a threat to him or the civilians at the gas station. In sum, Involved Officer 1 acted in good faith and in lawful self-defense when he fired each round at Mr. Medina-Parra. Mr. Medina-Parra started the gun fight and posed a deadly threat to Involved Officer 1 until he left the gas station. As a result, KCPAO declines to file criminal charges against Involved Officer 1.