



OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN  
DISTRICT ATTORNEY

March 19, 2020

Mike Washburn, Chief of Police  
Indio Police Department  
46800 Jackson Street  
Indio, CA, 92201

**Re: Fatal Officer-Involved Shooting of Anthony Santana on April 10, 2019, by Officer Felipe Escalante, Badge No. W232 and Officer Nathan Quintana, Badge No. W294; Riverside County Sheriff's Department Case No. R191000006**

Dear Chief Washburn:

We have reviewed the investigative reports and other materials submitted by the Riverside County Sheriff's Department concerning the fatal shooting of Anthony Santana by Officer Felipe Escalante and Officer Nathan Quintana on April 10, 2019. Our office completed its review of this incident on March 19, 2020.

**PERSONS INVOLVED**

At the time of this incident, Anthony Santana was [REDACTED] years old. He was a resident of [REDACTED] living at [REDACTED]

Officer Nathan Quintana is employed by the Indio Police Department. At the time of the incident he was assigned to routine patrol in the city of Indio. He was in full uniform driving a marked Indio Police vehicle.

Officer Felipe Escalante is employed by the Indio Police Department. At the time of the incident he was assigned to routine patrol in the city of Indio. He was in full uniform driving a marked Indio Police vehicle.

**FACTUAL SUMMARY OF THE INCIDENT**

On April 10, 2019, at approximately 3:40 p.m., Indio Police Department dispatch received a 911 call from an employee at Subway located at 82162 Highway 111, regarding a robbery that occurred outside of the store. Indio Police Sergeant Hellowell was the first to arrive on scene. As he pulled into the parking lot, he observed several subjects looking across the street to the In-and-Out parking

lot. As he exited his patrol vehicle, he was told the suspect had run across the street towards In-and-Out. Sergeant Hellowell dispatched additional units to the area of In-and-Out to start looking for the suspect. Sergeant Hellowell requested medics to arrive and tend to the robbery victim. Due to the extent of his injuries he was transported to Desert Regional Medical Center and admitted for treatment.

While Sergeant Hellowell was at Subway, a vehicle pulled up and parked behind his patrol vehicle. The driver of the vehicle stated, "that son of a bitch" tried to get into my car. The passenger in the vehicle provided Sergeant Hellowell with a picture she had taken of the suspect. Sergeant Hellowell forwarded the photograph to several Indio Police officers actively searching for the suspect.

Indio Police Officers saturated the area and started looking for a subject in the area matching the description provided. Indio Police Officer Quintana observed Anthony Santana, who matched the description, entering the apartment complex located at [REDACTED]. Officers Quintana, Escalante, and Cordova entered the apartment complex on foot. Officer Escalante and Officer Cordova began by searching the south part of the complex while Officer Quintana began searching the north part of the complex.

Officer Quintana located Santana sitting in a chair next to a table in carport [REDACTED]. On the table was a firearm. Officer Quintana radioed for assistance and pointed his duty handgun at Santana giving him commands to not touch the firearm and to get on the ground. Officer Escalante ran to Officer Quintana's location. He also pointed his duty handgun at Santana and gave him additional commands to not reach for the firearm and to get to the ground. Officer Cordova arrived shortly after. Officer Cordova pointed his less lethal taser weapon at Santana and joined in giving verbal commands. All three officers gave the suspect multiple commands to get to the ground and not reach for the firearm. Santana lunged toward the firearm on the table. Both Officer Quintana and Officer Escalante fired multiple rounds at Santana. Officer Cordova deployed his taser. Radio dispatch documented reports of non-compliance, taser use, firearm, and shots fired. Officers relayed Santana was on the ground at 4:30 p.m. At 4:39 p.m. Santana was pronounced deceased.

## **THE INVESTIGATION**

### **Interview with Officer Quintana**

Officer Quintana was interviewed by Investigator Jose Vasquez on April 16, 2019, at the Indio Police Department. He started his shift at 6:00 a.m. on April 10, 2019, and was assigned to uniformed patrol in the city of Indio. At approximately 3:40 p.m., he was at the Indio Police Department when he heard the call about a robbery in front of the Subway located on Highway 111. He responded to the call for service. While he was responding, he was advised of the suspect's description and that the suspect was armed with a firearm. He was also informed medical personnel were being dispatched to tend to the robbery victim. Dispatch further advised the suspect had run from the scene. Officer Quintana joined other officers in searching the surrounding area for the suspect.

After some time had passed, dispatch advised officers a witness observed a subject who matched the suspect's description in front of the [REDACTED] apartments located at [REDACTED]. Officer Quintana drove to the apartment complex. As he was driving by the entrance, he looked

into the parking area and observed a subject matching the suspect's description walking in the complex. Officer Quintana radioed to other officers the observation of a subject matching the suspect's description inside the complex. He parked his patrol vehicle in front of the complex and walked to the entrance gate. Officer Cordova arrived shortly after. Neither officer had a key to open the gate and had to wait a few minutes to be let in. Prior to entering the complex, Officer Escalante arrived on scene and joined them as they entered.

Officer Escalante and Officer Cordova began checking the south part of the complex as Officer Quintana checked the north carport areas. Officer Quintana had his firearm drawn as he was checking the area because he had been told the suspect of the robbery was armed with a firearm and had used the firearm during the robbery. As Officer Quintana reached approximately the [REDACTED] carport, carport [REDACTED], he observed Santana sitting inside the area, next to a table with a firearm on top of it. The firearm was within arm's reach of Santana, approximately one to two feet from him. Officer Quintana immediately ordered Santana to get to the ground and show his hands. Officer Quintana broadcast that he had Santana at gunpoint, that Santana was armed with a firearm, and that he was not complying with commands. Officer Quintana remained at the east edge of the carport and continued to give commands to Santana to not to reach for the firearm.

Officer Quintana observed Officer Escalante arrive from the west side of the complex and point his firearm at Santana. Officer Quintana heard Officer Escalante give commands to Santana, however he did not comply. Officer Quintana advised Officer Cordova to arm himself with his taser as he arrived. Officer Cordova arrived moments later, positioned himself between Officer Escalante and Officer Quintana, and pointed the Taser at Santana. At approximately that moment, Santana looked at the firearm, quickly grabbed it, and began to turn it towards the officers. Believing Santana was going to kill him and the other officers, Officer Quintana fired his handgun. As he fired, he heard Officer Cordova deploy his taser, and heard Officer Escalante fire his handgun.

Officer Quintana observed Santana fall to the ground and watched the firearm slide away. Officer Quintana advised dispatch that shots had been fired by officers and requested medical aid for Santana. Officer Escalante placed Santana in handcuffs and began to assess his medical condition. Shortly after, other officers arrived on scene and took over the investigation. Officer Quintana was approximately ten feet from Santana when Officer Quintana fired. Officer Quintana was wearing a body worn camera during the incident.

### **Interview with Officer Escalante**

Officer Escalante was interviewed by Investigator Jose Vasquez on April 16, 2019, at the Indio Police Department. He started his shift at 6:00 a.m. on April 10, 2019, and was assigned to uniform patrol in the city of Indio. Officer Escalante had just concluded a burglary call for service when he heard the call about a robbery in front of the Subway located on Highway 111. Officer Escalante obtained the suspect description and information that a firearm had been used from the radio broadcast. Officer Escalante joined other officers searching for the suspect in surrounding areas.

After some time had passed, dispatch broadcast that a witness had observed a person matching the description of the robbery suspect inside the [REDACTED] apartment complex located at [REDACTED]. Officer Escalante drove to the complex and observed Officer Quintana and Officer Cordova arriving moments earlier. Officer Escalante joined Officer Quintana and Officer Cordova.

The three officers entered the complex to search for the suspect. Officer Escalante and Officer Cordova began searching the south part of the complex as Officer Quintana began searching the north part of the complex.

As Officer Escalante worked his way to the southwest corner of the complex, he heard Officer Quintana broadcast that he had located Santana in a northern carport seated next to a firearm. Officer Escalante ran north along the west side of the complex then east along the north carports to where Officer Quintana was located. He observed Officer Quintana pointing his handgun at Santana and giving him orders. Santana matched the description of the robbery suspect. There was a firearm on the table next to where Santana was seated. Officer Escalante estimated the firearm was within an arm's reach of Santana. Officer Escalante pointed his handgun at Santana and gave commands for Santana to get on the ground. Santana looked back and forth at both officers as though he was sizing them up.

Officer Cordova arrived and Officer Escalante heard Officer Quintana tell Officer Cordova to arm himself with his taser. Near the same time, Santana reached for the firearm sitting on the table with his right hand. Believing Santana was going to kill him or the other officers, Officer Escalante fired his firearm multiple times. Officer Escalante believed he heard Officer Quintana fire his firearm and heard Officer Cordova fire his taser. Santana fell to the ground. Officer Escalante approached Santana and placed him in handcuffs. Officer Escalante was pulled away by other officers who arrived on scene and took over. Officer Escalante estimated he was approximately six to ten feet from Santana when he fired his firearm. Officer Escalante was wearing a body worn camera during the incident.

### **Interview with Officer Cordova**

Officer Cordova was interviewed by Investigator Jose Vasquez on April 16, 2019, at the Indio Police Department. He started his shift at 6:00 a.m. on April 10, 2019 and was assigned to uniformed patrol in the city of Indio. Officer Cordova was at the Indio Police Department on his lunch break when he heard a call about a robbery in front of the Subway on Highway 111. He heard the broadcast giving the suspect's description and that a firearm was used during the robbery. Officer Cordova responded to the area and joined other officers in searching for the suspect.

After some time passed, dispatch broadcast that a witness observed someone matching the suspect's description inside the Las Palmas apartment complex. Officer Cordova drove to the Las Palmas complex to search for the suspect. Upon arriving, Officer Cordova joined Officer Quintana at the entrance gate. Neither officer had a key to open the gate and waited for a resident to allow them inside. Prior to entering, Officer Escalante arrived and the three officers entered the complex to search for the suspect. Officer Cordova and Officer Escalante began checking the south part of the complex as Officer Quintana was checking the north carports. Officer Cordova had made his way to the southwest corner of the complex when he heard Officer Quintana broadcast that he had located Santana in the carport area of apartment [REDACTED]. Officer Quintana stated Santana was seated next to a firearm and was uncooperative.

Officer Cordova ran north through the center of the complex to the north carports and west to where Officer Quintana was located. Officer Escalante ran north along the west side of the complex. As Officer Cordova was running to the other officers, he heard Officer Quintana request that Officer Cordova to arm himself with his Taser. Officer Cordova continued running to join Officer

Quintana and Officer Escalante. As Officer Cordova observed both officers with their handguns drawn and pointed at Santana. Officer Cordova heard both officers giving Santana commands to get on the ground. Officer Quintana was positioned near the east wall of the carport and Officer Escalante was positioned near the west wall of the carport. Officer Cordova armed himself with his Taser and positioned himself between Officer Escalante and Officer Quintana.

Santana was seated next to a table and there was a firearm sitting on the table within an arm's reach. Officer Cordova believed if Santana charged the other officers, Officer Cordova would be able to deploy the taser to stop Santane while the other officers would be able to cover him with their handguns. Within seconds of him arriving in the carport, Officer Cordova saw Santana grab the firearm. Officer Cordova feared for his life and fired his Taser, which was his only weapon available to him at that time. At the same time, he heard both Officer Escalante and Officer Quintana fire their duty handguns at Santana.

After the shooting, Officer Cordova placed his Taser on the ground and put on his gloves with the intent to tend to Santana's medical needs. Simultaneously, other officers arrived and took over the investigation. Officer Cordova estimated he was approximately ten feet from Santana when the Taser was deployed. Officer Cordova was wearing a body worn camera during the incident.

#### **Physical Examination Officer Quintana's Firearm and Duty Belt**

Officer Quintana was charted by Investigator Albert Loureiro. Officer Quintana was wearing a Class C uniform with an external loadbearing vest. His primary firearm was a Glock 22 .40 caliber handgun. Prior to starting shift, his handgun was loaded with one round in the chamber and with a fully loaded fifteen-round magazine. He carried three extra magazines. After the incident, he was left with one round in the chamber and eleven rounds in the magazine. His Taser had not been deployed.

#### **Physical Examination Officer Escalante's Firearm and Duty Belt**

Officer Escalante was charted by Investigator Albert Loureiro. Officer Escalante was wearing a fully marked TDU uniform. His primary firearm was a Glock 22 .40 caliber handgun. Prior to starting shift, his handgun was loaded with one round in the chamber with a fully loaded fifteen-round magazine. He carried two extra magazines. After the incident, he was left with one round in the chamber and five rounds in the magazine. His taser had not been deployed.

#### **Physical Examination of Scene**

The shooting scene was located within a gated apartment complex. All evidence was located within the carport for unit [REDACTED] in the roadway just outside carport [REDACTED] or in front of the carport for unit [REDACTED]. Santana's body was face down in carport [REDACTED]. A black semi-automatic firearm was approximately ten to fifteen feet away from Santana. The firearm was a Glock .22 caliber. The firearm did not contain any ammunition. Fourteen .40 caliber Smith and Wesson shell casings were located within the scene. Numerous bullet fragments were collected. Three strike marks were photographed in the wall of apartment [REDACTED].

## **Surveillance Video from The Smoke Shop**

A video was obtained from the Smoke Shop located next to Subway. The video showed three victims walking past Subway restaurant. Santana approached the victims from behind and put his arms around one of the male victims. Santana lifted his shirt to reveal a firearm in the waistband. The first male victim handed Santana his phone. A second male victim engaged with Santana. Santana pulled the firearm out of his waistband and struck the second male victim on the head. The victim was knocked out and fell to the ground. The third female victim engaged with Santana. Santana returned to her location and took a bag of chips from her hand. Santana ran from Subway, across Highway 111, towards the In-and-Out restaurant.

## **Review of Officers Quintana, Escalante, and Cordova's Body Worn Cameras**

The body worn cameras were reviewed and summarized together. Officer Escalante and Officer Cordova entered the complex courtyard to begin their search for Santana, while Officer Quintana remained at the northern carports of the complex. As Officer Escalante and Officer Cordova reached the south end of the courtyard and began walking toward the west end, Officer Quintana walked west along the northern carports. Officer Quintana used cars parked in carports as cover as he walked through the apartment complex. As Officer Quintana approached the end of the carports, he observed Santana inside a carport, seated in a chair. A firearm was on a table next to him. Officer Quintana repeatedly instructed Santana to get on the ground, to show his hands, and to not reach for the firearm. Officer Quintana radioed he had Santana at gunpoint, Santana was armed with a firearm, and he was uncooperative. Officer Escalante and Officer Cordova ran north to assist Officer Quintana. Officer Escalante ran along the west edge of the complex to the north carports and Officer Cordova ran through the courtyard. Officer Quintana remained at the east edge of the carport and continued to give Santana commands. Officer Escalante approached from the other side of the carport and both officers continued to give commands to Santana to get on the ground, to show his hands, and to not reach for the firearm. Officer Escalante had his handgun drawn and pointed at Santana. Officer Quintana instructed Officer Cordova to approach with his Taser. Officer Quintana continued to give commands to Santana. Officer Cordova arrived on scene and pointed his Taser at Santana. Approximately two seconds later, Santana looked at the firearm on the table and quickly reached for it. Officer Quintana and Officer Escalante discharged their handguns. Officer Cordova discharged his Taser. Santana appeared to have his right hand on the firearm as he was struck by gunfire. Santana fell forward, causing the firearm to fly off the table towards the officers, landing on the ground several feet from where his body came to rest. Officers broadcast that shots had been fired and requested medical aid. Officer Escalante put on latex gloves, approached Santana, and placed him in handcuffs. Other officers arrived on scene and Officer Escalante, Officer Quintana, and Officer Cordova moved away from the carport.

## **Autopsy of Anthony Santana**

An autopsy was conducted on Santana on April 12, 2019, by Forensic Pathologist Jolie Rodriguez. The cause of death was multiple gunshot wounds. Three penetrating gunshot wounds were identified. The first was to the left side of the head. The entrance was at the left temple, front to back, left to right. The projectile was recovered from the right side of the head. The second was to the left side of the face, the entrance being at the left side of the jaw. The direction of travel was front to back, right to left, and downward. The projectile was recovered from the lateral left chest. The third was to the right upper abdomen. The path of travel was front to back and

downward. The projectile was recovered from the right side of the pelvis. There were four perforating gunshot wounds. The first was identified as a perforating gunshot wound to the neck. The entrance wound was located at the posterior neck with the exit at the anterior neck. The path of travel was back to front, slightly left to right, and slightly downward. The second was identified as a perforating gunshot wound to the back. The entrance was at the superior left shoulder exiting near posterior midline. The path of travel was left to right and downward. The third was identified as a perforating gunshot wound to the abdomen. The entrance was located at the right side of the abdomen exiting at the right lower abdomen. The path of travel was left to right and downward. The fourth was identified as a perforating gunshot wound to the head. The entrance was within a graze type wound located at the back of the head exiting at the vertex of the head. The entrance was back to front and upward.

Toxicology results showed Santana had a 0.101 level of ethyl alcohol in his system, 0.044 mg/L of Alprazolam, 0.0077 mg/L of Delta-9-THC, and 0.026 mg/L of Citalopram.

## **APPLICABLE LEGAL STANDARDS**

Under California law, a peace officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to make the arrest, prevent escape, and overcome resistance. (Pen. Code, § 835a.) The officer need not retreat or end his efforts to make the arrest because of the person's resistance. (Pen. Code, § 835a.) Penal Code section 834a requires that if a person has either actual or constructive knowledge that he is being arrested by a peace officer, the person must refrain from using force or any weapon to resist such arrest.

Peace officers, in the course of their duties, may use deadly force to protect themselves or others from the threat of death or great bodily harm. As set forth in CALCRIM 507 (Justifiable Homicide: By Public Officer), a peace officer is not guilty of murder/manslaughter if he killed someone while acting as a public officer. Such a killing is justified and therefore not unlawful if: (1) the officer was a public officer; (2) the killing was committed while arresting the person charged with a felony who was resisting arrest or fleeing from justice, or while the officer was performing any other legal duty; (3) the killing was necessary to accomplish one of those lawful purposes; and (4) the officer had probable cause to believe that the decedent posed a threat of death or great bodily injury, either to the officer or to others. (See Pen. Code, §§ 196, 199.) At trial, the prosecution has the burden of proving beyond a reasonable doubt that the killing was not justified; if the prosecution does not meet its burden, the officer must be found not guilty.

In addition to the laws specifically applicable to the use of deadly force by peace officers in the performance of their duties, the laws of self-defense and defense of another are available to any person, including peace officers. As set forth in CALCRIM 505 (Justifiable Homicide: Self-Defense or Defense of Another), a person is not guilty of murder/manslaughter if he was justified in killing someone in self-defense/defense of another. A person acts in lawful self-defense/defense of another if: (1) the person reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) the person reasonably believed that the immediate use of deadly force was necessary to defend against the danger; and (3) the person used no more force than was reasonably necessary to defend against that danger. (See Pen. Code, §§ 197-199.)

Again, the prosecution has the burden of proving beyond a reasonable doubt that the killing was not justified. If the prosecution has not met this burden, then the person must be found not guilty.

In deciding whether a person's beliefs were reasonable, all the circumstances as they were known to and appeared to that person should be considered as well as what a reasonable person in a similar situation with similar knowledge would have believed. If the person's beliefs were reasonable, the danger does not need to have actually existed. (CALCRIM 505.) Additionally, the person is not required to retreat. He is entitled to stand his ground and defend himself and, if reasonably necessary, to pursue an assailant until the danger of death/great bodily injury has passed. This is so even if safety could have been achieved by retreating. (CALCRIM 505.)

With regard to officer-involved incidents, the United States Supreme Court, in *Graham v. Connor* held that an officer's use of force is to be analyzed under the Fourth Amendment's objective reasonableness standard, and "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." (*Graham v. Connor* (1989) 490 U.S. 386, 396-397.) Further, the Court directed, "[t]he reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight," and the totality of the circumstances must be taken into account. (*Id.* at p. 396.) "[I]ts proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." (*Ibid.*)

## CONCLUSIONS

At the time of the shooting, Officer Quintana and Officer Escalante were peace officers lawfully performing their duties. Both officers were actively investigating an armed robbery that had occurred earlier in the day. When informed a suspect matching the description had been seen at the [REDACTED] Apartment Complex, both officers immediately responded to investigate further. During a search of the apartment complex, Officer Quintana located Santana sitting in a chair in carport [REDACTED]. On a table, within arm's reach, was a firearm. Officer Quintana immediately began giving commands for Santana to get to the ground and not to reach for the firearm. Officer Quintana requested Officer Escalante and Officer Cordova to respond to his location. Upon all officers arriving at Santana's location, all officers gave numerous commands to Santana get to the ground and not reach for the weapon.

Officer Quintana and Officer Escalante were both pointing their duty handguns at Santana. Officer Cordova pointed his Taser at Santana. Within seconds of all officers arriving, Santana lunged for the firearm and grabbed it in his hand. All three officers believed they were going to be killed by Santana. Officer Quintana and Officer Escalante discharged their firearms. Officer Cordova discharged his Taser. Body camera footage corroborated the actions of the officers and Santana.

Officer Quintana and Officer Escalante acted in reasonable self-defense and therefore bear no criminal culpability for their actions.



A copy of this letter, along with the materials submitted for our review will be retained in our files. Absent objection in whole or in part, this letter may be released publicly in response to a California Public Records Act request.

Very truly yours,

MICHAEL A. HESTRIN  
District Attorney  
County of Riverside

A handwritten signature in blue ink, appearing to read "John Aki", is positioned above the printed name and title.

JOHN AKI  
Chief Assistant District Attorney