# CRITICAL INCIDENT PROTOCOL

## SRPD Case Number: 22-8672
## SCSO Case Number: SD220729-008
## Marin Co. Coroner Case Number: CR22-226

### CASE SUMMARY

The following report is a summary of facts detailing the events surrounding an officer involved shooting which led to the death of David Pelaez on July 29, 2022. The facts included in this summary report are based on witness statements, surveillance video, and physical evidence which were collected during this independent investigation.

On Friday, July 29, 2022, at approximately 1030 hours, Sergeant Matthies advised the Violent Crimes Investigations unit of a critical incident that occurred in the unincorporated area of Healdsburg, California. The incident involved a suspect who was shot by a sheriff's deputy and declared dead at the scene. Santa Rosa PD VCI detectives assumed the lead role in this investigation as the Critical Incident Protocol had been invoked.

SRPD detectives and evidence technicians met at the Sonoma County Sheriff's Office and were briefed on the incident by Sergeant Berg and other SCSO administrators.

I learned that on 07/29/22 at approximately 0824 hours, deputies responded to [redacted] Tre Monte Lane, Healdsburg on a report of a suspicious circumstance. The reporting party was a resident at the home who reported that an unknown male, later identified as David Pelaez-Chavez, had trespassed onto their residence and shattered a large glass window with a rock. The reporting party added that Pelaez was confronted by her father who fired warning shots at Pelaez to chase him off the property. I responded to [redacted] Tre Monte Lane and interviewed the homeowner, who was identified as [redacted]. [redacted] reported that while working in his home office, he noticed a subject, later identified as Pelaez, approach his property from the east. [redacted] stated that Pelaez was carrying several large boulders in his hands as he approached the house. [redacted] did not recognize the subject and did not know what he was doing on the property.

[redacted] continued to watch Pelaez as he walked towards a fountain located in the courtyard in front of his office. Once Pelaez reached the fountain, [redacted] stated that Pelaez dropped to his knees and began to drink from the fountain and roll around on the ground. [redacted] saw that Pelaez was barefoot, and his actions seemed odd. [redacted] described Pelaez as appearing lethargic and seemed as though "he had been going on for days."

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After Pelaez stood up, [redacted] saw Pelaez approach the French doors leading to his master bedroom. [redacted] stated that as Pelaez approached, he walked from his office to his bedroom to see where Pelaez was going. As [redacted] was walking from his office to meet Pelaez, he suddenly heard the sound of his glass French doors shattering.

After Pelaez shattered this large glass door, [redacted] stated that he retrieved his pistol from a safe and proceeded to confront Pelaez just outside of his bedroom. [redacted] stated that he pointed his firearm at Pelaez and chased him westbound through his property. [redacted] described firing two warning shots into the air as his followed Pelaez.

(Below is a photo of Pelaez just before he vandalized the residence at [redacted] Tre Monte Lane.)



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As Pelaez was fleeing the property at [redacted] Tre Monte Lane, Pelaez approached a vehicle which was parked on the property. This vehicle was a blue colored Chevrolet Silverado that belonged to [redacted] who was a gardener employed by [redacted]. I spoke with [redacted] who stated that he was working in a flower garden when he heard [redacted] suddenly begin firing a gun. Immediately after hearing the gunfire, [redacted] observed Pelaez approach and enter into the driver seat of his truck. [redacted] recognized that something was wrong, so he ran from the garden towards his truck in order to stop Pelaez.

While Pelaez was behind the wheel of [redacted] truck, [redacted] stated that he tried to open the door to grab Pelaez and stop the theft. [redacted] stated that he was unable to open the door to the truck because Pelaez had locked the door, so he reached through the window to thwart Pelaez's actions.

[redacted] described that as he was reaching into the vehicle, Pelaez began to accelerate forward at a high rate of speed. [redacted] indicated that he was still holding on to the vehicle through the window and was subsequently dragged approximately twenty feet in the westbound direction on the driveway.

[redacted] described being "afraid" and told me that he was especially fearful that he would have been dragged further down the driveway if he did not let go.

After [redacted] was effectively carjacked, Pelaez fled through numerous properties, damaging multiple fences, and ultimately got the vehicle stuck in a nearby ditch.

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(Below is a photo of [redacted] vehicle after it was stuck in a ditch and abandoned.)



After getting the pickup stuck in a nearby ditch, Pelaez continued on foot and ultimately trespassed onto the property at [redacted] Tre Monte Lane. Detectives spoke to the main resident at [redacted] Tre Monte Lane who was identified as [redacted]. In summary, [redacted] reported that he was alerted to the sound of someone talking outside of his residence. [redacted] stated that he went outside and located Pelaez. [redacted] described that Pelaez appeared disheveled, dirty and appeared "out of it." [redacted] further described Pelaez as being "meth'ed out." [redacted] also saw that Pelaez was holding several large rocks which he described as being the size of cantaloupes. [redacted] indicated that he became concerned for his safety and went into his residence to arm himself with a pistol. [redacted] also yelled for his girlfriend to call 911. While this was occurring, [redacted] received a call from [redacted] who informed him of what had just transpired at his home.

[redacted] stated that he confronted Pelaez once again and attempted to converse with him in both English and Spanish. [redacted] ordered Pelaez to sit down and wait for law enforcement to arrive. Instead of complying, Pelaez began to flee eastbound through [redacted] property. [redacted] said he followed in order to keep an eye on Pelaez. At one point, [redacted] stated that Pelaez turned towards him and said "Shoot me! Shoot me!" while holding the boulders in his hands. Based on Pelaez's erratic behavior, [redacted] ultimately chose to retreat away from

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Pelaez. [redacted] last saw Pelaez fleeing down a steep hill with dense vegetation and dangerous terrain. It should be noted that [redacted] statement is corroborated through surveillance video.

(Below is a photo of Pelaez after he trespassed onto the property of [redacted] Tre Monte Lane.)



Deputy Dietrick (E21) and Deputy Powers (E35) responded to this call for service. When they arrived, the two deputies were driven in a side-by-side (by [redacted]) towards the 5600 block of Thomas Road where they believed that Pelaez was headed towards. While searching the area east of Thomas Road, Deputy Dietrick and Deputy Powers were notified by a ranch-hand, identified as [redacted], that Pelaez had stolen a side-by-side ATV from their property and had driven it east on Thomas Road. Ultimately, the deputies located the ATV stuck in between trees with the engine still running.

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Deputy Dietrick and Deputy Powers proceeded to track Pelaez up and down numerous hillsides and into a creek bed with dense vegetation, steep hills and rough terrain. The deputies had seen Pelaez several times from distance but did not make close contact.

After tracking Pelaez through the dense and difficult environment and traveling approximately one and a half miles (in approximately one hour and fifteen minutes), Deputy Dietrick and Deputy Powers located Pelaez in a creek bed.

Deputy Powers was the first deputy to contact and confront Pelaez. At the time, Pelaez appeared agitated and was armed with a metal hammer and a metal hand-tiller. Deputy Powers attempted to deescalate by building rapport with Pelaez however his communication attempts appeared to have little effect. While Deputy Powers was attempting to negotiate with Pelaez, Pelaez proceeded to pick up a large rock from the creek bed. Deputy Powers indicated that this rock was a little smaller than the size of a volleyball. Deputy Powers then indicated that Pelaez appeared to move his arm backwards as if he were preparing to throw this rock at Deputy Powers. Before Pelaez had the opportunity to hurl this rock at Deputy Powers, Deputy Powers is seen retreating backwards.

After nearly having a rock thrown at him, Deputy Powers continued to follow Pelaez eastbound through the creek bed. By this time, Deputy Dietrick caught up to the two and also contacted Pelaez. Deputy Dietrick pointed his service pistol at Pelaez and ordered him to drop his weapons multiple times. Pelaez refuses and began to incoherently scream at the helicopter circling above.

The photo depicted on the next page was taken from Deputy Dietrick's body camera and shows Pelaez raising a rock, a hammer and a handheld tiller up in the air as he's screaming towards the helicopter.

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After Deputy Dietrick issues several more commands, Pelaez appeared to reach his arm backwards as if he is preparing to throw the rock at Deputy Dietrick. A screen shot below shows the exact moment when this appears to have occurred.



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After rearing backwards with the rock, Pelaez slightly bends over at the waist and places his arms on his knees. At this time, Pelaez is still grasping onto the large rock, hammer and handheld tiller.

While bent at the waist, Pelaez appeared to inadvertently drop the rock onto the ground. As Pelaez appears to be bending down to pick up a rock off of the ground, Deputy Dietrick fires three rounds from his service pistol and strikes Pelaez. Almost simultaneously, Deputy Powers deploys his Taser at Pelaez. Deputy Power's Taser report indicates that he fired two (2) cartridges.

Below is a screenshot from Deputy Dietrick's body camera which appears to show the moment where Pelaez moves to pick up another rock.



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Immediately, both Deputy Dietrick and Deputy Powers begin life-saving measures including CPR. After approximately thirty-minutes, Bells Ambulance Paramedic Eric Constantine is flown in via helicopter. Paramedic Constantine ultimately declares Pelaez deceased.

The Marin County Sheriff's Coroner responded to the scene and took custody of Pelaez's remains. The autopsy was conducted on 08/02/22 at the [redacted] in San Anselmo, CA by Dr. Joseph Cohen.

I reviewed both Deputy Dietrick and Deputy Power's body worn camera video of the incident. I also interviewed both deputies in the presence of their attorney. I noted that their statements were consistent with their body worn camera videos.

On 12/19/22, I received the completed death investigation by the Marin County Sheriff's Coroner. They classified the death of Pelaez as follows:

Cause of death: Penetrating gunshot wounds to head and chest.

Other significant Condition: Acute methamphetamine intoxication.

This criminal investigation will be forwarded to the Sonoma County District Attorney's Office for review.