



# BUTTE COUNTY DISTRICT ATTORNEY



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January 14, 2021

Chief Matthew Madden  
Chico Police Department  
1460 Humboldt Road  
Chico, CA 95928

**RE:** Shooting Death of: **Stephen William Vest** (DOB: 09/22/1990) on October 14, 2020  
Involved Officers: Sgt. **Nicholas Bauer**, Officers **Tyler Johnson** and **William Page**  
CPD Case #20-005634

Chief Madden:

Please accept the following report and decision to be my office's final determination of the facts and legal conclusions in the above referenced incident.

## EXECUTIVE SUMMARY

On Wednesday, **October 14, 2020**, at approximately 7:29 p.m. the Chico Police dispatch center received a 911 call from a citizen who was playing tennis at the Community Park, 1900 Dr. Martin Luther King Jr. Parkway. The citizen reported a bloody "guy with a knife, high on something" chased his 15-year-old daughter. Officers were immediately dispatched to the tennis courts, but they could not find the described white male suspect and later left the area.

At approximately 7:47 p.m., a private security guard, who was patrolling the Park in his company vehicle, heard and saw the previously described bloody suspect come out of the Park into the parking lot of the Field House/Gymnasium. The suspect, later identified as **Stephen William Vest**, 30, was armed with a knife and attempted to stab the guard through the open front passenger window of the guard's marked security vehicle. Vest then jumped up on the hood of the guard's car and began stabbing the passenger side windshield and hood with the knife. The guard accelerated away and Vest came off the hood. The guard saw Vest begin quickly walking south on Dr. Martin Luther King Jr. Parkway toward E. 20th Street. The guard slowly travelled in his vehicle parallel to Vest to keep an eye on Vest and report into his dispatcher (another roving guard in Chico). The guard shouted several times to Vest to "get on the ground", but Vest kept moving south on the sidewalk. At one point, Vest came toward the guard's passenger window with the knife again. The guard shot his Taser© weapon at Vest through the still open front passenger window. The Taser probes hit Vest, but did not have the desired effect of a full-body lockup. Vest continued south toward the E. 20<sup>th</sup> Street intersection. As the guard watched, Vest entered the intersection at approximately 7:51 p.m. and began attacking private vehicles with his hands and the knife.

Vest used his knife to stab at passing vehicles in the intersection – breaking at least one windshield; slapping his bloody hands on the windows of passing cars; slashing at tires; and jumping onto the

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rear of a passing motorcycle. The guard's dispatcher got through to the Chico PD dispatch center and 911 calls also started to come into the CPD dispatchers from motorists in that intersection. Officers were dispatched. Among those dispatched were Sgt. Nicholas Bauer and Officers Tyler Johnson and William Page.

As the officers were on their way, Vest moved out of the intersection and walked further south on MLK Parkway to the driveway of the nearby Petco store. There he came across a male Petco employee who was helping a male semi-truck driver unload a shipment outside the loading bay of the Petco store. The truck driver and employee ran as Vest moved toward them with a knife in his right hand. Vest chased the employee and truck driver into the Petco store through the loading bay hallway. At approximately 7:56 p.m. Sgt. Bauer and Officer Page arrived and saw this chase disappear into the store. The officers got out of their vehicles and ran after Vest into the loading bay hallway. On their run, the officers determined Officer Page would, if necessary, be the less-lethal force option with his Taser© weapon and Sgt. Bauer would be his lethal backup.

The two officers saw Vest disappear down the long hallway of the loading bay area further into the interior of the store and decided to go around to the front of the Petco store to attempt to evacuate any persons in Petco through the front doors. At the time, Vest continued to pursue the employee and the truck driver through the interior of the store with the knife displayed in his right hand. The men ran out the Petco front door with Vest close behind, just as Sgt. Bauer and Officer Page came toward the front of the building. At the same time, Officer Johnson drove his marked patrol SUV with lighted red/blue lights into the front parking lot of the Petco store and got out to join Sgt. Bauer and Officer Page just to the west (or right) of the front door.

The employee and the truck driver ran past and behind the officers as Vest came out the front door into the parking lot, knife still in his right hand, and turned to his right toward the fleeing men and, now the officers. The officers shouted for Vest to stop and drop the knife multiple times. Vest continued his "determined" forward motion toward the uniformed officers with the knife displayed forward toward them, ignoring their repeated commands to stop and drop the knife as they pointed their firearms at him. The officers at the same time began to give ground to Vest and move backwards in the parking lot while still facing Vest. Officer Page shot his Taser weapon and saw the probes go out and contact Vest. However, the weapon did not stop Vest and he continued forward at the officers still with the knife in hand. As the officers ran out of room and time to go further back, Sgt. Bauer and Officer Johnson opened fire with their semi-automatic pistols for approximately two seconds at approximately 7:57 p.m. Officer Johnson fired nine times and Sgt. Bauer fired two times. Vest fell forward and the officers moved forward to kick the knife from his hand and render medical aid. Vest however did not survive and responding medics declared him deceased at the scene.

Immediately after the shooting, the **Butte County Officer Involved Shooting Protocol** was instituted and the **Butte County Officer Involved Shooting/Critical Incident Protocol Team** was activated and began its normal extensive investigation. The objective of the team's investigation is not an administrative investigation to determine whether there was any violation of a law enforcement agency's departmental policy nor is it necessarily a critique of any involved

officer's tactics. Its purpose is to determine whether there was any criminal liability on the part of any involved officers. The investigation, as was done here, was accomplished by uninvolved, professional investigators from outside state and local law enforcement agencies to supply a complete, unbiased and uncompromised investigation to be reviewed by my office.

The results of that investigation have been reviewed. The investigation was wide-ranging and included interviews with civilian witnesses in the area and with the involved officers; the CPD dispatch tapes of the incident; forensic analysis of the crime scene; forensic analysis of the various body cameras; and the autopsy and toxicology results, which showed an extremely high level of methamphetamine in Vest's blood at the time of his death. Based on that review and the controlling law involving officer-involved shootings, **I find no criminal liability for the officers involved based on the finding that their actions were justified.**

## **FACTUAL SUMMARY**

### **Community Park – Tennis/Pickleball Courts**

On the warm Wednesday evening of October 14, 2020, several citizens were playing pickleball and tennis at the courts of the Chico Area Recreation District (CARD) facility known as Community Park. Sometime shortly before 7:29 p.m., several of the female pickleball players saw a white male adult in this 30s wearing dark clothing and "walking strangely" enter the court area from the grassy fields to the west of the courts. They noted the man was bloody and holding a knife, which he used to cut up a plastic water bottle. He pushed bloody pieces of the bottle through the fence into the court area. He also wiped blood from his hand on a CARD sign on the court fence.

Nearby, a father and his 15-year-old daughter were playing tennis on a court next to the pickleball courts when the father sent his daughter to retrieve his cell phone from their car parked to the east of the court. The father looked up from tying his shoe and saw his daughter returning. At this time, for the first time, he saw the white male adult approaching his daughter on the walkway between the courts. The daughter said the man approached her and said "Excuse me, ma'am" – then reached out and wiped his bloody finger on the shoulder of her tee shirt. As the father approached, the man walked off. The father opined the strange man was under the influence by his mannerism and gait.

As the strange man was leaving the courts, and after the pickleball players saw that he had approached the 15-year-old girl, they again saw him with a knife, this time cutting on the benches between the courts. The man left into the darkness of the grassy area to the west of the courts and the pickleball players asked the father to call 911 on his cell phone. The father called the 911 CPD dispatch center at approximately 7:29 p.m. and he relayed the combined information he and the female pickleball players had seen.

The father's call was received and CPD dispatched the call to officers as a high priority event, having interpreted the call as a "brandishing" case with a man possibly chasing persons with a

knife. CPD officers, including Sgt. Nicholas Bauer and Officer Tyler Johnson, arrived quickly at the scene and made a search for the described man. During the search, the officers contacted the reporting parties. The officers determined the reported man had a knife, was acting strangely, but had not attacked or chased the 15-year-old with the knife. The officers having not found the man, downgraded the call to a vandalism and returned to normal patrol duties.

During the search, Sgt. Bauer contacted a private security guard (AG Private Security), who was on patrol in Community Park under contract with CARD. Sgt. Bauer told the security guard of the 911 call and the male with a knife reported to be in the park. A few minutes later, after the CPD officers had left to attend other calls, the security guard was at the south end of the park when he heard “a cry for help.”

### **Contact with Security Guard**

The security guard was in the parking lot of the Community Park Field House/Gymnasium in his marked company vehicle at approximately 7:47 p.m., when he heard someone call out: “Help. Help. Someone help me!” The cry came from the grassy baseball field area to the north of the parking lot. He directed his small sedan’s headlights toward the sound of the cry for help. He could not see anyone at that time so he turned on his vehicle’s overhead light bar and saw the person described earlier by Sgt. Bauer coming out of the field – a white male adult in his 30s wearing all dark clothing.

As the male, later determined to be Stephen Vest, approached closer, the guard saw Vest’s left arm was bloody from the elbow to his fingertips.<sup>1</sup> The guard called from his driver’s side window: “What’s wrong? What happened? What can I do to help?” The guard initially thought the man might have been attacked by the knife-wielding suspect earlier described as being in the park.

Vest did not reply and instead pulled a knife from his right pocket. The guard estimated the knife to be six-inches from tip to hilt, with a dark handle and silver-colored blade. Vest quickly ran up to the guard’s vehicle and thrust his right hand clutching the knife through the partially open front passenger window. The guard described Vest as repeatedly trying to stab him “in a pinpointed attack” – thrusting the knife forward towards the guard’s right side as the guard leaned in the opposite direction. The guard said the knife came within a foot-and-a-half of his right bicep.

In fear for his life, the guard put his vehicle into drive and turned it to his left. Vest removed his arm from the interior of the car, but jumped up on the passenger side of the hood, stabbing at the windshield and hood – leaving a gouge and blood on the passenger side of the hood. The guard started to speed up and Vest rolled from the hood. The guard then saw Vest move out of the parking lot and start walking south on MLK Parkway. The guard turned on his body camera and radioed his watch commander as to what had just happened. The guard explained he had no direct radio link to CPD but it was policy for AG company guards to radio reports to a company watch

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<sup>1</sup> Later autopsy findings found several abrasions and slashes consistent with knife marks on Vest’s left forearm and left thumb.

commander, who would contact CPD in life-threatening situations.

(During this encounter in the Field House parking lot, a CARD employee was cleaning inside the Field House and saw the confrontation outside. She said she saw the guard's patrol vehicle lurch forward and seem to circle the attacker. She then saw the subject on foot cut his hand with the knife and wipe the blood on her parked car in the lot before moving to the street.)

The guard, driving the patrol car slowly, began to follow Vest, concerned for several homeless persons he knew lived in their vans a short ways south on MLK Parkway. He felt since Vest had tried to take his life, Vest may be a danger to them also. He wanted to try to distract Vest and report on his movements through his company radio. He yelled out the window to Vest to "get on the ground, get on the ground!"

He continued to parallel Vest, who walked south on the sidewalk. The guard then saw Vest momentarily disappear from sight on the other side of the homeless vans parked alongside the west side of MLK Parkway.

At that time, there were three homeless people watching a movie inside one of the vans. They saw Vest come alongside the van and look as if he was going to jump inside the van and steal it. The owner of the van jumped into the driver's seat to prevent such a theft. However, Vest went to the hood of the van, where a jumper cable was connected to an outside battery and instead took the jumper cable. The van owner said he did not see what, if anything, was in Vest's hands prior to taking the jumper cable.

The following guard then saw Vest reappear to the south of the vans with jumper cables in one hand and the knife still in his other. Vest was on the passenger side of the guard's vehicle and charged at the passenger side window once again. The guard pulled his Taser at approximately 7:49 p.m., aimed through the open part of the window at Vest's chest with the red laser-pointing dot, and fired. The guard said it sounded as if the Taser made contact. Vest flinched momentarily, but then the Taser sound changed to a rapid clicking sound indicating both probes were no longer in contact with the target and the guard turned it off.<sup>2</sup> Vest began moving south down the street again. The guard followed in his car.

The guard followed Vest to the busy intersection of MLK Parkway and E. 20<sup>th</sup> Street where he saw Vest enter on foot at approximately 7:51 p.m. and begin attacking passing cars with his knife. He radioed updates to his watch commander, including seeing Vest smash the windshield of a Subaru, slice the tire of a Prius and try to take a man off a motorcycle. The guard reported Vest was trying to damage every vehicle passing by; was shouting and throwing his hands in the air.

In the meantime, his watch commander had been forwarding the guard's radio updates via a cell call to CPD dispatch.<sup>3</sup> Soon 911 calls began to come in from citizens in the MLK Parkway and E.

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<sup>2</sup> One of the guard's Taser probes and wires were recovered in the street where he stated he fired the Taser.

<sup>3</sup> The watch commander called 911 via cell phone. This call was first forwarded to the local CHP dispatch center as

20<sup>th</sup> Street intersection.

CPD dispatched officers to the intersection. The guard's body camera captured Sgt. Bauer pulling up in his patrol SUV to where the guard was parked in the Rare Air parking lot, and asking the guard where the "subject" was at approximately 7:56 p.m. The guard pointed out Vest, who was now on the Petco side of the intersection. The sergeant left to go after Vest. Approximately one minute later at 7:57 p.m. shots were heard coming from the Petco store and the sound was captured on the guard's body camera.

### **The Intersection**

Vest's entry into the busy MLK Parkway and E. 20 Street intersection was chaotic. Various motorists reported he came running "erratically" into the intersection with a knife in his hand and was "banging" on car windows.

One 22-year-old man was driving his 2002 dark blue Subaru SUV westbound on E. 20<sup>th</sup> Street, turning left (south) onto MLK Parkway. As he did this, Vest jumped in front of him and onto the hood of his vehicle. Vest proceeded to smash the passenger side of the Subaru's windshield with the hilt of a knife in his hand, causing three significant windshield cracks. The driver sped up during the turn, causing Vest to come off the hood and roll onto the pavement. The driver sped off south on MLK Parkway, coming back to the intersection a few minutes later where he saw the guard's car and reported the incident to him.

A Prius driven by a husband, 71, with his wife, 68, as a passenger, were also driving westbound on E. 20<sup>th</sup> Street, two cars behind the Subaru, and making the same left turn onto MLK Parkway. They saw Vest go up on the hood of the Subaru and then roll off as the Subaru sped away. The couple at first thought Vest had been the victim of a hit-and-run collision and slowed down to contact Vest as he got up from the pavement. The wife lowered her passenger window to ask Vest if he was okay, when she was shocked by Vest taking a knife, bending down and slicing open their right front tire. They drove their car to the west side of the MLK Parkway across from the Petco store where they parked as they could no longer go forward. They saw Vest run back north to the intersection. A very few minutes later they saw him return and get into a disturbance with a truck driver in the Petco parking lot and follow the truck driver into the Petco store. They saw police arrive and go to the Petco store, and heard (but did not see the) gunshots less than a minute later.

A mother, 40, and her two daughters, ages nine & ten, were stopped at the south side of the intersection, waiting in the right turn lane at the red light to turn from MLK Parkway, east onto E. 20<sup>th</sup> Street, when Vest ran up to her driver's side window and hit it with his hand leaving a bloody mark before running away. She was frightened and sped away from the intersection.

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sometimes happens with cellular 911 calls. The CHP dispatch center forwarded the call to CPD dispatch and a small miscommunication occurred, leading CPD dispatch to at first believe a CPD patrol unit, rather than the AG Private Security unit, had been attacked.

Two 21-year-old females also came up to the right hand turn lane at the south side of the intersection when Vest, who they described as having blood all over his face, came “out of nowhere” and stormed at them with “an evil look” on his face. Vest banged with a closed fist on the driver’s side rear window and trunk of their car, leaving blood. They raced away “extremely terrified.”

Another female driver, 49, stopped in the left turn lane on the south side of the intersection waiting for the light to turn green so she could turn left or west onto E. 20<sup>th</sup> Street. She saw Vest come into the intersection in front of her, screaming incoherently, and banging on other cars’ windows. He got close to her car, but she drove through the red light to escape.

A male motorcyclist, 66, drove his motorcycle into the right lane south of the intersection preparing to turn right on E. 20<sup>th</sup> Street when he saw cars stopped in front of him and an erratic Vest running in the intersection as if there was a “road rage” incident going on. Vest made eye contact with him and rapidly approached the motorcyclist. The motorcyclist told Vest to get away, but Vest jumped up behind him on the back of the motorcycle. Vest put his hands on the motorcyclist’s shoulders. The motorcyclist shouted at Vest to get off and swung back with his right elbow, connecting with Vest and knocking him off the motorcycle. The motorcyclist began to put his kickstand down to confront Vest, when a nearby motorist yelled, “Just get on your bike and go! The guy is nuts!” The motorcyclist left. He later found blood on his shirt.

### **Petco Loading Dock**

After approximately five minutes of chaos in the intersection, Vest moved south to the Petco store where a male semi-truck driver, 22, was delivering his weekly shipment to the store. The semi-truck was parked in the Petco parking lot with the rear trailer door facing the driveway onto MLK Parkway. A male Petco employee, 23, assisted in unloading pallets from the rear of the truck and stacked them near the loading bay door located at the southwestern end of the store. The two men heard and saw much of the disturbance and the attacks on motorists in the intersection. They were apprehensive and frightened when Vest came to them at the rear of the truck. Vest advanced toward the two men, who backed away and yelled at him to get away.

Vest then got up into the rear of the delivery truck and began throwing items out of the truck and banging his head on pallets of goods inside the truck.<sup>4</sup> The driver left the rear of the truck, went into the sleeper cab of his truck, and retrieved a pistol. The driver put the pistol into the front waistband of his shorts and returned to the rear of the truck with the intent to display it if Vest were to become more aggressive toward him or the employee.

When the driver returned to the rear of the vehicle, Vest jumped out of the rear of the truck and faced the driver and Petco employee. It was then that the driver saw a knife in Vest’s hand. The driver raised his shirt to display his gun and told Vest “to please stay away from me.” Instead, Vest

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<sup>4</sup> Drops of blood were later found inside the truck’s cargo container on the floor and on merchandise lining the walls.

looked at the gun, and yelled, “Kill me! I want you to shoot me!” The driver put his shirt back over his weapon and began to move with the store employee toward the Petco loading bay door. At this time, the two men saw marked CPD patrol vehicles with lights and sirens begin to arrive. Vest then began to chase the two men into the interior loading bay with the knife displayed in his right hand.

The two men ran through the interior loading bay hallway and into the main Petco store with Vest following. The two men described Vest as holding a knife with an approximately three-inch blade in his right hand in a firm grip, pointing it forward toward them. The men ran through the store both forward and partially backpedaling to keep an eye on Vest who kept coming at them. The driver recalled he told Vest to stay away and that he (the driver) still had a gun – although he did not again display it. The men knew that two female Petco employees were in the store and as they ran through the store, they came across the females and yelled at them to hide.

At first, the female employees thought the two men were joking, but when they saw Vest with a “large” knife, they ran toward the employee break room in an attempt to hide. The women described Vest holding the knife toward the two men as the men “backpedaled” through the store aisles. They further described Vest with a great deal of blood on his face and a monotone “Friday the 13<sup>th</sup>” stare. At one point, one heard Vest say to the truck driver “shoot me.”

The two men determined they would run out the front door of the Petco store in an attempt to lead Vest out of the store and away from the female employees. The two men ran out of the front door where they saw a marked CPD SUV, with red/blue lights on, arrive in the front parking lot. They saw two CPD officers in full uniform to their right as they quickly exited the door. Both men ran toward and then behind those officers, who had formed in a line along with the arriving officer in the parking lot. As Vest came out the door behind them, the men heard the officers shout for Vest to “drop the knife” and “get on the ground.” Both men watched from behind the officers and described Vest as now having a “focused look” at the officers and that Vest advanced “menacingly” and “fast walking with an aggressive stance” toward the officers with a “firm grip on the knife,” which was pointed at the officers.

The two men said the officers continued to shout at Vest to drop the knife as the officers moved backwards. Then one of the officers shot a Taser toward Vest. The truck driver believed the Taser shot brought Vest to his knees, but then he got up and continued forward with the knife. The Petco employee believed the Taser had no effect, and Vest continued forward without interruption. Both men saw and heard the shots fired by the officers. The store employee believed only one officer fired approximately four times when Vest was about five feet from that officer. The truck driver believed all three officers fired approximately eight shots from about four feet away from Vest.

Both men stated their belief the CPD officers acted appropriately and “did what they had to do” to protect themselves, the men and others.

### **CPD Officers Arrival at Petco**

Sgt. Bauer arrived at the northwest side of the MLK Parkway and E. 20<sup>th</sup> St. intersection at approximately 7:56 p.m. He contacted several AG Security guards<sup>5</sup> at the parking lot of the Rare Air Trampoline Park there. CPD dispatch had informed the sergeant of a subject with a knife in the intersection, who had earlier brandished a knife at a security guard. The sergeant asked what was going on and the guards quickly told him the subject had attacked one of them and gone into the intersection and attacked a motorcyclist and other cars with the knife. Sgt. Bauer asked where the subject was and they pointed to Vest across the intersection on the Petco side. The sergeant drove through the traffic to get to Vest, who had now gone to the Petco driveway and parking lot.

Sgt. Bauer stopped his patrol SUV on MLK Parkway just north of the Petco driveway. As the sergeant stopped his vehicle, he turned in his seat to the rear seat area of the SUV and was attempting to find a less lethal (beanbag) shotgun he expected to be there<sup>6</sup>, when Officer William Page pulled up alongside (left) of the sergeant's vehicle. Both officers had their red and blue Code 3 lights on their vehicles activated as they came to a stop in the middle of the street.

From where they had parked their vehicles in the street, Sgt. Bauer and Officer Page then saw Vest with a knife in his hand begin to chase two people<sup>7</sup> from the rear of a semi-truck parked in the driveway/parking lot of Petco. The two persons, with Vest in pursuit, went toward the loading bay door of Petco. They yelled for Vest to drop the knife as the officers raced after the now disappearing group. On their run, the officers quickly determined who was going to approach with less-lethal (Taser - Page) and who was going to have lethal (firearm - Bauer). As the officers got to the loading bay door, they saw Vest approach the end of a long interior loading bay hallway. Officer Page initially went into the narrow hallway ahead of Sgt. Bauer with his Taser out in front of him. Sgt. Bauer had his pistol out to back up Officer Page. Both officers yelled for Vest to get on the ground. As the officers proceeded down the hallway, they saw Vest get to the end of the hallway, enter the main part of the Petco store area and turn to go further into the store. Fearing for the men they saw chased into the store and concerned there may be other persons in the store, the officers decided to go back out of the hallway and go toward the front of the store to evacuate any persons in the store.

As the two officers ran to the front of the store with Sgt. Bauer in the lead, Officer Tyler Johnson arrived at the rear of the semi-truck in the driveway in his CPD patrol SUV with its red/blue lights on. Officer Page waived him toward the front of the Petco store. As Sgt. Bauer and Officer Page came around to the front door of Petco, they saw the two males, they had earlier seen being chased by the knife-wielding Vest, come running out the front door with frightened expressions. The officers yelled at the men to attract their attention and to tell them to get out of the area. The two men turned to their right and ran behind Sgt. Bauer and Officer Page, just as Officer Johnson pulled

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<sup>5</sup> The original AG security guard plus two of his superiors had gathered in the parking lot and were watching Vest attack cars with the knife in the intersection and get on the back of a passing motorcycle "as if to take off the driver."

<sup>6</sup> Sgt. Bauer had borrowed another sergeant SUV that night as his normal vehicle was in for maintenance. Sgt. Bauer discovered the shotgun in the rear of the vehicle was not a less lethal shotgun and he left it in the vehicle.

<sup>7</sup> Later determined to be the semi-truck driver and the Petco employee referenced above.

his vehicle into the front parking lot. Vest came out of the door with the knife in his right hand<sup>8</sup>. The officers yelled at him multiple times to drop the knife as Vest turned toward them. The officers in particular noted Vest did not go straight out from the door or turn away from them in an attempt to escape, but turned directly right and toward them. Vest moved steadily toward them in what they variously described as a “determined” or “stern” or “man on a mission” accelerated walk as the officers continued to yell at him to drop the knife. Vest did not respond and said nothing, continuing forward, as Officer Johnson said, with a “dead stare.”

The three officers formed basically a linear line between Vest and the two civilians who had run behind them. Sgt. Bauer was on the left, Officer Page in the middle and Officer Johnson on the right. The officers gave ground and moved backwards as Vest continued to approach with the knife. Officer Page yelled “Taser! Taser! Taser! Taser!” while aiming the laser pointer-dot at Vest’s waist area. He then fired his Taser as Vest was approximately 17 feet away. The Taser probes went out and struck Vest. However the Taser did not have the desired effect of stopping Vest by “locking up” his muscles. Instead the officers saw only a slight “flinch” by Vest as he instead turned more toward Officer Johnson and continued forward with the knife.

The officers repeated their commands for Vest to drop the knife as they continued to give ground. The officers, however, said they felt they were running out of ground to give, because the semi-truck and a vegetation planter behind them in the parking lot blocked further safe retreat. As Vest closed the distance to approximately 11-13 feet, Officer Johnson fired his 9mm semi-automatic pistol nine times and Sgt. Bauer fired his .45 caliber semi-automatic pistol twice. Vest went down first onto his left knee and hands before collapsing in a prone position on his stomach on the pavement.

The officers advanced and Sgt. Bauer kicked away the knife, which was still grasped in Vest’s right hand. The sergeant requested medics be dispatched immediately. They then handcuffed Vest and rolled him over to begin a medical assessment including checking for a pulse, which was present. As medics were on their way, Vest’s pulse faded and CPR by the officers was started. Medics arrived within approximately six minutes of the call and took over medical assistance from the officers. But after some time, they declared Vest deceased at approximately 8:09 p.m.

The officers noted they were in fear not only for their own lives but for the civilians who had run behind them. The officers were aware of Vest’s previous knife possession at the Community Park tennis courts, his attack on the security guard and on the various motorists in the intersection. Each of the officers was aware of how quickly and dangerously a knife attack could be carried out from their own training and experience.

Officer Page had previous Taser training and felt the probes did hit Vest, but saw they were ineffective. The officer said he considered trying to load another cartridge into his Taser, but felt immediately there was insufficient time and dropped his Taser to start to pull his sidearm, when

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<sup>8</sup> Vest also had a manila envelope in his left hand that was later determined to contain Petco receipt paperwork. On Officer Page’s body camera, Vest was earlier seen taking the envelope from a shelf at the end of the loading bay hallway.

the other officers shot.

All officers said they were of the belief their and others lives were in imminent danger of death or great bodily harm. They said Vest's lack of response to their commands to either drop the knife or get on the ground and his quick persistent motion forward left no time to attempt any other options other than first to stop him with non-lethal force (Taser), and upon the failure of that, to move to lethal force, firing at the "center mass" of the threat until the threat was stopped.

Officer Johnson said he believed he was the first to shoot as Vest seem to be coming directly at him. The officer believed he fired between four and six times. Sgt. Bauer said he believed he shot twice. Both officers said they stopped firing when they saw Vest fall to the ground.

The rapid and dynamic nature of the unfolding events in the Petco parking lot were revealed in later analysis of Officer Page and Johnson body camera videos.<sup>9</sup> The time from Officer Page and Sgt. Bauer first spotting of Vest chasing the two civilians into Petco to the fatal shooting was approximately 50 seconds. The time from Vest coming out of the Petco front door to the fatal shooting was less than 9 seconds. The duration of the shots from Sgt. Bauer and Officer Johnson was 2.03 seconds.

### **The Shooting Scene and other Evidence**

Criminalists from the California Department of Justice (Attorney General) Bureau of Forensic Services were called to the Petco store as part of the Butte County Officer Involved Shooting/Critical Incident Protocol Team. They worked all night gathering and cataloguing evidence and photos from the parking lot, interior of the store, semi-truck and CPD patrol vehicle, Vest's body and clothing, and the firearms of the involved officers to assist in forensically reconstructing what happened.

A trail of dispersed red-brown droplet stains of presumed blood was followed from the rear lift gate of the semi-truck into the interior of the trailer where other similar stains were on the floor, walls and boxes. Additionally boxes were found thrown out of the truck onto the rear lift gate. This blood trail was also followed on the loading dock sidewalk to the interior floor of the loading bay hallway and through the main store aisles toward the front door.

A Tac-Force brand tactical eight-inch folding knife, with a blade approximately 3.5 inches long and a camouflage handle approximately 4.5 inches long, was found on the sidewalk in front of the Petco store, north of Vest's body, where Sgt. Bauer had kicked it. The blade was out and the handle was coming apart and appeared to be missing two screws. Red-brown stains on each side of the blade and handle tested positive for human blood.

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<sup>9</sup> Sgt. Bauer did not turn his body camera on until after the shooting. He said the speed at which the events unfolded prior to the shooting; his responsibility in managing the response to the scene at the intersection and Petco; and, in particular, his hurried search for a less lethal shotgun that was not there – distracted him from immediately turning on his body camera.

The Taser fired by Officer Page was found in the parking lot in the last slot to the west of the front door. It was a model X26P with a 25-foot range. Its front light and red laser dot were working as was its electrical charge upon pulling the trigger. It was found with its attached cartridge fired. Portions of both copper wires were still attached to the cartridge. The cartridge showed an expiration date of 082022. The two blast doors to the cartridge were found in the parking lot. One of the Taser's probes with wire still attached was also found in the parking lot. Other portions of wire were found wrapped around Vest's body. The remaining probe was found embedded in the front left upper side of Vest's jeans above the left pocket. It was bent and without wire attached. No blood or apparent tissue was detected on the probes.

The Taser fired by the AG Security officer was found in his patrol car. It was a Taser model Pulse+ with a 15-foot range. The cartridge had been fired with copper wires still attached. One of the probes with the wire still attached was found by one of the van owners in MLK Parkway and given to Chico Police. No blood or apparent tissue was detected on the probe.

Officer Johnson's sidearm, a 9mm semi-automatic Glock pistol, with an 18-round capacity magazine inserted, was taken from the officer by protocol team members and turned over to the DOJ criminalists. A total of nine fired 9mm cartridge casings were found in the parking lot and were microscopically identified as having been fired in Officer Johnson's pistol. This was consistent with Officer Johnson having fired nine shots as nine live 9mm cartridges were found remaining in the officer's gun when it was taken.

Sgt. Bauer's sidearm, a .45 caliber semi-automatic Glock pistol, with a 13-round capacity magazine inserted, was taken from the sergeant by protocol team members and turned over to DOJ criminalists. A total of two fired .45 caliber cartridge cases were found in the parking lot and were microscopically identified as having been fired in Sgt. Bauer's pistol. This was consistent with Sgt. Bauer having fired two shots as 11 live .45 caliber cartridges were found remaining in the officer's gun when it was taken.

Officer Page's 9 mm sidearm was also taken by protocol team members and turned over to the DOJ criminalists and found not to have been fired.

Eight of Officer Johnson's fired bullets were believed to have been accounted for by the investigators. Five were found in Vest's body during a later autopsy. Two went through a lower window pane of the fourth window to the west of the Petco entrance. (One of these bullets was found to have struck a locked animal medicine cabinet just inside the window and fallen to the floor. The other bullet was believed to have passed through a bag of kitten food inside the window and disappeared somewhere further inside the store.) A badly deformed bullet was found on the pavement in front of Officer Johnson's vehicle in the parking lot. It is believed this bullet ricocheted off a gray metal window frame (there was a substantial fresh dent found that night) and ended up in front of Officer Johnson's vehicle with gray and white powder on it.

Both of Sgt. Bauer's fired bullets were believed to have been accounted for by the investigators. One was found in Vest's body during a later autopsy. The other was found on the floorboard of

Officer Johnson's vehicle. (It is believed this bullet passed through Vest's right leg before ending up on the floorboard.)

In addition to the DOJ criminalist's work, investigators returned the next day to the Community Park tennis courts with some of the witnesses from the pickleball courts. Those witnesses pointed out damage to tennis court wooden benches they saw made by Vest with the knife he was carrying. They also pointed out a CARD sign on one of the tennis courts upon which Vest wiped blood from his hand. Photos were taken.

Also the next day, aerial drone photos were taken to preserve the Petco scene with the semi-truck still in place. Besides photos, the scene and the placement of all evidence was preserved through the use of a sophisticated laser-ranging system and computer program which allows precise measurements to be made – and contributed to a later computer animation of the movements of Vest, the officers and the citizens in the moments before and during the shooting. (See below.)

### **Body Camera Videos**

As part of the investigation, Officers Page and Johnson's body worn cameras were taken and downloaded. (As already noted, Sgt. Bauer did not turn on his body worn camera until after the shooting.) The videos were reviewed multiple times using software that allowed frame-by-frame viewing. The body camera videos run at a rate of 30 frames per second, which allowed a detailed review of the most relevant 50 seconds of the October 14<sup>th</sup> incident – from the first spotting of Vest (on Officer Page's video) at the driveway entrance to Petco to the shooting of Vest outside the front entrance of Petco (on both Officer Page and Johnson's videos):

- 0:00 – Vest spotted at Petco driveway entrance and begins chasing Petco employee (red shirt) and truck driver (dark shirt) into Petco with a knife;
- 0:11 – Officer Page yells to Vest: “Drop the knife!” [As Vest chasing after the two men with a knife in his right hand.]
- 0:23 – Sgt. Bauer yells to Vest: “Get on the ground!” [As the officers chase Vest into the Petco loading bay.]
- 0:24 – Officer Page yells to Vest: “Get on the ground, now!” [As Vest approaches the end of the loading bay.]
- 0:27 – Sgt. Bauer yells to Vest: “Get on the ground!” [As Vest begins to enter the main part of the Petco store.]
- 0:42 – Officer Page yells to Vest: “Drop it now!” [As Vest comes out the front Petco door and Officer Johnson pulls up in his marked patrol vehicle with red/blue lights on.]
- 0:44 – Officer Page yells to Vest: “Drop the knife!” [As Vest comes towards the officers with the knife in his right hand.]
- 0:44 – Sgt. Bauer also yells to Vest: “Get on the ground!” [As Vest comes closer.]
- 0:46 – Officer Page yells: “Taser! Taser! Taser! Taser!” [As Vest continues toward officers and Officer Page is warning that Taser deployment is imminent.]
- 0:47 – [Taser is fired and strikes Vest.]
- 0:48 – Multiple officers yell to Vest: “Drop the knife!” [As Vest is under the Taser's current and turns toward Officer Johnson and continues forward.]
- 0:50 – Officer Johnson opens fire.

The first gunshot by Officer Johnson is approximately 2.4 seconds (2 seconds and 12 frames) after the Taser was fired. Each gunshot by Officer Johnson and Sgt. Bauer was tracked on the audio track of the body camera videos using a sophisticated software program that allowed an oscilloscope profile of each shot to be seen. Sgt. Bauer's two shots overlapped Officer Johnson's shots number five and seven for a total of 11 recorded shots within a 2.03 second (2 seconds and 1 frame) range.

Some notable artifacts of the individual CPD body camera videos were noted:

1. Each video was imbedded with a time stamp of Zulu (or Greenwich Mean Time) which was seven hours ahead of Chico (PDT) time.
2. Each officer's body camera video time stamp was slightly different by a few seconds from other officers' time stamps.
3. There was a consistent three frame time differential between the video track and the audio track. This means the audio track was .1 seconds behind the video track.
4. **There is a slight "fisheye" effect to the body camera video (to allow for a wider angle view), which translates to a video view that looks farther away than in real life. (Equivalent to an automobile's right side mirror warning that "Objects in mirror are closer than they appear.")**

The body worn camera of the AG Security guard was also downloaded. The audio track was of more help than the video as the guard stayed largely in his vehicle behind the steering wheel. However his exclamations at various points during the video confirmed his statements to investigators. Of note, the guard's simultaneous reporting to his command staff was captured on the video, which provided a running narrative of what happened during his contact with Vest. The guard's video was also time stamped and was within a few seconds of the CPD body camera video time-stamps. The guard's video captured the sound of the officer's shots in the direction of the Petco store a few seconds after 1957 hours (7:57 p.m.).

### **Total Station Laser Scan and Animation**

As with many other protocol team call-outs, the Butte County Sheriff's Office's "Total Station" forensic laser surveying and ranging system was used that night to preserve a precise visual record of the Petco shooting scene into a computer, which allowed accurate documentation of the scene for later three-dimensional reconstruction. The Petco building, the semi-truck and Officer Johnson's patrol SUV along with all evidence in-between was preserved for the investigators to look at from many 3D angles to reconstruct the scene of the shooting with laser precision.

Using the 3D reconstructed scene along with the body camera videos, investigators were able to construct an accurate animation of the movement of the bodies in the approximately 8.4 seconds that elapsed between the time Vest came out of the Petco store front door to the first shot by Officer Johnson.

Of note, an important visual measuring unit is constantly within sight of both the body cameras

and the animation – the **distance between the parallel lines painted in the parking lot to demark parking slots is eight (8) feet.**

### **Autopsy/Toxicology**

One week after the shooting, a forensic autopsy was performed by a Board Certified Forensic Pathologist under contract with the Butte County Coroner. In sum, the pathologist documented a total of eight gunshot wounds to the body of Vest: chest (2), right shoulder (2), right leg (1), posterior neck (1), and back (2)<sup>10</sup>. Four “circular abrasions” consistent with Taser probe marks were also documented. Six projectiles (bullets) were also removed from Vest’s body and delivered to the DOJ Criminalistics Laboratory for analysis, which was described above.

The cause of death was determined to be “Multiple Gunshot Wounds.”

Of significant interest was the subsequent analysis of Vest’s blood, which revealed no ethyl alcohol, but a potentially toxic level of methamphetamine.<sup>11</sup> The level of amphetamine, a metabolite of methamphetamine, also indicated the ingestion of the large amount of methamphetamine was relatively close to his death.

### **Taser Failure**

Taser© is a personal defense system classified as a Conducted Energy Weapon (CEW), which conducts electricity through the body with the intent to elicit compliance from a non-cooperative or combative subject.

A Taser accomplishes compliance through one of two methods, first is through pain compliance, which is primarily administered through a “drive stun,” meaning the Taser’s two contact points, come into contact with the skin, and apply an electric charge. The electricity is conducted through the skin from one point of contact to the other. This causes pain, in an attempt to gain compliance from the person.

The second method is through “lock-up” or “capturing” muscles on the subject. This is accomplished through the Taser projecting two probes at the subject, which embed in the skin. If the probes are spread an appropriate distance, and located in the correct area, electricity flows from

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<sup>10</sup> The shots to Vest’s back and internal trajectories were consistent with Vest falling forward and his back being exposed to the shooting officers toward the end of their shots.

<sup>11</sup> The level of d-Methamphetamine was 1.2 mg/L. The “potentially toxic” range is considered to be 0.2 – 5 mg/L. A high level of methamphetamine can cause what is known as methamphetamine-induced psychosis. Methamphetamine-induced psychosis can be very similar to paranoid schizophrenia. During methamphetamine-induced psychosis, a person may develop delusions, hallucinations, paranoia, and violent behavior. These states may make it difficult for a person to separate their perceptions from what is real. It can also make them dangerous to themselves or those around them. Methamphetamine-induced psychosis may last several hours, and on average, a person typically recovers from it in one week.

one probe, through muscle groups, to the second probe. This flow of electricity causes temporary loss of control of the muscle groups effected resulting in “capture.” The “lock-up” or “capturing” of the muscle groups eliminates the ability of the subject to remain combative. In order for this to be accomplished, certain large muscle groups need to be involved. Failing that, capture will not be accomplished, resulting in only pain compliance.

During this incident, two attempts were made at administering the Taser on Vest. The first attempt was made by the Armed Guard Security guard, which failed. There is evidence both probes hit, and embedded in Mr. Vest, however “lock-up” or “capture” was not accomplished. The Taser model used during this deployment was a Taser Pulse+, which is a civilian model.

The second attempt was made by Chico Police Department Officer Page, again there is evidence both probes hit and successfully embedded in Mr. Vest and again “lock-up” or “capture” was not accomplished. The Taser model used during this deployment was an X26(P). The X26(P) has been available to law enforcement since 2013.

Both attempts in this incident placed probes in approximately the same area of the body – the chest and pelvic region. These areas lack large muscle groups between them, and would not affect muscle groups in the limbs (arms and legs). Based on the location of the probes, “lock-up” or “capture” would be unlikely, meaning Vest would not experience the involuntary muscle contractions used to “capture” or “lock up” his body movements in his arms and legs. Vest would likely only experience pain and/or muscle contraction in his abdomen.

Studies by Taser/Axon (the makers of Taser) have concluded a Taser deployed to the front of the body is less likely to result in limb capture or lock up of a motivated subject. Taser probe location, probe spread, charge delivery, motor nerves and muscle mass are involved, all of which determine the affected area and motor-nerve incapacitation performance. Taser induced full-body lock-up can only be anticipated with a wide probe spread (12+ inches) to the back of the body where more large muscle groups are present.

Methamphetamine would not have played a role in the Taser failing to achieve “capture” or “lock-up,” if the appropriate muscle groups were affected. However, methamphetamine may have played a role in Vest’s ability to fight through the pain caused by the two separate Taser deployments.

### **Shot Placement and Number**

Officers are trained to shoot “center mass” at a rapidly approaching threat in order to stop that threat. Officers are not trained to shoot for arms or legs “to wound” an imminent threat subject – both because such accuracy in a high stress, dangerous, and rapidly evolving situation is impossible (despite Hollywood movies to the contrary); and motivated or drugged subjects will continue their advance unless shock to a substantial internal organ or body structure stops them quickly.

Additional shots, as here, after the threat has apparently been stopped are not unusual, and in fact are the norm in a highly dynamic and life-threatening encounter. An officer shooting to stop an oncoming close threat will fire as rapidly as possible to save his/her life. It is a standard in neuropsychology that it takes time for an officer (or anyone) to “put the brakes” on a motor activity (like shooting) once it has started, because it takes time for the eye to perceive a change in the threat activity, the brain to analyze its meaning, and then send a signal to the hand to act upon it. Most studies show this “time to stop” can vary up to a second to a second and a half.

Officer Johnson was shooting center mass as Vest was rapidly coming directly at him after the failed Taser shot. After Officer Johnson started shooting, it took a second (30 frames on the body camera video) for Vest to fall to one knee. After approximately 10 more frames (.3 seconds) Vest fell prone to the ground and the threat was at this point stopped. Three to four more shots by Officer Johnson followed, consistent with the studies, as the officer’s eyes, brain and motor nerves worked to stop his finger from shooting any more.

Sgt. Bauer was also shooting center mass, but in a slower pace as Vest was not coming directly at him and the sergeant was more concerned about stopping the threat to his officers and the civilians behind him than himself.

### **Officer Backgrounds**

The officers involved in this incident were all experienced officers. Sgt. Bauer had 14 years as a peace officer with Chico Police Department. Officer Johnson had 12 and half years as a peace officer, ten with the Gridley Police Department and the last year and a half with Chico Police Department. Officer Page had four years as a peace officer with the Chico Police Department.

### **Vest Background**

Stephen William Vest had turned 30 years old approximately three weeks before his death. He was homeless and on felony probation. His felony probation, granted in June 2020, was for previous attacks on officers in March 2020 while under the influence of methamphetamine. The Butte County Probation Department had been working with Vest, attempting to convince him to allow them to house him under a grant program it had for felony probationers. He had refused those services and also had not begun the court-ordered behavioral health services for his substance abuse issues. He had been released from the Butte County Jail on the morning of September 30, 2020 after a serving a term on a second violation of his probation.

Biographical information obtained from a court-ordered Mental Competency Evaluation in May of 2020 and a Probation Officer Report in June 2020 showed Vest was raised in the Paradise area by his paternal grandparents following the separation of his parents when he was seven years old. He graduated from Paradise High School in 2009 and largely remained in the Paradise area until his grandparents’ home burned during the 2018 Camp Fire. He then was generally homeless in the Chico area afterwards, surviving through odd jobs and recycling efforts, but was a self-admitted heavy abuser of methamphetamine since age 20. He had never previously been diagnosed with

mental illness.

In the past year, Vest had a number of local police contacts. Most were peaceful and uneventful. Others, especially when it appeared Vest was under the influence of methamphetamine, were violent.

12/27/2019 – Chico officers were called in the late evening to the Torres Shelter for a welfare check. Vest had been asked to leave for intoxication, but as he left he said he wanted to kill himself and “he hoped he did not get shot in the head.” Responding officers were unable to locate him in the area.

12/29/2019 – A Chico officer found Vest sleeping in the bushes along Springfield Drive near Forest Avenue approximately 12:53 a.m. and had an uneventful and cordial conversation (on body camera) with him. Vest appeared lucid and calm and the officer left him to sleep, cautioning Vest to be careful where he was sleeping because of passing traffic.

1/3/2020 – Oroville Police officers were called to the Butte County HR Office, 3 County Center Drive, at approximately 5:30 p.m. upon a report that Vest was in the parking lot hitting cars with a leather strap and yelling at employees. When officers arrived, Vest took a fighting stance and threatened to fight the officers. The officers declined to fight, but Vest swung the strap at the officers and ran away jumping down into a lower parking lot. He was caught and after a violent struggle with officers, was detained and placed in a Wrap restraint device to prevent him from injuring the officers or himself. The officers formed the opinion based on Vest’s mannerisms and profuse sweating (despite the cool temperatures) that Vest was under the influence of methamphetamine. This was later confirmed when the officers attempted to book him into the Butte County Jail for assault and resisting charges, and the jail nurse rejected his admission based on his severely elevated vital signs. Officers took him to the Oroville Hospital emergency room to be admitted and treated there. The officers released him to hospital staff and prepared reports for a later arrest warrant.

2/26/2020 – Chico officers were called to the Safe Place shelter (Work Training Center) in Chico at approximately 6:30 p.m. regarding a physical altercation between Vest and another subject. Officers determined the other subject was drunk and arrested him. Vest was determined to have been drinking but not drunk and was released at the scene. Vest was noted as being cooperative with the officers.

3/2/2020 – A Chico officer was driving in the 100 block of W. 9<sup>th</sup> Street at approximately 1:36 a.m. and saw Vest near the door of a closed business. When Vest saw the officer, he ran across the street to the open Arco gas station. The officer followed and contacted Vest in the station parking lot and calmly conversed with him. The officer asked Vest what he was doing at the closed business and why he ran. Vest was evasive, but generally calm; admitted to having used “some meth” that night by snorting it; was trying to get across town to the Torres Shelter; and admitted to having a knife attached to his belt which he showed to the officer. Other officers arrived to stand by (including Officer Johnson) as the original officer went to check the closed business he saw Vest

near. Ultimately, it was determined the business was not broken into and the officers left after telling Vest to have a nice night and thanked him for being cooperative.

3/6/2020 – Chico officers were called to the Food Max store on the MLK Parkway at approximately 7:21 a.m. after an employee there called to report he caught a subject vandalizing his car in the store's parking lot and the suspect ran from the area north on E. 20<sup>th</sup> Street. The victim gave a description of the suspect. Officers found Vest, who matched the suspect description, walking in the vicinity of the Petco store. Officers detained Vest and asked him to drop a softball sized rock he was carrying in his hand. Vest also said he did have a knife in his pocket and said he was "confused" this morning. He was detained in handcuffs near the Petco driveway and the employee was brought to identify him. The employee said that although Vest was very close in description to the person he saw near the car, he was not completely sure he was the same person. Vest was released from the scene.

3/6/2020 – Chico officers were called to the Ulta Beauty Store, 2068 Dr. Martin Luther King Jr. Parkway, at approximately 6:46 p.m. in response to the store reporting a suspect had attempted to grab a female customer's backpack as she left the store. A description was given and officers found Vest, who matched the description, walking on the sidewalk about a 100 yards south of the store near the Costco gas pumps. As officers (including Officer Johnson) approached they asked Vest to discard a beanie-type hat with a rock inside and to talk with them. Vest was acting nervously and appeared under the influence of methamphetamine. When the officers asked him for his date of birth, Vest gave them a birth year of 1929. Officers asked what he was doing in the area and whether he had approached anyone at the Ulta Beauty Store. Vest denied touching anyone, but admitted he "may" have meth on him. As the officer began to ask more questions, Vest began to walk away from them. The officers took Vest by his arms and attempted to detain him. He violently resisted and the officers went to the ground with him. Other officers arrived and assisted in holding Vest down until a Wrap restraint device could be brought to the scene. During this time, Vest yelled various statements such as "just hurt me; just shoot me; take your f'ing Luger and shoot me now; that is my request, shoot me in the head, shoot me!" During his continued violent resistance, Vest managed to turn his body around and bite one of the officers on the leg, tearing the officer's pants and breaking his skin. Vest also attempted to slam his head onto the sidewalk several times, but officers were able to put a helmet on his head to prevent injury. Vest was eventually put in the Wrap device and transported to Butte County Jail to be booked on felony charges of resisting and assault with injury on an officer.

3/7/2020 – After Vest had been booked into the jail, he was placed on suicide watch. He was dressed in a green anti-suicide smock (made of a non-rip thick quilted material) and placed in a booking area for close watch. At approximately 7:05 p.m. a passing correctional deputy noticed Vest was holding a 12" x 4" thick plastic and metal placard used to block pass-through windows in the booking area. Vest was holding the placard over his head like a weapon and the correctional deputy asked Vest what he intended to do with it. Vest announced he intended to hit anyone who attempted to take it from him. Officers attempted several times to convince Vest to drop the item, but he refused. Several deputies then went into the area and a violent confrontation erupted in which Vest, using his hands, severely twisted the thumb of one of the responding deputies, as well

as bite him on the leg. Vest also grabbed and twisted the ankle of another deputy. He was finally brought under control and placed in another cell. Felony charges were brought for the attacks on the Chico and Butte County officers.

4/20/2020 – During the course of the felony court proceedings, Vest’s defense attorney declared a doubt as to Vest’s mental competency to stand trial. A forensic clinical psychologist was appointed by the court to evaluate Vest’s competency. In a report prepared for the court, the psychologist opined Vest was competent to stand trial. The doctor noted the “diagnostic impression was that he (Vest) was exhibiting symptoms of methamphetamine-induced psychosis<sup>12</sup> when he was first incarcerated, which appeared to be clearing up.” The doctor found no history of mental health disorders other than the methamphetamine-induced psychotic disorder, which with continued abstinence from methamphetamine, “the symptoms appear[ed] to have largely improved and resolved.” The psychologist further opined while Vest may benefit from treatment with antipsychotic medication to eliminate any residual symptoms of the methamphetamine-induced psychotic disorder, Vest nonetheless did not require such medication to restore or maintain his mental competency. The doctor believed Vest demonstrated adequate capacity to make decisions regarding his own treatment with psychotropic medications in his best interests. The psychologist did end his report with the opinion that Vest did pose “a Moderate Risk of Danger to Others.”

6/25/2020 – Vest eventually did plead no contest to four felony counts involving his March 6 and 7 attacks on the peace officers and was placed on felony probation on June 25, 2020 with conditions to totally refrain from alcohol and controlled substances and submit to search and test for such items. Vest had admitted to the probation department at the time of his March arrest he was consuming a gram of methamphetamine<sup>13</sup> a day (and had consumed that amount since he was age 20). In addition he was ordered to work with the probation department to establish a self-help substance-abuse program. He was released from the jail that day with credit for 112 days in jail and with orders to contact the probation department by phone by June 30 for further indoctrination and direction.

7/14/2020 – He failed to call into the probation department and a violation of probation petition was filed with the court with a mailed notice to Vest at the Jesus Center address given by him to appear in court on 7/30/2020.

7/21/2020 – The probation department received a voice mail from Vest stating his cell phone had been stolen “two months before”, but he was doing okay and trying to find a job. He said to get ahold of him at the Torres Shelter. A call by the probation staff to the Torres Shelter revealed Vest was not there.

7/23/2020 – Officers were called to a disturbance in downtown Chico in the 500 block of Salem Street at approximately 12:27 p.m. A citizen reported a subject had taken an American flag from

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<sup>12</sup> Methamphetamine-induced psychosis may last several hours, and on average, a person typically recovers from it in one week.

<sup>13</sup> A gram of methamphetamine is the equivalent of 10 – 20 doses of the drug.

a business, waved it around and then put it back. The subject then laid down in a driveway. Officers responded and found Vest, who met the description of the flag waiver, walking one block away on the sidewalk in front of the Bank of America. The contact was cordial with the officers determining Vest was not a danger to himself or others. Vest responded to the officers' questions that he was on probation and he did have a knife in his pocket. Vest said he wasn't sure what his probation officer would think of the knife. The officers discussed Vest's homeless status with him, telling him the Torres Shelter was open with many beds available with a negative COVID-19 test. They also told Vest where to get a free COVID-19 test and how to call 211 for further information. Officers further gave pamphlets to Vest on how to obtain services. Vest and the officers then parted company uneventfully.

7/30/2020 – Vest failed to appear for his violation of probation petition hearing in court and the judge issued a warrant for his arrest.

8/3/2020 – Chico officers were called approximately 5:58 p.m. to the 200 block of E. 19 Street about a suspicious subject being around a resident's porch, appearing to look around the property. Officers found Vest walking around the porch area and asked what was happening. Vest indicated he was looking for a necklace he had thrown in the area out of frustration with his homeless status. He was coherent and cooperative with the officers who asked if he was armed and he noted he did have a knife on his person and was on probation. The officers checked his probation status with their dispatch center and found the earlier arrest warrant for the probation violation. Vest was taken into custody on the warrant without incident and taken to the Butte County Jail where he was booked.

9/3/2020 – Vest admitted to the probation violation in court and was sentenced to 30 days in jail (time served), reinstated on probation and released from the jail. He went directly to the probation department after his release from jail that day and apologized for his earlier failure to appear. He told the probation officer he would "hanging out around the 20<sup>th</sup> Street Park and sleeping there" because there was a waiting list at the Torres Shelter. He said he had a prescription for Ativan and Benadryl (for anxiety) from the jail and had not used any other drugs since 2-3 days before his last arrest (8/3/2020). He discussed his readiness to seek drug rehabilitation and anger management classes, but still needed to get a cell phone. (A check by the probation department with the Torres Shelter confirmed there was no waiting list other than confirming a client had a negative COVID-19 test.)

9/8/2020 – Chico police responded to a call at approximately 7:00 a.m. of a subject in downtown Chico banging on various doors and windows of businesses. Officers found Vest walking in the downtown area in a very agitated and hyper vigilant manner. Officers attempted to speak with him but he was largely incoherent and continually talked about some relationship his family or he had with Nazi Germany. Officers believed him to be under the influence of methamphetamine and noticed a meth pipe in his hand. As an officer reached for the pipe, Vest threw it on the ground, breaking it. Officers attempted to restrain him and Vest began to fight and resist efforts to put him in handcuffs. After he was brought under control, a search of his clothing revealed two small plastic bags with a white crystalline residue left in them. Vest was taken to Butte County Jail for resisting

arrest and probation violations. A probation violation petition was filed by the probation department with the court.

9/16/2020 – A specialized team of probation officers met with Vest while he was in custody at the Butte County Jail to plan for his eventual release back into the community on probation and to offer an array of services through the probation department’s Community Alliance Program, which included housing, rehabilitation, food and transportation. Vest refused the program and stated he would get into the Torres Shelter on his own and work with Butte County Behavioral Health on rehabilitation.

9/17/2020 – Vest was back in court and admitted to his second violation of probation as a result of his 9/8/2020 arrest. The court reinstated him on probation, but with an additional 45 days in jail. With the credit for the time served since his arrest, he was released from jail on 9/30/2020.

10/1/2020 – Vest met with his probation officer at the Oroville probation office. The officer went over the resources available for Vest and encouraged him to go down the street to the Welfare Department to sign up for Medi-Cal and food stamps. The officer asked Vest when he last used drugs and Vest said on the night of his last arrest (9/8/2020). The officer went over the circumstances of that arrest and noted Vest did not dispute the allegations, but did downplay the severity of his involvement. Vest did tell the officer he would comply with all of the conditions of his probation and understood “he was in control of this journey.” The officer noted Vest seemed upbeat, rational and logical.

10/6/2020 – Vest called into his probation officer. (COVID-19 procedures encouraged phone meetings for compliant probationers versus in-person meetings.) He said he had gotten a new cell phone and had completed a Medi-Cal application at the Welfare offices. The probation officer faxed a referral to Butte County Behavioral Health since benefits were now active. Vest also noted he was staying at his uncle’s place in Yuba City and helping the uncle with some side work. Vest said he was still working at getting into the Torres Shelter. The officer went over the probation case plan for Vest which included rehabilitative classes online. The officer set up weekly phone-in sessions with Vest.

10/12/2020 – Vest called his probation officer to check in. Vest said he was still waiting to get into the Torres Shelter and had finally taken a COVID-19 test on 10/8/2020 and expected results shortly, which would get him into the shelter. He told the probation officer he was staying primarily at the One Mile Park in Chico until then.

10/15/2020 – Vest’s probation officer was informed by other probation officers who were part of the Officer-Involved Protocol Team that Vest had been killed the night before.

## **CONTROLLING LAW**

In 2019, the California Legislature passed new legislation (AB 392), effective January 1, 2020, which set forth some new standards to determine whether a peace officer’s use of force, and

particularly deadly force, was justifiable. AB 392 established new Penal Code section 835a which is set forth below:

- (a) The Legislature finds and declares all of the following:
- (1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.
  - (2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.
  - (3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.
  - (4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.
  - (5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.
- (b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
- (c)
- (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:
    - (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
    - (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.
  - (2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
  - (d) A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape

or to overcome resistance. For the purposes of this subdivision, “retreat” does not mean tactical repositioning or other deescalation tactics.

(e) For purposes of this section, the following definitions shall apply:

(1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

(2) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(3) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

## **CONCLUSION**

Using the new language of Penal Code 835a as a template, it must be determined whether the involved officers here “reasonably believed, based on the totality of the circumstances” involved that night, that deadly force was necessary “to defend against an imminent threat of death or serious bodily injury to the officer or to another person.”

### **The investigation has established the following facts:**

Totality of the Circumstances (“All facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.”):

- That a subject meeting Vest’s description had initially been reported with a knife and strange intoxicated behavior at Community Park.
- That the same described subject had attacked a private security guard with a knife at Community Park.
- That the same subject had attacked motorists at the MLK Parkway and E. 20<sup>th</sup> Street intersection with a knife.
- That the same subject was pointed out to Sgt. Bauer, who (along with Officer Page and later, Officer Johnson) saw him pursuing civilian employees of Petco into and out of the store with a knife.
- That Vest had not responded to the clear presence of uniformed officers with marked vehicles with activated blue/red lights.
- That Vest had not responded to attempts to communicate with him.
- That Vest had not responded to the pain of the Taser to deter him in moving against the officers (and the civilians behind the officers) with a knife.
- That Vest was a clear danger when he shifted his direction of travel to come at directly at Officer Johnson with the knife.
- That the officers had retreated to the point that they could no longer retreat because of the semi-truck and pavement planter behind them.

Imminent Threat of Death or Great Bodily Harm:

- Vest had the then “present ability” to do the above harm by carrying (and earlier using) the “tactical” knife he had in his right hand. A knife designed for combat situations according to its maker.
- Vest had the “opportunity” to do the above harm by closing the distance between him and the officers to a mere 11-12 feet – four additional quick steps to use the knife on the officer(s).
- Vest had the “apparent intent to immediately cause the death or serious bodily injury to the peace officer or another person” as he had attacked others with the knife, which information was relayed to the officers through their dispatch center. Additionally the officers themselves saw Vest pursuing the Petco civilians with that same knife upon their arrival at the scene. Vest notably did not cease his pursuit of the civilians when he came out of the front of the Petco store. He turned instead to his right, directly toward the clearly uniformed and shouting officers.

Based upon all the above facts and law, it is clear the officers that night had an objectively reasonable belief that they and the citizens they were sworn to protect were in imminent danger of death or great bodily harm under the totality of the circumstances. **I find the shooting by the involved officers to be justified.**

The death of a citizen of our community, particularly one with as many apparent difficulties in life as experienced by Mr. Vest, is tragic for both him and his family. It is also tragic for those officers who were forced to do their duty after reasonably attempting to avoid what, in the end, became necessary to save their lives and those of the citizens behind them.

As always, I thank the Butte County Officer Involved Shooting/Critical Incident Protocol Team for their excellent, professional and unbiased investigation into this case.

Yours very truly,

Michael L. Ramsey  
District Attorney

Cc: Butte County Officer Involved Shooting/Critical Incident Protocol Team

**ATTACHMENTS:**

1. [911 Calls/ Dispatch Radio – combined tape](#)
2. [Pickleball/Tennis Court Sign – with blood smear](#)
3. [Pickleball/Tennis Court bench – with knife scrape](#)
4. [Pickleball/Tennis Court bench – with knife gouges](#)
5. [AG Security Officer Body Camera Video](#)
6. [AG Security Officer Marked Security Vehicle](#)
7. [AG Security Officer Marked Security Vehicle – close up of blood/ knife damage](#)
8. [Combined Page-Johnson Body Camera Videos](#)
9. [Drone Photo of Petco Store](#)
10. [Photo of Knife and Taser found at scene](#)
11. [Photo of Knife – close-up](#)
12. [Total Station/Body Camera Animation](#)