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PRESS RELEASE

NO CRIMINAL CHARGES IN KAISER ROAD SHOOTING

Napa County District Attorney Allison Haley announced today:

The Napa County District Attorney's Office has completed a full review of the officer involved shooting that took place on October 5, 2020 in the area of Kaiser Road in the County of Napa. This review followed the investigation by the Napa County Sheriff's Office. The sole purpose of our examination was to determine if there is any criminal liability on behalf of any member of law enforcement. We find no criminal liability in these circumstances.

On October 5, 2020, Juan Garcia was driving his car in a closed and empty industrial area of the County past ten in the evening with a .312% blood alcohol level. He was recently unemployed, facing criminal prosecution for his seventh conviction for driving under the influence of alcohol, and battling alcohol addiction. Napa County Sheriff's Office Sergeant Dave Ackman was sitting in his patrol car and noticed Mr. Garcia driving without his headlights and alertedly pulled him over. Mr. Garcia immediately threw his phone over his car, exited and rapidly approached Sgt. Ackman concealing one or both of his hands. These aggressive actions were highly unusual for a routine traffic stop and Sgt. Ackman was instantly in fear for his life. He drew his handgun, issued clear commands and attempted to put distance between himself and Mr. Garcia by moving quickly backwards behind his patrol vehicle. Mr. Garcia ignored all directives and rapidly advanced on the sergeant while secreting one or the other arm suggesting he had a weapon in the small of his back. When within a few feet, Sgt. Ackman reasonably believed that Mr. Garcia was both armed and was an imminent threat to his life, and shot Mr. Garcia, killing him. Although he was in fact unarmed, it appeared that Mr. Garcia wanted to initiate a deadly encounter with the sergeant.

The use of deadly force by Sergeant Ackman was a reasonable and lawful response under the totality of the circumstances. Therefore, the actions were legally justified and criminal charges against him are neither warranted nor supported by the evidence.

The review by the District Attorney's Office is summarized in a comprehensive report being released today and is available on our website at <https://www.countyofnapa.org/1330/Documents>. The public deserves full transparency as how and why our office reaches a decision in an officer involved shooting.