

**Officer Involved Shooting of Carlos Wilhelm  
Los Angeles Police Department**

**Officer Juan Chavez, #36204**

**J.S.I.D. File #15-0499**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**May 18, 2017**

**MEMORANDUM**

TO:                   COMMANDER ROBERT A. LOPEZ  
Los Angeles Police Department  
Force Investigation Division  
100 W. First Street, Suite 431  
Los Angeles, California 90012

FROM:               JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT:           Officer Involved Shooting of Carlos Wilhelm  
J.S.I.D. File #15-0499  
L.A.P.D. File #F082-15

DATE:               May 18, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 16, 2015, fatal shooting of Carlos Wilhelm by Los Angeles Police Department (LAPD) Officer Juan Chavez. We have concluded that Officer Chavez acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at 1:24 p.m. on September 16, 2015. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, firearms analysis reports, photographic evidence and witness statements submitted to this office by LAPD Force Investigation Division (FID) Detective Peter Stone. The compelled statements of all officers, including Officer Chavez, were considered in this analysis.

**FACTUAL ANALYSIS**

On Wednesday, September 16, 2015, Carlos Wilhelm was in his residence at [REDACTED] Willimet Street where he lived with his grandparents (J [REDACTED] and M [REDACTED] G [REDACTED]), and his aunt, L [REDACTED] G [REDACTED].<sup>1</sup> J [REDACTED] had taken legal measures to evict Wilhelm from the home and on this morning had placed an eviction notice on the outside of Wilhelm's bedroom door. At approximately 12:15 p.m., while Wilhelm was still in his bedroom, J [REDACTED], L [REDACTED] and R [REDACTED]

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<sup>1</sup> The residence is a one-story single-family residence located on the south side of Willimet Street, between La Clede Avenue and Alger Street, in the City of Los Angeles. The front door of the home faces north, and there is a side door that opens to a platform with steps leading out to the driveway on the west side of the home. A second home is located on the rear of the property.

G■■■■ were in the kitchen area of the house having lunch.<sup>2</sup> J■■■ and R■■■ were sitting at the kitchen table eating, and L■■■ was standing close by with her back to the hallway leading to Wilhelm's bedroom.<sup>3</sup> Suddenly, J■■■ and R■■■ heard the sound of Wilhelm's bedroom door open and he apparently went to use the bathroom. Ralph got up from the table to go outside with J■■■ behind him. When R■■■ stepped outside, he heard a gunshot and J■■■ yelled, "He shot L■■■! Get out of here!"<sup>4</sup> Both R■■■ and J■■■ ran across the street and called 9-1-1. Both men continued to watch the house from across the street and observed Wilhelm exit the side door and walk down the driveway holding a rifle.<sup>5</sup> R■■■ reported to the dispatcher, "It's not accidental. He's on drugs. He's on crystal meth. He's upset because they want him to move out of the house." Both R■■■ and J■■■ told the dispatcher that Wilhelm continued to walk around outside in front of the house holding a rifle.

At 12:19 p.m., LAPD Communications Division broadcast to LAPD Northeast units that a shooting had just occurred and one person had been shot. At 12:20 p.m., Wilhelm called 9-1-1 and said, "We need an ambulance! I shot somebody! She's gonna die! This is crazy, just get someone here now!" Wilhelm apparently put down the phone and began yelling, "I need to kill myself! I want to die!" The Emergency Board Operator (EBO) connected the call to fire department personnel, who told Wilhelm to "apply pressure to where your friend was shot. You need to stop the bleeding." Wilhelm continued to yell into the phone that he wanted to die. The EBO repeatedly told Wilhelm to put the weapon away and come outside.

Sergeant Juan Campos broadcast he was en route and requested a Code Robert equipped unit also respond.<sup>6</sup> Officer Jonathan Moyers broadcast that he was Code Robert equipped and would respond.

Air Support Pilot Police Officer Kevin Cook and Tactical Flight Officer James Schwedler arrived over the location in an airship and continuously broadcasted their observations to the units that were arriving at the location. From the airship, they observed Wilhelm walk out of the house with a rifle in his hands, and proceed to the rear area of the house where their view became partially obstructed. Wilhelm would appear in and out of the airship's view, while holding the rifle in his hands. Schwedler used the public address system on the airship and ordered Wilhelm to drop the weapon. Wilhelm did not comply and walked to the rear of the house out of sight, under a patio cover. Wilhelm walked in and out of the house while holding the rifle. Wilhelm got back on the phone and yelled, "I want the cops to shoot me. I want to be fucking shot. I shot my fucking aunt, dude!"

Campos, upon hearing the broadcast from the airship, donned his ballistic helmet and retrieved his shotgun from his vehicle. He took a position of cover behind a tree near the southeast corner of La Clede Avenue and Willimet Street. Campos did not have a visual of Wilhelm from his position. Campos broadcast that he needed help and requested two additional Code Robert equipped units

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<sup>2</sup> R■■■ is J■■■'s nephew and had come to the home to help J■■■ work on a car.

<sup>3</sup> L■■■ was deaf and mute, but communicated using sign language and sounds.

<sup>4</sup> J■■■ referred to L■■■ as "L■■■."

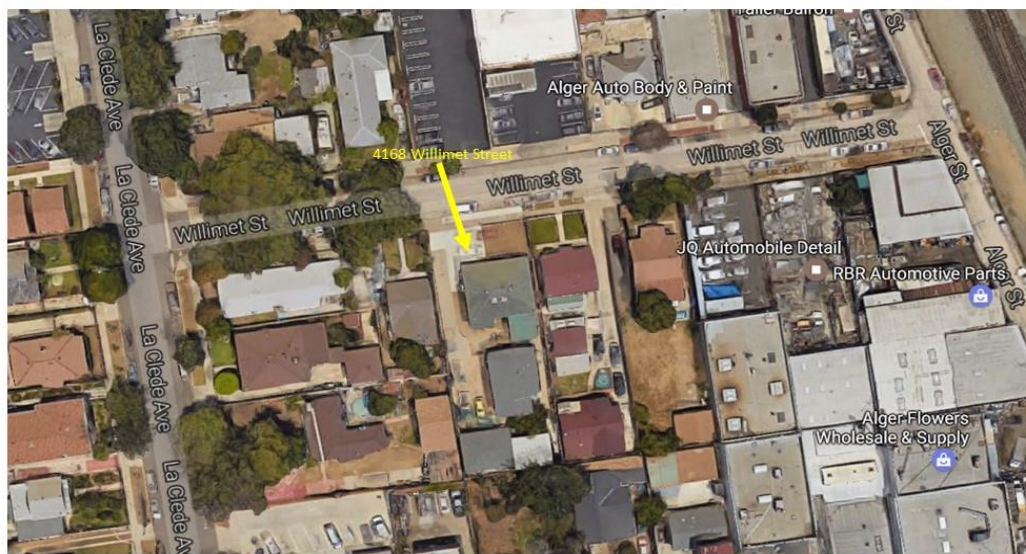
<sup>5</sup> Wilhelm owned the 30-30 Winchester Model 1894 Ranger lever action repeating rifle.

<sup>6</sup> Code Robert is a request for a unit to respond that is equipped with a patrol rifle.

respond to the scene. Air Support Officer Cook heard the help call and broadcast a request for Metropolitan Division officers to respond to their location for a possible active shooter.<sup>7</sup>

Northeast Area Parole Compliance Unit (PCU) uniformed Sergeant Alonso Flores, along with PCU uniformed officers Juan Chavez, Daniel Rios and Richard Priest, responded together in a Code Robert equipped unit to La Clede Avenue just north of Willimet Street.<sup>8</sup> Numerous police units from different divisions, including Hollenbeck and Metropolitan Division Special Weapons and Tactics (SWAT) responded to the location, staging to the west of the location at the cross streets of La Clede Avenue and Willimet Street, with other units staging to the east of the location at the cross streets of Alger Street and Willimet Street.

At 12:34 p.m., Northeast Area uniformed Lieutenant John Cook assumed the role of Incident Commander and ordered the establishment of a Command Post at Chevy Chase Drive and La Clede Avenue.<sup>9</sup> The airship established a perimeter and SWAT personnel planned to have patrol rifle equipped officers move into positions to get a visual of Wilhelm's residence. Several officers, including Chavez, donned their department-issued helmets and walked south on La Clede Avenue toward Willimet Street.



Along with other officers, Chavez deployed behind a pickup truck parked at the north curb of Willimet Street, just east of La Clede Avenue. This position provided cover and a view of Wilhelm's house. There was a block wall on the west side of the property partially obscuring the view of the west side of the house; however, the door on the west side of the residence was accessed via a raised porch, which caused the door and porch area to be visible over the wall. Officers could

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<sup>7</sup> An active shooter is an armed person who has used deadly force on other persons or is inflicting great bodily injury and aggressively continues to do so, while having unrestricted access to additional victims.

<sup>8</sup> Officer Chavez was equipped with a Department-approved patrol rifle carried on a two-point tactical sling.

<sup>9</sup> Chevy Chase Drive is north of, and runs parallel to, Willimet Street.

see that the west facing door was open. Chavez positioned himself behind the pickup truck's passenger side and rested the patrol rifle across the roof of the truck, pointed southeast toward Wilhelm's residence. Moyers positioned himself to the left of Chavez, behind the truck's passenger side rear wheel, with his rifle pointed southeast toward Wilhelm's residence. Officer Ramon Soria positioned himself on the street in front of the truck, utilizing its engine as cover and its hood as support for his rifle. Soria pointed the muzzle of his rifle in a southeast direction toward Wilhelm's residence. Officers Arturo Avila and Julio Duarte positioned themselves to the north side of the truck and functioned as spotters.



Front view of [REDACTED] Willimet Street



West-facing side door at [REDACTED] Willimet Street

While the officers were staging, Wilhelm, continued to speak to the EBO intermittently, telling the EBO that he wanted the police to shoot him.<sup>10</sup> He said he was in the rear bedroom and that his aunt was unconscious and not breathing. The dispatcher repeatedly told Wilhelm to put the gun down and come out of the house. This information was broadcast to the officers on the ground.

With officers deployed behind the truck, Wilhelm momentarily stood in the threshold of the open, west facing door holding a rifle in his hands. He retreated back inside, out of view from the officers. At this point, several other officers were moving to other positions of cover, but Chavez, Moyers and Soria remained at the truck.

Throughout the incident, the EBO had been attempting to communicate with Wilhelm and convince him to put the gun down and step outside. Wilhelm appeared to have the telephone's "hands free" function on, and when he responded to the EBO, it sounded as though he was yelling from across the room. At 12:40 p.m., Wilhelm yelled, "Where are they? They're down there! I'm gonna come out with the gun towards them. I want them to kill me."<sup>11</sup>

Wilhelm exited the west facing door of the residence while holding a rifle at port arms position with the muzzle pointed up.<sup>12</sup> Wilhelm was standing on top of the elevated porch looking toward the officers who were positioned at the truck, as he waved the muzzle of the rifle from side to side.

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<sup>10</sup> It is apparent from Wilhelm's voice on the recorded 9-1-1 call that he intermittently put down the phone and walked away from it while still yelling. He walked away from the phone several times and then returned to speak to the EBO.

<sup>11</sup> This statement was not broadcast due to the limited time between the statement and the officer involved shooting.

<sup>12</sup> Port arms is defined as holding a rifle diagonally across the body with the muzzle pointed up.

Wilhelm lowered the muzzle in their direction.<sup>13</sup> Chavez fired one round from an approximate distance of 174 feet, striking Wilhelm in the torso. Wilhelm dropped down to the raised platform outside of the west facing door.<sup>14</sup>

Campos heard a gunshot but was unsure if it was fired by an officer. He broadcast, “11L50, everybody stand by, we have shots fired.” At 12:41 p.m., Schwedler broadcast to the ground units that the suspect was lying down with his arms spread, not moving. He further advised that the rifle was on the ground.



Wilhelm’s rifle on south side of steps



Close-up photo of Wilhelm’s rifle

Concerned that there could be victims in need of immediate care within the house, Officer Richard Alba formed a contact team into a diamond configuration and designated Moyers as the point

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<sup>13</sup> Officers Avila, Moyers and Duarte saw Wilhelm exit the west-facing door holding the rifle and waving it from side to side while looking in the direction of the officers, and then lowering it in the direction of the officers immediately preceding the officer involved shooting.

<sup>14</sup> Wilhelm can be heard, on the recorded 9-1-1 call, yelling, “They need to shoot me! They need to kill me!” At 12:40:24, Wilhelm can be heard on the recorded 9-1-1 call yelling, “Okay then. . .” followed by a single gunshot.

position, with Chavez the right flank and himself as the left flank. Duarte was assigned to the trailing position because he was not armed with a rifle. The contact team crossed to the south side of Willimet Street and into the driveway. They saw Wilhelm lying on his back in the threshold of the west facing door. His body was inside with his arms up toward his head. His feet were outside and he was obstructing the doorway into the residence. A rifle was lying in the dirt next to the steps leading down from the doorway. Officers pulled Wilhelm out of the doorway and placed him on the driveway. Duarte and Priest remained with Wilhelm, while Chavez and Moyers continued into the house with the contact team.

Duarte and Priest rolled Wilhelm onto his stomach and handcuffed him. Wilhelm complained that he was having trouble breathing, so the officers rolled him onto his left side and reassured him that medical assistance was coming.

The contact team located L [REDACTED] G [REDACTED] in the residence and observed she showed no signs of life.<sup>15</sup> They continued to clear the rest of the residence and discovered an expended shell casing, which was later recovered as evidence. They also observed a document entitled, "THIRTY DAY NOTICE TO QUIT PREMISES" on the bed in the southwest bedroom, later determined to be Wilhelm's bedroom.

At 12:44 p.m., Alba broadcast that they had one in custody and to send the rescue ambulance which was staged approximately a block and a half away for safety reasons. LAFD personnel assessed Wilhelm, who appeared to be breathing and not in immediate distress. They then assessed L [REDACTED] G [REDACTED] inside the residence and attempted to render aid. They were unable to detect signs of life and, at approximately 12:45 p.m., determined her to be dead.

Wilhelm was treated at the scene for a gunshot wound to the torso and transported by ambulance to Los Angeles County University of Southern California Medical Center. At approximately 5:46 p.m., Wilhelm failed to respond to medical treatment and Doctor Elizabeth Benjamin pronounced him dead. On September 22, 2015, Doctor Matthew Miller, Associate Deputy Medical Examiner, performed an autopsy on Wilhelm and determined the cause of death to be a gunshot wound to the left anterior chest. A toxicology analysis revealed the presence of methamphetamine and ketamine in the body.

The LAPD Forensic Science Division Firearms Analysis Unit conducted an examination of the scene for ballistic impacts, trajectories and projectiles. Included in the items of evidence recovered were the Winchester rifle that was dropped by Wilhelm. The rifle's hammer was in a fully cocked position, and it was loaded with one live round in the chamber and three live rounds in the magazine. An expended .30-30 caliber Winchester cartridge case, consistent with the rifle, was recovered from inside the home on Wilhelm's bedroom floor. Two live cartridges and several boxes of live .30-30 caliber Winchester ammunition were also recovered from the same bedroom.

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<sup>15</sup> An autopsy performed on L [REDACTED] G [REDACTED] revealed a fatal gunshot wound to the right lateral back that exited the left lateral chest, re-entered the left inner upper arm and re-exited the left lateral upper arm. The bullet penetrated both lungs and the heart.

One cartridge case identified as 5/56 NATO caliber, was recovered from the street near the corner of Willimet Street and La Clede Avenue. This cartridge case is consistent with the patrol rifle fired once by Officer Chavez.

Statement of Officer Juan Chavez

Unlike private citizens, public sector employees can be forced to submit to questioning regarding the performance of their official duties and, so long as they are not required to waive their privilege against self-incrimination, their refusal to submit to such questioning can result in administrative discipline including termination from public service. *Gardner v. Broderick* (1968) 392 U.S. 273, 278; *Uniformed Sanitation v. City of New York* (1968) 392 U.S. 280, 284-285. Officer Chavez was interviewed by detectives from FID regarding his actions during this officer involved shooting. The LAPD orders officers who are involved in an officer involved shooting incident to submit to questioning concerning the performance of their official duties, and ordered Chavez to do so in the present case.

Chavez, like any individual, possesses a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against himself. *Uniformed Sanitation v. City of New York, supra, at 284-285*. Because the LAPD ordered him to answer questions which might expose him to criminal liability, the LAPD compelled Chavez to participate in the interview. The effect of this legal compulsion is that Chavez' statements cannot be used against him in a criminal proceeding, nor can any material derived from the compelled interviews be used against him. *Garrity v. New Jersey* (1967) 385 U.S. 493, 496-497; *Spielbauer v. County of Santa Clara* (2009) 45 Cal. 4<sup>th</sup> 704, 715. Further, because these compelled statements are part of Chavez' police personnel file, the statements are confidential and may not be disclosed absent an evidentiary showing and court order. Penal Code section 832.7.

Officer Chavez was interviewed by FID detectives on September 16, 2015, at 8:07 p.m. ■

[REDACTED]

[REDACTED]

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■ [REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

Statement of R [REDACTED] G [REDACTED]

R [REDACTED] had been eating with J [REDACTED] G [REDACTED] and L [REDACTED]. He got up to walk out of the house. As soon as he stepped out of the doorway, he heard a gunshot. He did not see L [REDACTED] get shot. He then heard J [REDACTED] yell, "He shot L [REDACTED]! Get out of here!" J [REDACTED] ran out of the house, and they both crossed Willimet Street and walked west toward La Clede Avenue. R [REDACTED] called 9-1-1. R [REDACTED] stayed on the phone with 9-1-1 while watching Wilhelm come down the driveway with a rifle. R [REDACTED] stated that Wilhelm had the barrel of the rifle pointed toward the ground. Wilhelm then walked back into the house. R [REDACTED]'s view was partially obstructed because "there was a car in the way." R [REDACTED] was concerned that Wilhelm "might go on a rampage and start picking us all off." R [REDACTED] heard the shot fired by the officer. He told investigators that Wilhelm was holding the rifle in one hand and the rifle was pointed up toward the sky immediately prior to the officer involved shooting.<sup>17</sup>

Statement of J [REDACTED] G [REDACTED]

J [REDACTED] and M [REDACTED] G [REDACTED] own the residence at [REDACTED] Willimet Street. Their daughter L [REDACTED] and grandson, Wilhelm, were living with them at the home. Wilhelm is the son of J [REDACTED]'s other daughter L [REDACTED], who does not live at the location. The rear house on the property is occupied by J [REDACTED]'s third daughter, L [REDACTED], and her son.<sup>18</sup> Wilhelm had lived in the house for the past three years and refused to pay rent.

J [REDACTED] told investigators that Wilhelm was using "crystal meth" and was constantly threatening to kill him. Approximately fifteen minutes prior to the incident, J [REDACTED] and M [REDACTED] had placed an official

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<sup>17</sup> This is inconsistent with the observations of officers and Wilhelm's recorded statement to the EBO that he was coming out with the gun toward the officers.

<sup>18</sup> M [REDACTED], L [REDACTED] and L [REDACTED]'s son were not present during the incident.

eviction notice on Wilhelm's bedroom door while Wilhelm was in the bedroom. M [REDACTED] had left the house. Immediately prior to the incident, J [REDACTED], L [REDACTED] and R [REDACTED] G [REDACTED] were in the kitchen. J [REDACTED] was sharing a peach with L [REDACTED] and R [REDACTED] was eating a burrito. L [REDACTED] was standing up and leaning on the counter looking at J [REDACTED] and R [REDACTED]. The three were approximately two to three feet from each other. J [REDACTED] heard the sound of Wilhelm's bedroom door opening and heard Wilhelm walking to the bathroom that was in the back of the house. J [REDACTED] heard a gunshot and saw L [REDACTED] fall. He saw a lot of blood. J [REDACTED] said, "the minute my daughter hit the ground, I told R [REDACTED], 'Let's get out of here. This guy's crazy.'" Both J [REDACTED] and R [REDACTED] walked across the street to the house belonging to R [REDACTED]'s grandmother and then called the police.<sup>19</sup> J [REDACTED] told investigators that Wilhelm had threatened to kill L [REDACTED] in the past.

#### Statement of V [REDACTED] M [REDACTED]

V [REDACTED] M [REDACTED] is a neighbor of J [REDACTED] G [REDACTED] and lives on Willimet Street. On September 16, 2015, at approximately 12:00 p.m., she was walking her dog by [REDACTED] Willimet Street. She met L [REDACTED] outside and they talked. L [REDACTED] went back into the house and as M [REDACTED] took a few steps away, she heard a gunshot. Wilhelm came out of the house and said, "I shoot [sic] her. I killed her." Wilhelm then "threw the big shotgun on the floor or the grass on the side." M [REDACTED] stated that she then saw the grandfather come out of the house.<sup>20</sup> The grandfather asked her to call the police and said, "He shoot [sic] my wife."<sup>21</sup> M [REDACTED] did not know what to do. She said her puppy was "shaking and shivering" and she called the police. She then saw J [REDACTED] walking toward the back house where his other daughter, L [REDACTED], lived. She stated, "They called me from the house. They said just come here. He can shoot you again."<sup>22</sup> M [REDACTED] took her puppy home and then came outside again. She saw the helicopter overhead and Wilhelm was "doing this to the helicopter, like 'Come! I'm here! Take me!'"<sup>23</sup>

Officers arrived and called M [REDACTED] to the corner of Alger Street and Willimet Street to ask her questions. Before she walked over to the corner, she heard two more shots coming from the house.<sup>24</sup> M [REDACTED] did not see the officer involved shooting.

#### Statement of R [REDACTED] A [REDACTED]

R [REDACTED] A [REDACTED] is a family friend who was not present at the location during the incident. A [REDACTED] told investigators that several days earlier, Wilhelm had offered to sell his rifle to A [REDACTED] in order to get money "to get drunk and buy drugs." In the past, Wilhelm had told A [REDACTED] that Lorraine was "evil" and "some shit's gonna happen soon." A [REDACTED] stated that Wilhelm was a "ticking time bomb." A [REDACTED] was aware of Wilhelm's use of drugs, specifically crack cocaine. In their conversations, A [REDACTED] would try to diffuse Wilhelm by telling him, "Your Grandma does a lot for you," and Wilhelm

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<sup>19</sup> J [REDACTED] G [REDACTED]'s statement was very disjointed and unclear. It appears that he did not witness the officer involved shooting.

<sup>20</sup> This is inconsistent with the statements of J [REDACTED] and R [REDACTED] who stated that they walked out of the house before Wilhelm.

<sup>21</sup> Wilhelm did not shoot M [REDACTED], who is J [REDACTED]'s wife.

<sup>22</sup> It is unknown whom M [REDACTED] was referring to as "they."

<sup>23</sup> M [REDACTED] appears to describe Wilhelm beckoning to the airship to take him.

<sup>24</sup> This is inconsistent with the evidence that Wilhelm fired only one shot, and statements of officers and other civilian witnesses that only one shot was fired by police (Chavez).

would respond with, “Fuck them all. They don’t deserve to live. They’re not my family. Something’s gonna happen.” On one occasion, Wilhelm told A█, “You want to join me? There’s gonna be a shootout. They’re all bitches. They’re all whores.” Wilhelm had told A█ in the past that he had a “shooting list.” A█ was unaware of any specific psychiatric treatment that Wilhelm may have received in the past but mentioned a facility called “Didi Hirsch on Colorado.”<sup>25</sup>

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082; *see also*, CALCRIM No. 505.

The right of self-defense is the same whether the danger is real or apparent. If a person acted from reasonable and honest convictions he cannot be held criminally responsible for a mistake in the actual extent of the danger, when other reasonable men would alike have been mistaken. *People v. Jackson* (1965) 233 Cal. App. 2d 639. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. *See also*, CALCRIM No. 3470.

The “reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” The reasonableness of the force used “requires careful attention to the facts and circumstances” of the particular incident. *Graham v. Connor* (1989) 490 U.S. 386, 396-397. “[T]hus, under *Graham*, we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes “reasonable” action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.” *Smith v. Freland* (6<sup>th</sup> Cir. 1992) 954 F. 2d 343, 347.

## CONCLUSION

The evidence examined in this investigation shows that Carlos Wilhelm posed a grave and immediate threat to the civilians out on the street as well as the officers who arrived at the scene. Chavez was aware that Wilhelm had already shot someone inside the house who may have been in need of immediate medical attention. The airship was communicating observations to officers on the ground that Wilhelm was walking around the outside of the property with a rifle. Wilhelm ignored repeated orders to drop the weapon communicated by the airship. Chavez, utilizing the

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<sup>25</sup> Didi Hirsch Mental Health Services is located in Glendale. It is unknown whether Wilhelm was formally diagnosed with or received treatment for mental illness.

“optic” on his rifle, observed Wilhelm’s erratic and dangerous movements with the rifle. When Wilhelm pointed the rifle in the direction of officers, Chavez, in fear for his life and the lives of others, fired one round, hitting Wilhelm.

We find that Officer Chavez was justified in using deadly force and acted in lawful self-defense and in defense of others. We are therefore closing our file and will take no further action in this matter.