

C. DAVID EYSTER
DISTRICT ATTORNEY

DALE P. TRIGG
CHIEF DEPUTY DISTRICT ATTORNEY

MIKE GENIELLA
PUBLIC INFORMATION
707-391-1019
geniellam@co.mendocino.ca.us



COURTHOUSE
P.O. Box 1000
Ukiah, CA 95482

COAST OFFICE
700 S. Franklin St.
Ft. Bragg, CA 95437

**OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF MENDOCINO**

August 28, 2018

**DISTRICT ATTORNEY DETERMINES FATAL OFFICERS-INVOLVED SHOOTING
OF ARMED AUTOMOBILE DEALERSHIP ROBBER WAS LEGALLY JUSTIFIED**

The Mendocino County District Attorney has completed his full review of the officers-involved fatal shooting of **Dawn Erika Center**, age 48, formerly of Redwood Valley. Senior members of the District Attorney's Office, particularly the District Attorney himself, have carefully reviewed the entire investigation relating to allegations of Center's criminal misconduct, law enforcement's response, and Center's demise on February 13, 2018 in the immediate presence of members of the Mendocino County Sheriff's Office and the Willits Police Department.

As mandated by the United States Supreme Court, the standard for an after-the-fact review of law enforcement use of deadly force is that of *objective reasonableness*.

According to the United States Supreme Court, whether objective reasonableness existed should be evaluated based upon a reasonable officer's assessment of four factors:

- (1) The nature of the crime at issue,
- (2) Whether the suspect is an immediate threat to the safety of the officer or others,
- (3) Whether the suspect is attempting to evade arrest through resistance or flight, and
- (4) The degree to which the situation is tense, uncertain and rapidly evolving.

This final point of analysis acknowledges that law enforcement officers are required to act with little time to analyze and consider circumstances, rather than with the luxury of 20-20 hindsight. (*Graham v. Connor*, 490 U.S. 386 (1989); *Tennessee v. Garner*, 471 U.S. 1 (1985).)

FACTUAL FINDINGS:

Having considered all available reports¹, audio/video, and other information in applying applicable law, it is hereby the factual findings of the District Attorney that:

¹ Investigative reports were prepared by personnel of the Mendocino County Sheriff's Office, the Willits Police Department, the California Highway Patrol, the California Department of Justice Bureau of Forensic Services (Eureka), the Mendocino County Probation Department, Regional Pathology and Autopsy Services (RPAS), NMS Labs, and the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives. These reports were gathered by members of the District Attorney's Bureau of Investigations. Further investigation was conducted by

(1) Dawn Erika Center (hereinafter “suspect”) perpetrated an armed robbery by commandeering a 2015 Chevrolet Camaro at gunpoint from a salesman employed at the Thurston Auto Plaza, an automobile dealership located at 2800 N. State Street in the Mendocino County Sheriff’s jurisdiction north of the city limits of the City of Ukiah;

(2) Driving away from the dealership in the stolen automobile at speeds that were excessive and unsafe for conditions, said speeds increasing over distance to over 120 miles per hour, the suspect created an extreme safety hazard to the motoring public traveling the highway corridors from N. State Street to Lake Mendocino Drive and then northbound on Highway 101 up and over the Ridgewood Grade towards Willits;

(3) Attempting to mitigate and bring to a stop the ongoing danger posed by the suspect to the motoring public and responding law enforcement, a spike strip was deployed in the area of the south Willits bypass interchange. Properly deployed by a trained Willits Police Department officer, it is believed that the spike strip performed as intended, though the strip unexpectedly broke into pieces as the armed robbery suspect drove across it. Nevertheless, it was believed that the spike strip affected some or all of the four tires of the stolen vehicle, yet the suspect continued driving north across the bypass²;

(4) Despite driving with what was believed to be compromised equipment (one or more tires), the suspect continued to push the stolen vehicle to travel at a high rate of speed across the bypass, leaving pursuing law enforcement vehicles behind. This gap in pursuit is attributed to the slowing of the pursuing vehicles due to the deployment of the spike strip and mandated spike strip use protocols;

(5) A second spike strip was also properly deployed at the north end of the Willits bypass by a trained Willits Police officer. Again, it was believed that this second spike strip performed as intended, affecting some or all of the stolen vehicle’s tires. It was estimated the suspect was driving at approximately 80 miles per hour when the vehicle crossed the second strip.

(6) After the suspect left the bypass and resumed driving north on the old Highway 101 roadway, the physical evidence indicates that at a location 410 feet north of Mendocino County Highway 101 mile post marker 49 and approximately one-half mile south of Apache Junction, the suspect either drifted to the right or she lost positive control of the stolen vehicle. The vehicle traveled off of the two-lane highway and down a small embankment, coming to rest just

the District Attorney’s own investigators; in-house reports and conclusions were prepared for review and analysis by the District Attorney.

² This was a fortunate circumstance in hindsight for the general public and citizens of Willits who would have been out and about on the main thoroughfares of Willits that morning and exposed to significant danger had the vehicle entered and traversed the center of town.

south of a barn-like structure. The stolen vehicle's location of rest was at mile post marker 49.10;

(7) Based on law enforcement observations made from the north (where a Sheriff's deputy was trying to keep vehicles from traveling south into and through an active and changing crime scene), the suspect exited the crashed vehicle with a large silver handgun in hand, she climbed the embankment, and was seen beginning to cross the highway moving towards the west;

(8) Law enforcement personnel from the Mendocino County Sheriff's Office and the Willits Police Department continued to the scene from the south. Due to the information made available up to that point in time and the obvious danger, these peace officers exited their vehicles with firearms at the ready, taking cover alongside and behind their vehicles. Willits Police Sgt. McCoy and Mendocino County Sheriff's Deputy Mason were the first law enforcement units to arrive at the scene from the south and take up positions, followed by Mendocino County Sheriff's Lt. Mason, Mendocino County Sheriff's Deputy Vazquez, and Willits Police Officer Nguyen.³ The suspect was approximately 25 yards to the north and west of these law enforcement officers. Based on law enforcement observations made from the south positions, the suspect was seen still holding a long-barreled silver revolver in her hand.⁴

(9) Ignoring multiple commands to drop her firearm, the suspect finished walking across the roadway and dropped down into a drainage ditch. While she verbally responded to some of the commands being directed at her by Willits Police Sgt. McCoy, some of her words were not loud enough for any of the officers to hear. She was however heard to say, "go ahead, shoot," and "go ahead and shoot me." When told they were not going to shoot her, the suspect then said, "Fine, I'll do it myself," and "I'm going to shoot myself." With that, she pointed her firearm under her chin and then into her mouth. Sheriff's Deputy Vazquez yelled, "please don't do that, ma'am." The suspect then lowered her firearm, tapped her leg with it, and fired off a shot in the direction of the ground. Thereafter, the suspect raised the firearm so that the barrel pointed in the direction of the officers positioned to the south. Seeing this, the three members of the Sheriff's Office⁵ and two members of the Willits Police Department⁶

³ While they share the same surname, Mendocino County Sheriff's Lt. Kirk Mason and Mendocino County Sheriff's Deputy Jeremy Mason are not related.

⁴ Whether the suspect was an accurate marksman with the Colt firearm cannot be determined after-the-fact. Such a determination would require an analysis of her fundamentals, meaning experience with sight picture, trigger control, and overall hours of practice with that large-caliber revolver. However, a Colt .44 caliber revolver in the hands of an experienced shooter certainly has the capability of grouped, lethal accuracy from 25 yards and, for some, beyond that.

⁵ The three members of the Sheriff's Office who discharged their firearms at the suspect in what the District Attorney finds to be collective self-defense were: Lt. Kirk Mason, Deputy Jeremy Mason, and Deputy Miguel Vazquez. There was also a K-9 deployed at the scene.

⁶ The two members of the Willits Police Department who discharged their firearms at the suspect in what the District Attorney finds was collective self-defense were: Sgt. Ricco McCoy and Officer Michael Nguyen.

individually and as a group opened fire on the suspect. Without a verbal command to open fire being voiced by any one law enforcement officer, each of the peace officers saw and each perceived the danger from the gun being pointed in their direction. The law enforcement officers fired in what the District Attorney deems collective self-defense, meaning self-defense by each individual and collective defense of others. Each of the officers who had opened fire stopped firing when the suspect dropped out of sight and Lt. Mason commanded a “cease fire.”

(10) With the suspect now out of line of sight, the law enforcement officers tactically approached. As they did so, they saw her on the ground on her back. Though down, the suspect had not dropped her firearm. As they got closer, it was observed that the suspect was still moving, the firearm was in her right hand across her chest, and her finger was still on the trigger. Though moving, the suspect did not verbally respond to loud commands to “drop the gun so we can provide medical aid.” She also did not let go of the gun or move her finger off of the trigger. Eventually, Willits Officer Nguyen, an officer with combat casualty care and medical training obtained while serving in the Marine Corps and United States Air Force, was able to render first responder first aid after the non-responsive suspect was physically disarmed by taking the firearm from her hand and out of her control. Officer Nguyen continued to perform first responder first aid until ambulance personnel arrived on scene and took over emergency medical care. It was determined by the non-law enforcement medical providers that the suspect was deceased at the scene.

(11) During the coroner’s examination, it was determined the suspect had only seventy-one cents on her person that day. Twelve live .44 caliber bullets were found in the suspects outside left jacket pocket.

(12) The firearm pointed at the officers and taken from the suspect’s right hand was a Colt model Kodiak .44 caliber Magnum revolver.⁷ A six-shooting firearm, the Kodiak cylinder contained three live rounds and three spent rounds when later examined.⁸

(13) A second firearm was also located on the suspect’s person. It was found that the defendant was additionally armed with a Glock model 23 .40 caliber semi-automatic pistol. Said Glock pistol was found in the left cargo pocket of the suspect’s pants. The Glock semi-

⁷ The Colt Kodiak is a 1993 special edition of the Anaconda, one of 2,000 made. It features a six inch ported barrel, smooth non-fluted cylinder, Pachmyr grips, and special markings. It was only available in stainless steel finish.

⁸ An investigation was conducted as to how the Colt revolver came to be in the possession of the suspect. The Colt firearm was legally registered to an owner living in Ukiah. When interviewed, that man claimed to not know the suspect and, according to the investigator, was obviously surprised when he was told that his firearm had been used in the Thurston Auto Plaza carjacking. Nevertheless, the man could not account for whether the firearm in question had been stolen from his collection, given away, or sold, and, if so, when.

automatic had a live .40 caliber round in its chamber (making it fire-ready), along with an inserted magazine loaded with eight live .40 caliber rounds.⁹

(14) Following an autopsy conducted by a qualified pathologist, it was determined that the suspect's death was the result of being hit by two bullets. One bullet – recovered during the autopsy – caused a penetrating wound to the suspect's left neck, moving left to right, backwards and slightly downwards. The second bullet caused a through-and-through penetrating wound of the suspect's right thigh, moving right to left, upwards and backwards. It was the opinion of the pathologist that the suspect's chance of survival was limited to only minutes due to the extent of the damage caused by the gunshot wounds. The toxicology findings also indicate use of Prozac (fluoxetine) and Valium (diazepam) by the suspect.

(15) It is not possible to trace back and conclusively determine which law enforcement officer's bullet or bullets caused the fatality. Nineteen shots were accounted for as having been fired by the five law enforcement officers at the scene.

ADDITIONAL COLLATERAL INFORMATION:

Prior Law Enforcement Contacts

The investigation involved looking at all prior law enforcement contacts with this suspect, Dawn Elika Center. As summarized, the following information was reviewed:

Sheriff's Office Report Numbers 2012-00015909/2012-00017078 – July 6, 2012/July 20, 2012

A citizen reported to the Sheriff's Office that she had heard third-hand that Dawn Center's horses on Laughlin Way in Redwood Valley had gone without food or water for several days and appeared thin. Similar complaints had been received by the Sheriff's Office in 2011 and 2010. During a welfare check by law enforcement, nine horses were observed on the Laughlin Way property, as well as goats. While feed was present for the horses, there was no feed in the corrals and the water being provided was dirty. Center was contacted and given orders to contact a veterinarian, to which she agreed. A follow-up report was generated after the veterinarian conducted a site visit and provided the suspect instructions for better care of the horses.

Later, on July 19, 2012, neighbors reported gunshots being fired at the Laughlin Way property. Responding to investigate, a Sheriff's deputy contacted Center who claimed, after consulting with the veterinarian, she had put down one of the horses. She advised law enforcement that she used a .45 caliber handgun to put down the horse with two shots in rapid succession to the side of the horse's head. Center's euthanizing of the horse was, unfortunately, witnessed by a neighbor and young son.

⁹ The Glock firearm was legally registered to the suspect. She purchased that firearm on May 2, 2016 from a firearm dealer. A firearm purchase protocols were complied with by both the dealer and the suspect.

Sheriff's Office Report Numbers 2012-00011902/2012-00014034 – May 23, 2012/June 16, 2012

The Sheriff's Office was twice dispatched to an ongoing landlord-tenant dispute. In May 2012, Center accused her tenant of theft, claiming the man had stolen her Jackalope. The tenant denied the theft. Center also reported she had been battered by the tenant in that he had grabbed her wrist in his effort to keep her away from his person.

In June 2012, the tenant accused Center of unlawful battery. Center claimed she was acting in self-defense.

Background Information Leading Up to February 13, 2018 Carjacking

Cooperative citizens believing they had background information of importance almost immediately began contacting the Sheriff's Office and the District Attorney's Office with information regarding the suspect. Others contacted during the course of the extended investigation were also cooperative and provided requested background information.

A former employer provided information that the suspect had worked part-time for his store for approximately the last year. On January 5, 2018, the suspect quit her job after having work-related vehicle problems. The delivery truck she was driving had broken down and she was very upset over the circumstances. The suspect later was heard to tell others that the business owner had disrespected her by not immediately coming to her aid when she broke down in the company truck. After getting in an argument with another employee at the business (after the business truck had been towed back to the store), the suspect left the store in a huff, saying she was quitting.

Despite having quit, on January 31, 2018 the suspect contacted the business owner and asked to borrow \$2,500 to purchase a trailer so the suspect could help with a family problem out-of-county. Knowing the suspect also had two vehicles that needed repairs, the business owner acquiesced and made the loan.

On **Sunday**, February 11, 2018, the suspect again contacted the business owner asking for more money. The suspect told the owner and his wife that she was in Santa Rosa at an automobile dealership and needed \$3,500 to help with financing of an automobile she wanted to purchase. When it was explained that the suspect had not yet repaid her first loan so a second loan was not possible, the suspect became upset that additional money would not be loaned to her.

When contacted, the suspect's former boyfriend was cooperative. He advised that the suspect had been taking opiates for what he was told was a botched back surgery and, as a possible alternative to the drugs, he had purchased the suspect a magnetic back pack belt to try. He had used magnet packs on his ailing knees and found that therapy beneficial. He said that the suspect had also been taking mental health medication but she believed the medication was adversely affecting her sex drive and performance. The former boyfriend noticed that the suspect "started to go downhill" after quitting that medication. As her behavior became more

strange, in his opinion, the former boyfriend began to internally question whether he wanted to continue in the relationship.

The former boyfriend reported that on **Friday**, February 9, 2018, he and the suspect took a trip down to the Hansel dealership in Sonoma County where he purchased a new 2017 Ford Mustang GT. They then drove to Placerville to handle some of his personal business. On the way back from El Dorado County, the two stopped again at the Hansel dealership later on that Friday to pick up paperwork. While there, the suspect test drove a Ford Mustang GT. However, the former boyfriend believed the suspect really wanted a 700HP super-charged Camaro because she had previously owned a Camaro.

On **Tuesday**, February 13, 2018, the suspect woke up at 3 o'clock in the morning at the former boyfriend's home to wish him an early Happy Valentine's day. During this early morning interaction, the suspect told the former boyfriend that she really wanted a Camaro as it would make her life whole. She told the former boyfriend that she had taken a Camaro for a test drive at what he believed was Thurston sometime during the past week. She continued that during the test drive she drove the car up to 120 miles per hour, scaring the salesman. Hearing this, the former boyfriend advised the suspect that she did not need the car as she would not be long for this world if she drove in this manner. When directly asked, the former boyfriend told the suspect that he was not going to buy the \$70,000 Camaro for her as she was requesting. This made the suspect angry, she gathered her stuff, and left without saying anything further. She returned at 5 o'clock in the morning with her horse trailer and loaded up her motorcycle. The former boyfriend helped her load the motorcycle but there was no talking between the two while this was happening. The former boyfriend believed at that point that he would not hear from the suspect ever again.

At 9 o'clock in the morning on **Tuesday**, February 13th, the former boyfriend received a text from the suspect. She wanted him to come to Thurston Auto Plaza to have some fun. She wanted him to come down and sign for the purchase of the Camaro. The former boyfriend said he was also aware that the suspect was contacting others seeking loans to purchase the vehicle. He ignored the suspect's text as he said he was done with her "craziness" and was hopeful she might get past her obsessive behavior in the next day or two.

On **Tuesday**, February 13, 2018, at approximately 4:00 a.m., the suspect called and woke up a friend. The suspect asked if the friend had a horse trailer with a ramp. The suspect explained she needed a trailer with a ramp to load her motorcycle. While the suspect also mentioned her boyfriend and Santa Rosa, the friend was not yet awake enough to fully understand what she was being told and could not relate back to investigators the context of what she had been told. The friend told the suspect that she did not have a horse trailer with a ramp. The friend ended the conversation, however, by telling the suspect that the friend would come over and help the suspect with whatever she was doing. As she was showering to get ready to leave, the friend reflected on the early morning call. She related to investigators that the suspect sounded high on drugs and ultimately decided she would not leave her house. The friend sent a text to the suspect at 4:48 a.m. saying she would not be coming over. At 6:40 a.m., the suspect sent a text

to the friend asking her to come to the suspect's boyfriend's address. The friend did not respond to this text. A follow-up text was received from the suspect saying the suspect now had her motorcycle, was now home, and thanking the friend. The text told the friend to not worry.

On **Tuesday**, February 13, 2018, between 6:00 and 6:30 in the morning, the suspect called an aunt and requested the aunt loan the suspect \$8,000 for the purchase of an automobile. Because of the aunt's new housing circumstances, the aunt declined the loan request, saying she didn't have money to loan. The aunt further explained that she was told that the suspect and her boyfriend had broken off their relationship earlier at 3 o'clock that morning. The aunt believed the breakup was because the boyfriend would also not loan the suspect the money she wanted for the automobile purchase.

The aunt noted that the suspect had also contacted several other family members and friends seeking a loan but was declined by all.

The suspect's landlord (and friend) also provided information to law enforcement after the shooting. The landlord reported that the suspect had been taking anti-inflammatories and lots of pain medication for a prior back injury. Sometime prior to February 13th, the suspect also began taking "liquid marijuana" for pain.

At approximately 7 o'clock in the morning on **Tuesday**, February 13th, the suspect called the landlord and asked to borrow \$8,000 in order to purchase an automobile that the suspect said she needed to complete her life. The landlord declined the request, saying she did not have that kind of money to loan.

At 9 o'clock **Tuesday** morning, the suspect called back and asked the landlord if she had changed her mind regarding making the loan. The landlord asked the suspect to please stop asking and to please make an effort to save (versus spend) money. These pleas fell on deaf ears as the suspect was adamant that she had to have the automobile that day. Before the conversation ended, the suspect told the landlord that she (the suspect) was at Thurston Auto Plaza.

LEGAL FINDINGS:

In applying the totality of information developed by all investigators in the instant case to the previously mentioned criteria applicable for assessing whether the use of force is objectively reasonable, the District Attorney further makes the following legal findings:

(1) The nature of the original crime at issue (armed robbery with use of a firearm) is, not surprisingly, characterized in the Penal Code as a crime of violence. Other crimes committed by the suspect included felony vehicle theft while armed with a firearm, felony reckless evading while armed with a firearm, felony negligent discharge of a firearm, felony assault on peace

officers with a firearm, felony brandishing a firearm in the presence of peace officers, and misdemeanor carrying a loaded and concealed firearm in public;

(2) It is and was objectively and subjectively reasonable for the three peace officers employed by the Sheriff and the two peace officers employed by the City of Willits to defend themselves and open fire on the suspect. The suspect posed an immediate and extreme threat, specifically to the safety of the peace officers seeking the suspect's surrender and generally to the general public in the area of the stand-off;

(3) It is and was objectively and subjectively reasonable for the members of the two law enforcement agencies to have concluded from the suspect's refusal to disarm and her dangerous handling of an obviously loaded large caliber handgun that she posed an immediate and extreme threat to the personal safety of each of the peace officers attempting a peaceful surrender, as well as a threat to the other motorists from the north and south stopped and waiting nearby on the highway while this stand-off unfolded along the public highway.

Knowing also that the suspect had driven at excessive and highly dangerous speeds manifesting a refusal to surrender to pursuing officers using lights and sirens, it is also subjectively and objectively reasonable that the peace officers understood that they were not in position to allow this suspect to escape arrest without further creating a greater public safety hazard;

(4) Given the chase from approximately Lake Mendocino Drive to north of Willits, there is no question that the suspect was engaged in a life-threatening effort to evade arrest through flight and, later, through the exhibition of lethal resistance;

(5) Though rare for women, the District Attorney finds that the suspect committed "suicide by cop," in that she was expressly talking about suicide, manipulated the handgun in a manner that is indicative of suicide ideations, and thereafter pointed her firearm in the direction of five armed peace officers. Her prior goading of the officers to shoot – along with then firing off a shot which reasonably increased the already high tensions at the scene -- further supports this finding.¹⁰

(6) According to all accounts recorded close in time to the shooting, the degree to which the situation was tense, uncertain and evolving was extremely high, especially after the suspect had led a dangerous, high-speed chase, fired the handgun in the presence of peace officers, and refused necessary commands to drop the firearm and surrender. In reaching this conclusion, the previously-mentioned legal guidance that officers regularly must act with little time to analyze and consider all circumstances is given great weight and consideration by the District Attorney.

This matter is now closed and no further investigation has been or will be requested by the District Attorney.

¹⁰ <https://ajp.psychiatryonline.org/doi/full/10.1176/appi.ajp-rj.2017.120107>

