



Office of the District Attorney Stanislaus County

Birgit Fladager
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Assistant District Attorney
David P. Harris

Chief Deputies
Annette Rees
Marlisa Ferreira
Stephen R. Robinson
Jeffrey M. Laugero
Jeff Mangar

Bureau of Investigation
Chief Terry L. Seese

PRESS RELEASE

For Immediate Release

Date: April 15, 2020

Re: Shooting by Officer Found to be Justified

For More Information Contact:

John Goold, Public Information Liaison

Phone: (209) 525-5550

Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that, after a thorough review of all the relevant evidence gathered during the investigation of the officer-involved shooting that occurred on December 30, 2018, the shooting has been determined to be justified.

A copy of the letter provided to the Stanislaus County Sheriff's Department is attached to this press release.

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April 14, 2020

Sheriff Jeff Dirkse
Stanislaus County Sheriff's Office
250 E. Hackett Rd.
Modesto, CA 95358

Re: Shooting of Andrew Mitchell Haro

Dear Sheriff Dirkse:

This office has completed our review of the shooting of Andrew Mitchell Haro (D.O.B. 2/25/1987) which occurred on December 30, 2018 in the City of Salida. It is reported that Deputy Darwin Hatfield shot Haro in self-defense and in the defense of others. Haro survived his injuries, was charged with assault with a deadly weapon on the responding deputies and has recently pled guilty¹. It is our determination that the deputy was justified in his actions (as will be explained below) and we now view this matter as closed.

FACTS²

On December 30, 2018 at approximately 1427 hours, deputies were dispatched to a residence in Salida, regarding a disturbance involving a person acting bizarre and hearing voices. Deputies Brock Condit and Darwin Hatfield arrived at the residence and were briefed by a resident regarding the subject's behavior and parole status. The resident reported that the subject, Haro, had been involved in a fight with her and had locked himself in a room inside the house. Haro had barricaded the door and was doing drugs per the resident. The resident told Dep. Hatfield that Haro did not reside at the house.

Dep. Condit and Dep. Hatfield tried to talk to Haro through the door but Haro would not answer. They then tried to open the door but found it partially blocked by furniture. The deputies then

¹ Pursuant to the county-wide use of force policy, if criminal charges are filed by the District Attorney's office against someone who caused the use of force to occur, the separate legal review of the use of force by a peace officer will not commence until the criminal case has been completed.

² In this instant case the suspect/defendant Andrew Haro was charged and convicted of a crime relating to the conduct that caused the deputy to shoot him. For that reason, an abbreviated set of facts is all that is necessary.

forced the door open and found Haro on a bed holding a knife. Haro was told repeatedly to drop the knife but he did not. Haro ultimately used the knife, attempting to throw the knife at the deputies. Dep. Hatfield fired his weapon striking Haro.

The resident confirmed that Haro was given commands to drop the knife before the shooting. Even after being shot Haro attempted to grab the knife again. Haro was transported to the hospital and survived his injuries.

Haro was charged and pled guilty to a violation of Penal Code §245(c) on January 14, 2020. This crime is commonly referred to as assault with a deadly weapon on a peace officer.

LAW

Any application of deadly force is unlawful unless it is either justified or excused. The use of force by a peace officer is governed by the Fourth Amendment. As the U.S. Supreme Court has said:

“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.... With respect to a claim of excessive force, the same standard of reasonableness at the moment applies: ‘Not every push or shove, even if it may later seem unnecessary in the peace of a judge’s chambers,’ [citation] violates the Fourth Amendment. The calculus of reasonableness must embody allowance for the fact that police officers 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.”

Graham v. Connor, (1989) 490 U.S. 386, at p. 396-397.

Peace officers have rights by their need to enforce the laws that differ from the ordinary citizen. Some of these rights are codified in Penal Code §835a which during the time of this incident stated:

“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. ¶ A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

CONCLUSION

Based on the law, Deputy Hatfield was performing his job as a peace officer which allowed him to be where he was and contact the defendant. Dep. Hatfield was informed by the resident of the property of the nature of the crime and Dep. Hatfield saw that Haro was armed with a knife. When confronted and told to drop the knife, Haro instead attempted to use the knife against the deputies.

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The use of force by Dep. Hatfield was in direct response to the threat he perceived. In other words - it was reasonable and justified. Therefore, the deputy's use of force was not excessive. Under these circumstances, the shooting of Haro by Dep. Hatfield is determined to be justified. Furthermore, the fact that Haro admitted his guilt³ in attempting to assault the deputies with a knife establishes conclusively that Dep. Hatfield was justified in his actions.

Very truly yours,

BIRGIT FLADAGER
District Attorney



David P. Harris
Assistant District Attorney

cc: Dep. Darwin Hatfield

³ Haro accepted a plea bargain and received four (4) years in state prison.