



SAN FRANCISCO DISTRICT ATTORNEY



REPORT ON THE INVESTIGATION INTO THE OFFICER-INVOLVED SHOOTING OF ALEXANDER LOPEZ ON JULY 21, 2024

INDEPENDENT INVESTIGATION BUREAU, June 5, 2025



TABLE OF CONTENTS

BACKGROUND	3
PRIVACY STATEMENT	3
INTRODUCTION	3
SUMMARY OF INCIDENT	4
INVESTIGATION	5
Evidence Reviewed	6
Incident Scene Description	6
Incident Scene Evidence Recovery	10
Autopsy and Toxicology Results	17
Interview of Civilian Witnesses	20
Interview of Involved Officers	22
Alexander Lopez– Background	24
Applicable Legal Standards.....	25
LEGAL ANALYSIS	28
CONCLUSION	30



Background

The San Francisco District Attorney's Office (SFDA) investigates, independently evaluates, and reviews all officer involved shooting (OIS) incidents resulting in serious injury or death as well as any instance where the death of an individual occurs while in the custody of any peace officer in the City and County of San Francisco. This responsibility was assigned to the SFDA in conjunction with the San Francisco Police Department (SFPD) and is codified in the Memorandum of Understanding.¹

The Independent Investigation Bureau (IIB) is an independent unit within the SFDA comprised of District Attorney Investigators (DAI) with decades of experience as law enforcement officers, Assistant District Attorneys (ADA), and specialized legal assistants. The IIB investigates covered incidents wholly independently from SFPD and other outside law enforcement agencies and reports its findings directly to the elected District Attorney.

The investigation and review conducted by the IIB solely addresses whether any officers involved committed any crimes against any person against whom force was used or who died while in custody. As part of that investigation and review, the SFDA does not consider or offer opinions on issues of civil liability for any involved officers, police tactics, or police department policies and procedures.

The role of the IIB is to ensure the residents of the City and County of San Francisco that the investigation and review of qualifying events are conducted in a fair and objective manner that will serve the interests of justice to the community, the officers involved, the injured persons and their families.

The SFDA understands how these events affect the community at large and believes the loss of life during an event involving any police or peace officer leaves everyone affected with extreme grief, questions, and concerns. It is the intention of the SFDA to do what can be done to explain what took place in the hope that the truth about the events will assist with the healing process.

Privacy Statement

This report includes redactions of the names and other identifying information of witnesses. Public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as the readability of this report, the witnesses will be indexed as follows:

- Witness 1 (W-1)- Lopez's Girlfriend
- Witness 2 (W-2)- "Scooter Repair Guy"

Introduction

On July 21, 2024, uniformed San Francisco Police Department (SFPD) Officers Paul Balza #1207 (Balza) and Ryan Prasadi #1024 (Prasadi) were on patrol on the 100 block of Willow Street

¹ Memorandum of Understanding, eff. April 2019.



alleyway investigating a recent armed robbery (Cal. Penal Code section 211/213) of an electric scooter from the area of United Nations Plaza in San Francisco. Prasadi was the driver of a marked SFPD patrol vehicle and Balza was the right front passenger. Officers received a broadcast description by police radio of the suspect who allegedly stole the scooter. Because the robbery occurred nearby, Balza and Prasadi drove to an area where they believed the robbery suspect may have gone. There they observed an individual, later identified as Alexander Lopez, in possession of a scooter on Willow Street.

Prasadi attempted to contact Lopez to inquire about the scooter, but before Prasadi could do so, Lopez threw the scooter at the police vehicle and ran westbound on Willow Street towards Van Ness Avenue. Balza was able to exit the patrol vehicle and pursued Lopez on foot. As Lopez ran away from Balza, Lopez turned, pointed and then fired a gun at Balza. Balza stopped chasing Lopez and returned fire with his handgun mortally wounding Lopez.

The San Francisco District Attorney's IIB responded to the event, viewed the scene, and reviewed the entire investigative file as well as all evidence obtained from the scene of the event. This report is the final step in the IIB's review of the fatal OIS of Alexander Lopez and is limited to the determination of whether criminal charges should be brought against any involved officer, specifically Balza. Upon thorough examination and a comprehensive review of the incident, the SFDA concludes no criminal charges will be filed because the evidence is insufficient to prove that Balza committed any crime, and the OIS was legally justified.

Caution: The images and information contained in this report may be graphic and disturbing to some viewers. Therefore, viewer discretion is advised, especially for young children and individuals with sensitivity to violence, drug use, and blood.

Summary of Incident

On July 21, 2024, at 11:45 p.m., SFPD Officers Balza and Prasadi were on patrol in the 100 block of Willow Street investigating a just-occurred armed robbery (Cal. Penal Code sect. 211/213). The robbery occurred in the area of United Nations Plaza which is on Market Street in downtown San Francisco.

Balza and Prasadi knew the suspect had used a gun to rob someone of an electric scooter that had distinct markings. Balza and Prasadi agreed to drive through the known areas, which included Willow Street alley, where they observed suspects on prior occasions, to see if they could locate either the robbery-suspect, the scooter, or both.

The northern metered curb of Willow Street allowed parallel parking and multi-directional vehicle traffic but only by a single car driving either east or west. The alleyway primarily served as an access point for building occupants of multi-level buildings on the north and south side of the alley. The area is both commercial and residential.

Prasadi and Balza entered the narrow alley that runs east and west from Larkin Street to the east and Franklin Street to the west, via Polk Street and saw Lopez in possession of a scooter and backpack. Lopez stood in the alley with W-1 (S.O.). Balza and Prasadi noted that Lopez's clothing and backpack matched the broadcasted description provided of the robber. but Lopez also wore a baseball cap. The broadcasted description did not describe a hat worn by the robber, so Prasadi



wanted to see if the scooter matched the information provided before detaining Lopez for the robbery investigation. Balza called dispatch to confirm if the suspect wore a hat.

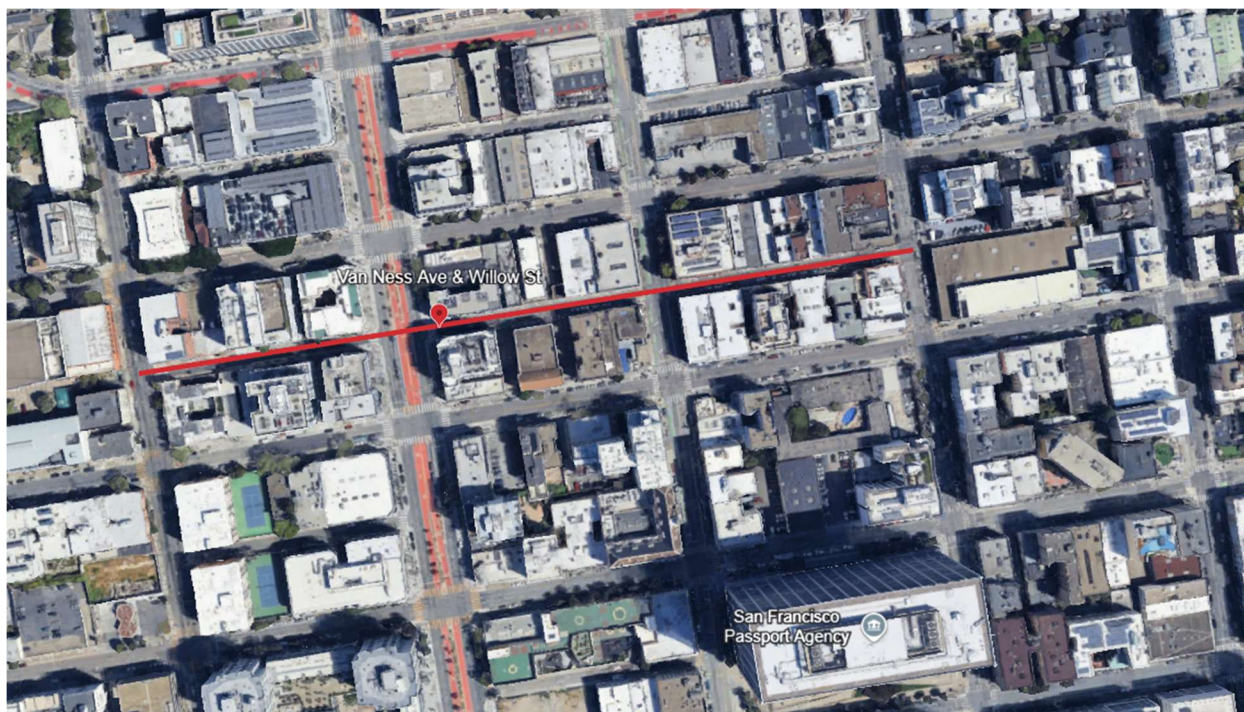


Figure 1- Overhead image, courtesy of Google Earth of Willow Street (west to east) at Van Ness Avenue (north to south) denoted with a red line.

Prasadi stopped the vehicle next to Lopez, opened the driver's side door and attempted to engage Lopez. But Lopez ran westbound on Willow Street towards Van Ness Avenue. Balza exited the patrol SUV to chase Lopez on foot. Prasadi was unable to exit as quickly as Balza because prior to running, Lopez threw the scooter towards the police vehicle and blocked Prasadi's driver's side door.

As he ran, Lopez extended his left hand backwards towards the officers, other civilians, and where his pregnant girlfriend (W-1) stood, and pointed a handgun. Lopez ran and fired multiple rounds in Balza's direction. Once Balza realized Lopez was shooting at him, Balza stopped chasing Lopez and returned fire with his department issued handgun. Balza struck Lopez who fell to the ground.

Investigation

On July 22, 2024, at 12:34 a.m., the San Francisco District Attorney IIB investigation team ("Investigators") was notified of an OIS event and at 1:40 a.m. responded to Van Ness Avenue and Willow Street alley. When investigators arrived, the incident scene was well controlled and guarded by SFPD officers who had blocked off the alley with crime scene tape. Investigators met with SFPD's Investigative Services Detail (ISD) team. A preliminary briefing was conducted to share the known details of the incident and to inform the IIB of what evidence preservation steps SFPD had already taken. Investigators observed the scene and key items of evidence and participated in a "walk-through" of the interior and exterior crime scene. The SFPD's Crime Scene



Investigations Unit (CSIU), already on scene, collected and photographed items of evidence to be preserved and documented the crime scene with three-dimensional photographic technology.

Balza, as the involved officer in the incident, was sequestered and not on scene, but later provided a voluntary statement to investigators. Prasadi was also sequestered and provided his own voluntary statement to investigators about what he witnessed. Investigators also took civilian percipient witness statements and interviewed the doctor who performed Lopez's autopsy.

Key to the investigation was body worn camera (BWC) and available surveillance camera video from the alleyway that captured the officer involved shooting and the events that followed.

The investigation into the death of Alexander Lopez was comprehensive, thorough, objective, and independent. All available witnesses were interviewed, and the incident scene was thoroughly processed for evidence. The entire investigation was conducted over weeks and months following the incident and included work performed by personnel from the SFPD, SFPD's CSIU, and the Office of the Chief Medical Examiner (OCME).

Evidence Reviewed

- The incident scene located in the 100 block of Willow Street, San Francisco, CA 94115
- SFPD-Investigative Services Detail case file
- Emergency Call (9-1-1) audio recordings
- Computer Aided Dispatch (CAD) Records and logs of the incident
- Criminal history information for Alexander Lopez
- Interviews of all civilian witnesses and involved officers
- Crime Scene Investigations Unit photographs of incident scene, involved officer, and weapons
- Body worn camera footage of the incident from all responding officers²
- Stationary surveillance video from multiple locations
- Office of the Chief Medical Examiner Medical report and autopsy report
- Laboratory analysis summary report (toxicology) for Alexander Lopez, dated August 14, 2024

Incident Scene Description

The incident occurred on the 100 block of Willow Street alley that ends at Van Ness Avenue to the west and Larkin Street to the east. The block of Willow Street where the events occurred measured approximately 396 feet in length on the block between Polk Street and Van Ness Avenue.³ Van Ness Avenue, comprised of a north and south multi-lane thoroughfare, was noted for light traffic given the time of night the OIS occurred. Van Ness Avenue established for SFPD the western border of the Tenderloin District. The Willow Street alley opened at both ends (east and west) to

² Due to the number of body worn and surveillance cameras involved, only the footage most relevant to the events will be discussed.

³ www.google.com/maps/place//@37.7836094,-122.4223323,17z?entry



vehicle and pedestrian traffic and notably had many surveillance cameras mounted on the adjacent, mostly mixed-use buildings.

Because the OIS occurred close to midnight, in a mixed commercial and residential neighborhood alleyway, there were few witnesses other than W-1 and W-2, the responding police, and an unhoused individual who appeared to sleep through the events.

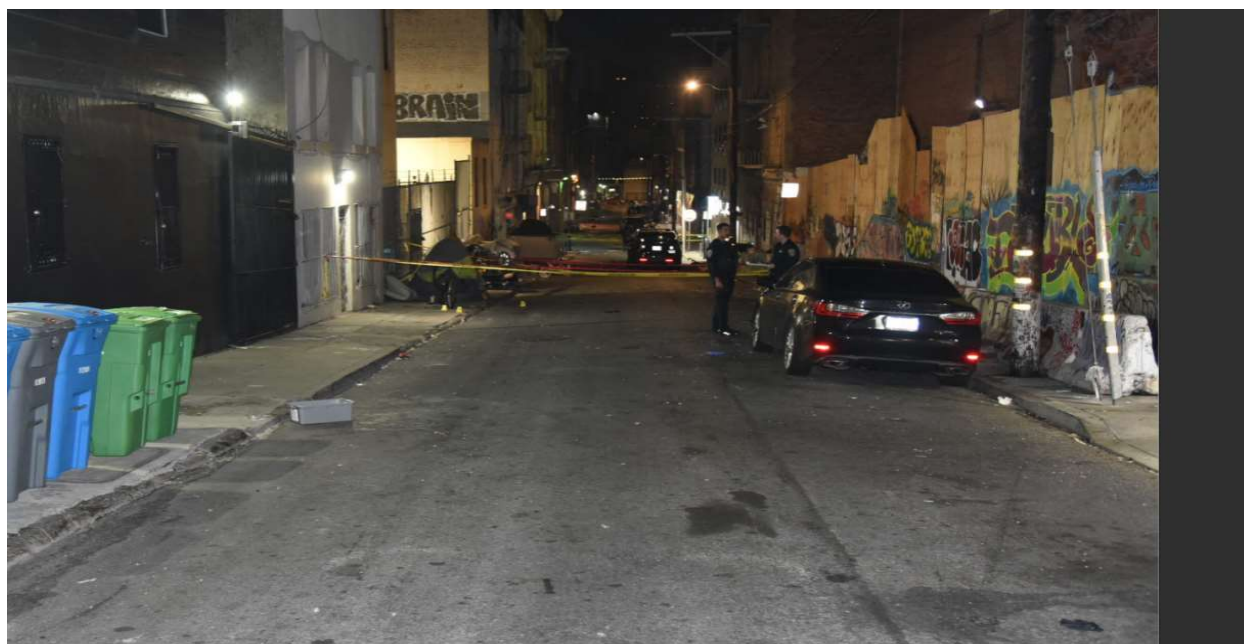


Figure 2-Willow Street alley facing west.

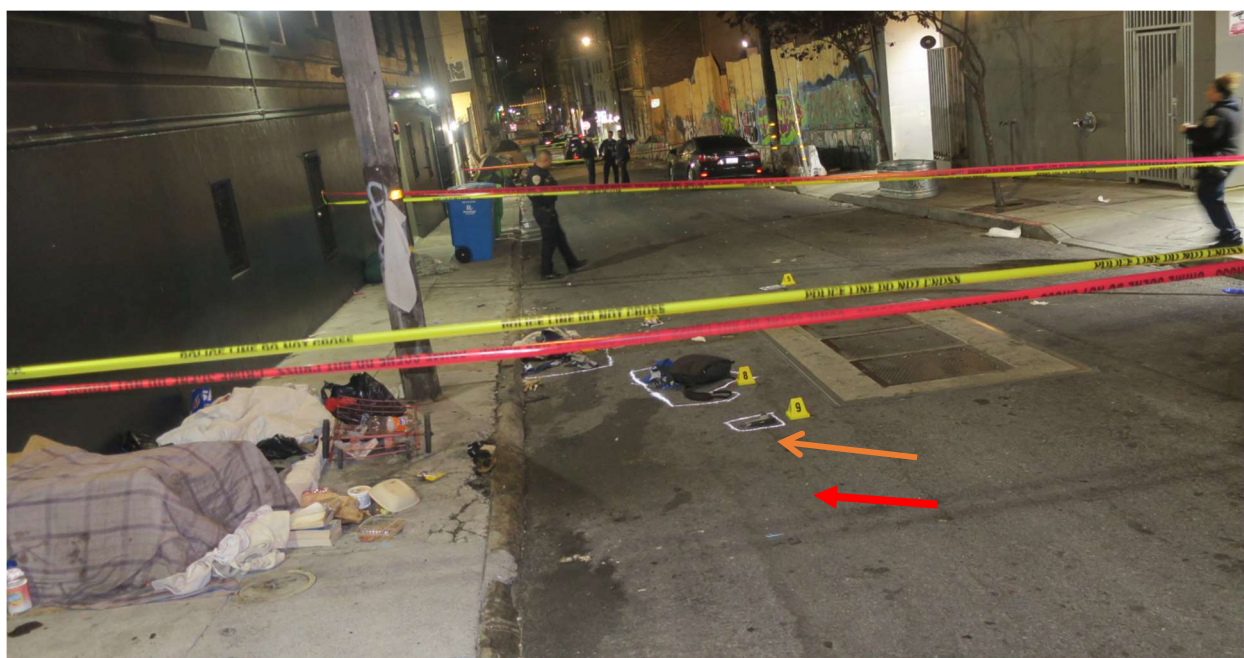


Figure 3-Willow Street alley with evidence markers placed by CSIU mark the location Lopez fell after being shot (orange arrow) and recovered firearm (red arrow). Unhoused “sleeping” witness visible in the left foreground.

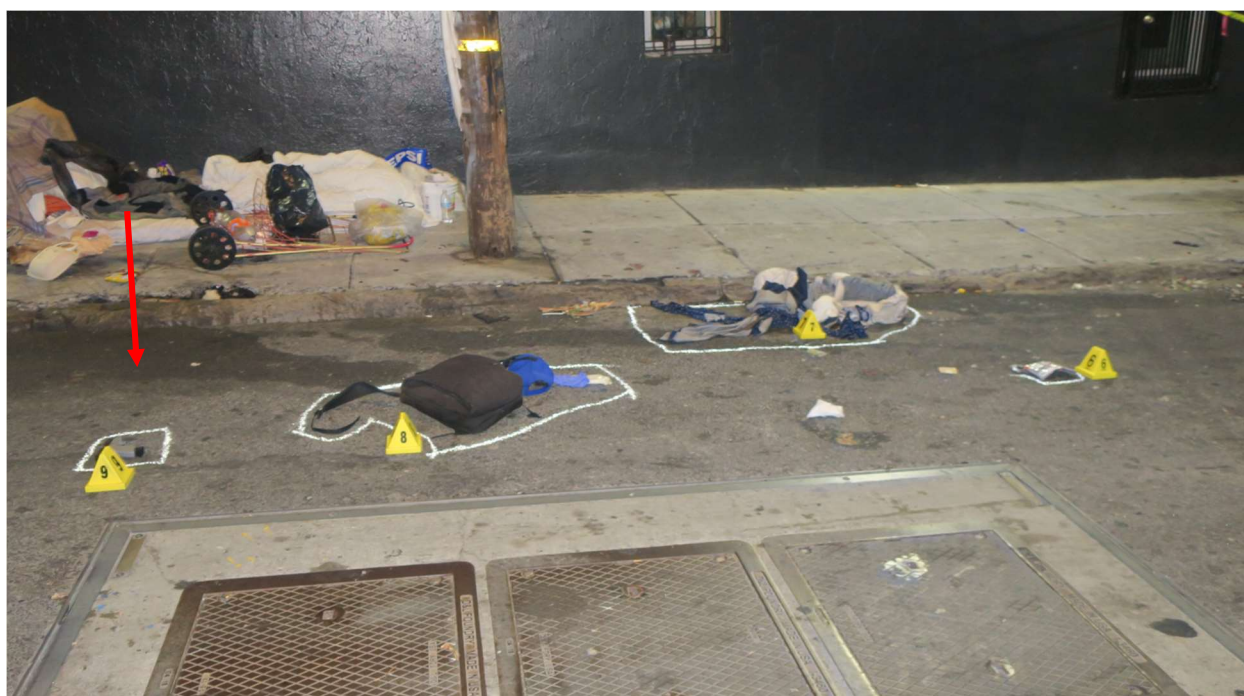


Figure 4-Closer image of location marked by CSIU markers. The recovered firearm used by Lopez appears to the left with evidence marker number 9.



Figure 5-Close up image of weapon fired by Lopez.



Figure 6-Closer image of firearm used by Lopez with what appeared to be evidence the weapon jammed (red arrow) and stopped firing with the “jammed” live cartridge (bullet) visible.



Figure 10-Upclose image of Lopez’ gun and jammed bullet/casing inside red circle.



Figure 11-Lopez' firearm after CSIU inspection. A magazine with extra cartridges (bullets) from different manufacturers, was removed. The gun was also observed to have multiple defects highlighted by arrows.



Figure 12-Photo of scooter discarded by Lopez and evidence marker number 1.

Incident Scene and Evidence Recovery

All evidence recovery, scene documentation, and photographs were completed by the CSIU. All items were photographed and booked into evidence and when possible, preserved for DNA testing. The scene was also photographed and scanned with three-dimensional laser technology.



A total of 37 items of evidence were recovered and booked in conjunction with this investigation. CSIU Sergeant K. Edison prepared a scene map with a legend to show the relative locations of the patrol vehicle, the location where Lopez fell with his firearm, and other items such as the discarded scooter. (Figure 13, below.)



Figure 13-Scene map with up close images of the scene evidence markers and legend.

Firearms and Ballistics Evidence

All firearms were also collected by CSIU and processed to determine operability and if possible, the number of rounds fired.

Lopez's firearm was a Taurus model PT111 G2 Millennium, 9mm, SN#TJR91149, upper receiver, black in color, with a non-serialized "3D printed Ghost Gun" lower receiver (the frame of a gun), grey in color. CSIU examined and prepared a report for the firearm Lopez used. CSIU observed the slide of the gun was "locked" back with what appeared to be a "double ram feed jam." The initial jam occurred and prevented the fired bullet from ejecting. This initial jam caused the second attempt to fire the gun to also jam because the next live round was stuck behind the first. The fact of the two jammed bullets was evidence that Lopez tried to fire the gun at least two times. As a result of the jammed cartridge, the firearm "fired" (made noise and smoke) but the bullet was not released which explained why CSIU's inability to locate expended casings for Lopez's gun at the scene.

Balza's firearm was a department-issued Sig Sauer P226, .40 caliber, SN#47E008061, black in color. A total of three .40 caliber cartridge casings determined to be from Balza's gun, were recovered from the northern curb line, east of where Lopez fell, in front of 148 Willow Street. Based on the locations of the recovered expended casings and where Balza was determined to have fired his gun, the distance between Balza and Lopez when Balza discharged his firearm at Lopez was estimated to have been less than 200 feet. Therefore Lopez, while running and firing



his gun, did so from a distance of *less* than 200 feet. Research has shown that 9mm bullets, such as were used here by Lopez, may reach a target with sufficient kinetic energy and velocity to penetrate a human target at distances far beyond 300 feet.⁴

Body Worn Camera Footage

Body-worn cameras were activated by the one involved officer and the many assisting and responding officers and captured parts of the OIS event. All BWC available was reviewed by investigators for evidentiary value. Each camera captured different footage of the events from the perspective of the wearing officer. Only Balza's camera captured the events prior to the OIS and the OIS itself. Prasadi's BWC also captured some key events prior to the OIS and then the OIS aftermath and was only used for its corroborative value with Prasadi's voluntary statement, which appears below.

The most relevant footage of the incident available was captured by Balza as he exited from the front passenger side of the patrol vehicle to chase Lopez. Balza's BWC showed and recorded Lopez as he ran from officers after the officers arrived at the alley and made initial contact. Balza had already activated his BWC and captured Balza as he chased and yelled twice to Lopez, "Stop! Stop!" Lopez, visible on the video footage, did not stop and instead turned his torso while in mid-run and extended his left arm behind him perpendicular to his upright frame. Unfortunately, the BWC blurs because the camera, attached to Balza's chest while running, was jostled and moving as it filmed. Therefore, what was in Lopez's left hand as he motioned backward was not clearly visible on BWC. However, the BWC video footage captured without distortion the clear sound of two shots fired from a distance. The audio footage of the two distinct gun shots also corresponded to the moment in the video where Lopez turned his torso and extended his left arm. Also corroborative of Balza's voluntary statement, which appears below, was Balza's response-reaction to the sound of the gun fire: Balza abruptly stopped running, raised his own firearm, and returned fire within fractionalized seconds of the earlier gunshot sounds.

Surveillance Video

Private citizen surveillance cameras affixed to the buildings in the alley captured the dramatic incident with better clarity than the police-worn body cameras.

Figures 14 through 22 that follow, are sequential still frames taken from the overhead video surveillance that captured Lopez as he ran, turned, and fired his weapon in Balza's direction. The stills where the gun was clearly visible in Lopez' left hand are highlighted with a red circle and arrow.

In Figure 16, a visible small plume of smoke from the muzzle of the gun Lopez fired corroborated the time stamps for the sound of gun-fire recorded by Balza's BWC. Despite the plume of smoke from the gun and the audible sound of the gun firing, no bullets were actually fired due to the fact of the gun's malfunction (jamming).

⁴ F. Bresson, O. Franck; Estimating the shooting distance of a 9-mm Parabellum bullet via ballistic experiment, *Forensic Science International*, Volume 192, Issues 1–3, 2009, Pages e17-e20, ISSN 0379-0738, <https://doi.org/10.1016/j.forsciint.2009.07.018>, (<https://www.sciencedirect.com/science/article/pii/S0379073809003235>)



Figure 14- Lopez at top of frame as he ran westbound in Willow Street Alley towards Van Ness Avenue.



Figure 15- Lopez (in red circle) as he ran towards Van Ness Avenue.



Figures 16- Lopez, left arm extended behind him, fired the firearm in his left hand as evidenced by a small plume of grey smoke (red arrow).



Figure 17- Lopez as he looked over his shoulder and in Balza's direction.



Figure 18-Lopez rotated his torso almost 180 degrees, extended the gun (still in his left hand) a second time in preparation to fire at Balza (out of frame) as Balza ran to catch up.



Figures 19-Lopez pointed the gun and likely fired a second time in Balza's direction with left arm fully extended.



Figure 20-Lopez ran and continued to extend his left arm with the gun behind him pointed in Balza's direction.



Figure 21-Lopez continued to run with his left arm extended with the firearm pointed in Balza's direction.



Communications

IIB investigators obtained a copy of the SFPD Computer Aided Dispatch (CAD) audio call associated with the OIS and the armed robbery of the scooter. Audio police transmissions were also obtained as part of the investigation. The CAD report documented and corroborated the time stamps for the 9-1-1 call to report the robbery of a scooter, the relay to officers of the event, the broadcast of descriptive information for the suspected robber (Lopez), officer communications once on scene, and post the officer-involved shooting.⁵

Autopsy and Toxicology Results

Lopez, still conscious after being shot by Balza, received emergency medical care at the scene from police and medics for his injury. He was subsequently transported unconscious from the scene by SFPD Medic 77 to San Francisco General Hospital (SFGH) for emergency medical treatment. Lopez did not survive his injury and was pronounced deceased at SFGH.

The Office of the Chief Medical Examiner (OCME) retrieved and transported Lopez's body for an autopsy. The autopsy was performed by Dr. Liverman who determined that the cause of Lopez's death was a single "gunshot wound of [the] thorax (chest region of the body between the neck and the abdomen)," and the manner was "homicide." At autopsy, Dr. Liverman determined that Lopez was struck by the single bullet in the left of his back, removed from Lopez's left chest at autopsy. The wound track created by the bullet penetrating flesh and bone of varying density, traveled from Lopez's back to front, right to left, and upward. The path of the bullet, or trajectory, in an upward direction was not inconsistent with the statement made by Balza (below) that prior to returning fire at Lopez, he "took a knee" to steady his aim. By doing so, Balza changed his shooting-height and became, in essence physically shorter when he fired back at Lopez. Lopez was still upright and with the combination of distance was therefore "taller" than Balza even as Lopez increased the distance between them. Assuming no change in the slope of the roadway Lopez ran on, relative positioning of both Lopez and Balza at the time Balza fired his gun, would potentially explain the bullet's path through Lopez's body as an upward trajectory.⁶

Dr. Liverman stated this would be a possible explanation given the dynamic nature of bullets and what occurs once a bullet enters the body. The removed bullet was placed into evidence by the medical examiner for later examination by CSIU investigators.

Bullet Entry Location

The autopsy revealed Lopez was shot by Balza in the back as Lopez fled and fired behind him with his gun extended in his left hand. Research articles consulted for this report discuss the fact an individual was "shot in the back" in scientific and also practical terms as an amalgamation of the (1) limitations of human reaction time to presented stimulus and change to that stimulus, (2) the

⁵ All time stamps for surveillance video obtained was compared to BWC time stamps as well as police broadcasts time stamps and determined to be consistent.

⁶ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9462949/pdf/orr-14-293.pdf>; Butler B, Fries C, Panock J, Jorden MA, Melinek J. Catching a Bullet: Gunshot Wound Trajectory Analysis Used to Establish Body Position. Acad Forensic Pathol. 2016 Dec;6(4):739-745. doi: 10.23907/2016.070. E-pub 2016 Dec 1. PMID: 31239946; PMCID: PMC6474491.



physics of human movement, (3) the kinetic energy of bullets, and (4) terminal impact, here a human target.

Principally, the theories that govern human performance must be considered when reviewing or evaluating a police officer's performance in a stressful time compressed event such as occurred in this incident.⁷

Human reaction time to respond to a stimulus includes the time needed to process information about that stimulus, such as the perception of a deadly threat. Here, the stimulus of the fact Lopez pointed a gun at Balza and then fired it took time for Balza to process. Balza would need to realize that Lopez shot a gun at him, process the danger of that event, and then initiate the motor skill to physically respond (i.e. take cover, fire back, etc.). In a shooting scenario where there is no actual threat to life, test subjects processing of [a similar threat] and how to respond took about four times longer than the actual response. (Lewinski, 2000.) The delay applied to both the initial processing of information (stimulus) that ultimately drove the test subject's attention and action and the later processing of any change in the information (stimulus) that would affect the course of action. (*Ibid.*)

Research into human perception reaction time and to react to a stimulus such as the deadly threat of a firearm, an officer must first perceive the threat which will typically result from time taken to process the action of the threatening actor (reaching, placing hands in pockets, refusing to comply with requests, purposeful movement, etc.,) and then time taken to determine the appropriate response. Key to this understanding is what is known and unknown. The threatening actor knows what they are going to do. The officer can only anticipate or guess what the threatening actor might do. This creates a potential lag in response or reaction by an officer, because the officer must process and formulate a response to an unknown and then rapidly occurring stimulus. The threatening actor has the advantage in this instance because if the threatening actor changes their action, the officer will have to mentally "catch up" to the changed stimulus. Thus, a response to the change in the stimulus will require additional time for perception (of the change), processing (of the change), and formulation of the new or different response. The officer must both perceive and appreciate any change of the threat. And because *action happens faster than reaction* and greater intensity of focus was likely placed on the initial threat-stimulus, a changed stimulus requires time to appreciate. The practical effect is it will take the officer longer to notice and respond to the change in the threatening actor's behavior than it will take the threatening actor to actually change their action. (*Ibid.*)

This dynamic, dependent on unknown variables of the threatening actor and its complexity, further increases the lag time for a change in reaction or cessation of action. In practical terms, this will frequently result in it being physically impossible for an officer to *immediately* cease fire upon the cessation/change of the threat (Lewinski & Hudson, 2003).

Further practical research and frame-by-frame analysis of test subjects under mock conditions to similarly create stress and fear revealed that a fleeing subject who runs after firing or presenting a gun can, in less than one second (within .77 seconds), rotate their torso 180 degrees before firing.

⁷ "A survey of the research on human factors related to lethal force encounters: implications for law enforcement training, tactics, and testimony." Law Enforcement Executive Forum; A. Honig, PhD, Los Angeles Sheriff's Department, and Wm. Lewinski, PhD, Minnesota State University, Force Science Institute.



(Lewinski, et al.) Breaking it down further, in less than half a second, (.37 seconds) an individual may stand with their back to an officer, rotate their torso, and fire behind them. And then, .40 seconds after that event, rotate back to front to continue to run or engage in another action. The ability of a law enforcement officer to perceive and react to this change, if four times as long as the stimulus presented which took place in .77 seconds, would necessarily be over three seconds (3.08). This perception/reaction delay explains why in some instances of police officer-involved shootings individuals shot were “shot in the back.” The science shows not that the officer “shot the person in the back,” but instead that the person shot changed their direction or movement, and the officer’s brain did not have sufficient time to appreciate this change or to change their (the officer’s) reaction.

Forensic Toxicology

IIB investigators obtained from the San Francisco OCME’s Forensic Laboratory Division the results of toxicology analyses performed on blood, vitreous humor⁸, and urine samples obtained from Lopez.

Testing confirmed that Lopez had multiple controlled substances in his system at the time of the blood-draw. The samples collected from Lopez at autopsy were part of a post-mortem toxicology study, analyzed and reported with standard deviations for concentration. The drug analyses revealed the presence of cocaine (230 ng/mL), alcohol (.116 w/v-peripheral; vitreous .16 w/v⁹), fentanyl (1.0 ng/mL), methamphetamine (68 ng/mL), THC (the psychoactive component of cannabis) (2.2 ng/mL), and respective metabolites. A metabolite is created when a drug is processed and broken down by human body systems in preparation for elimination. Metabolites present in a biological sample are evidentiary confirmation of the use of controlled substances. The concentration of the metabolite, with some caveats, can assist in the determination of recency, frequency, and quantity of use.¹⁰ The presence of the metabolites for cocaine (meta-Hydroxy Cocaine, coca-ethylene, benzoylecgonine, lidocaine, norlidocaine), fentanyl (norfentanyl), and methamphetamine (amphetamine) all further confirm that Lopez had used alcohol, cocaine, fentanyl, methamphetamine, and cannabis prior to his death. (Figure 22, below.)

The fact of multiple drug use was corroborated by the interview of Lopez’s girlfriend (S.O.) who reported that Lopez “might have” used multiple drugs on the night of the shooting and was known to consume various types of controlled substances.

⁸ Gel-like substance composed mostly of water that fills the space between the lens and retina of the eye and is useful to screen for a range of controlled substances (drugs); concentrations for certain drugs may be higher for alcohol concentrations. Source: <https://www.forensicsciencesimplified.org/tox/how.html>

⁹ [How To Calculate W/v \(Weight By Volume\)](#)

¹⁰ Source: <https://www.ncbi.nlm.nih.gov/books/NBK557523>.




City and County of San Francisco				Office of the Chief Medical Examiner	
FORENSIC LABORATORY DIVISION					
REPORT OF FORENSIC TOXICOLOGY ANALYSES					
Name:	LOPEZ, Alexander Antonio	SFOCME Case No.:	2024-0965		
Submitter:	Liverman, Christopher S., MD, PhD	Initial Submission Date & Time:	07/22/2024 1552 hrs		
Sub. Ref. No.:	N/A	Date of Report:	08/14/2024		
SPECIMENS ACCESSIONED					
SPECIMEN TYPE	SPECIMEN ID	VOL (mL)	COLLECTED	DESCRIPTOR(S)	PROTOCOLS
Blood (Peripheral)	398979	1	07/22/2024 1032 hrs		GCET-FL ¹ , LCQD-BL ^{2,3} , LCFS-BL ²
Blood (L. Chest)	398980	10	07/22/2024 1032 hrs		
Vitreous Humor	398981	8	07/22/2024 1032 hrs	Cloudy.	GCET-FL ²
Urine	398982	10	07/22/2024 1032 hrs		LCQD-UR ^{2,4}
ANALYTICAL RESULTS					
SPECIMEN TYPE	SPECIMEN ID	COMPONENTS DETECTED			PROTOCOL PERFORMED
Blood (Peripheral)	398979	Ethanol	0.116 ±0.010	% (w/v)	GCET-FL
Vitreous Humor	398981	Ethanol	0.160 ±0.007	% (w/v)	GCET-FL/GCET-FL
Blood (Peripheral)	398979	Fentanyl	< 1.0	ng/mL	LCQD-BL
Blood (Peripheral)	398979	Cocaine	230 ±78	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	meta-Hydroxy Cocaine / para-Hydroxy Cocaine	< 1.0	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	Cocaethylene	190 ±43	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	Benzoylcegonine	2,200 ±570	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	Lidocaine	64 ±24	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	Norlidocaine	29 ±16	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	Methamphetamine	68 ±24	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	Cetirizine / Levocetirizine	< 100	ng/mL	LCQD-BL, LCQD-BL
Blood (Peripheral)	398979	Tetrahydrocannabinol (THC)	2.1 ±0.8	ng/mL	LCQD-BL, LCQD-BL
Urine	398982	Fentanyl	≥ 2.0	ng/mL	LCQD-UR
Urine	398982	Norfentanyl	≥ 2.0	ng/mL	LCQD-UR
Urine	398982	Cocaine	≥ 5.0	ng/mL	LCQD-UR
Urine	398982	Norcocaine	≥ 10	ng/mL	LCQD-UR
Urine	398982	meta-Hydroxy Cocaine / para-Hydroxy Cocaine	≥ 1.0	ng/mL	LCQD-UR
Urine	398982	Cocaethylene	≥ 5.0	ng/mL	LCQD-UR
Urine	398982	Benzoylcegonine	≥ 20	ng/mL	LCQD-UR
Urine	398982	Lidocaine	≥ 10	ng/mL	LCQD-UR
Urine	398982	Norlidocaine	≥ 10	ng/mL	LCQD-UR
Urine	398982	Methamphetamine	≥ 100	ng/mL	LCQD-UR
Urine	398982	Amphetamine	≥ 100	ng/mL	LCQD-UR

Figure 22- Image of toxicology analysis report for Lopez’s collected blood sample

Interview of Civilian Witnesses

Two civilian witnesses agreed to speak to investigators. Both interviews were audio recorded and are summarized below.

Interview of W-1 S.O. (Lopez’s Girlfriend)

Investigators spoke to and interviewed Lopez’s self-identified girlfriend in the early morning hours after the shooting. S.O. accompanied investigators to a location other than the scene of the shooting to be interviewed. Investigators were unaware of S.O.’s involvement in the earlier robbery event committed by Lopez, which was caught on surveillance camera, therefore S.O. was not advised regarding her rights under *Miranda*.¹¹ Investigators questioned S.O. mainly about her observations of what took place at Willow Street alley and the shooting since she was an eyewitness to the event.

Statements that appear in quotes were taken verbatim from S.O.’s recorded interview.

¹¹ *Miranda v. Arizona* (1966) 384 U.S. 436.



In addition to her full name and address, S.O. told investigators she was 25 years of age. S.O. told investigators Alexander Anthony Lopez was her boyfriend. S.O. told investigators she was pregnant at the time of the interview.

S.O. recounted that just before the shooting, she and Lopez both had scooters and were at Willow Street alley looking for a man who repaired scooters because Lopez's black and red-striped scooter tire needed repair. She told investigators as they were doing so, "[A]ll of a sudden, a cop...car...watche[d] [them]" and then came into the alley. The same "cop car" drove by the couple in a manner S.O. described as "really slow," and then "...[made] a U-turn," and "came back down [sic] the alley."

S.O. recalled the police in the car said something she could not hear to Lopez, who was closest to the driver's side of the police vehicle, at which point she saw Lopez suddenly "just [throw] the scooter at the door of the cop car," after which he "[took] off running." S.O. told investigators she stood right next to Lopez and also near the front of the police vehicle on the driver's side and that when Lopez threw the scooter it "fell between [her] and the cop." S.O. was uncertain how many police officers were in the police vehicle, but she knew at least two officers exited the car to chase Lopez towards Van Ness Street.

S.O. told investigators that the next thing was the gun shots she heard. S.O. stated she saw "[the police and Lopez] shooting...at each other." She described seeing the police shooting at Lopez, while Lopez fired a gun at the police, but then expressed some confusion about who shot first ("I don't know who shoots first, but next thing I know [sic] I see both of them shooting at each other.") S.O. saw that Lopez, whom she identified as being left-handed, turned and fired a gun behind him as he ran from the police. ("[Lopez] was running up the alley with his left hand back, shooting back at the officers.") S.O. described the shooting and stated she saw the police fired "back" at Lopez and then Lopez fell to the ground.¹²

S.O. told investigators she did not know how Lopez came to be in possession of the scooter or the gun ("He probably borrowed [the gun] from somebody."). S.O. claimed she did not know if Lopez had used a gun to take the scooter he was in possession of from its rightful owner earlier that evening. Investigators later obtained video surveillance that showed Lopez committed the robbery that occurred prior to the shooting. The video footage showed Lopez hand a backpack to S.O. and then approach a man with a scooter. The same footage captured Lopez as he took a gun out and forcibly took hold of the man's red and black scooter which the man surrendered. The footage showed Lopez clearly as he displayed a small grey and black gun in his left hand to the man before taking the man's scooter. In the footage Lopez wore the same bi-colored jacket, pants, and baseball cap he wore when confronted by police that same night.

S.O. told investigators Lopez would drink alcohol ("The peach New Amsterdam (vodka)."), smoke marijuana and that Lopez also "smokes crack." She offered that on this night Lopez could have "took a little extra tonight" that he did not tell her about, and that Lopez was "very experimental [with drugs]." S.O. claimed not to know what Lopez's source of income was but that the last two times he was arrested he "[physically] fought the cops" and was determined to not go back to jail.¹³

¹² At the time of S.O.'s interview, Lopez's condition or status as deceased was unknown.

¹³ SFPD Incident no. 230-837-128.



Interview of W-2 E.P. (aka “Chingon”)

Investigators spoke to a man who identified himself by name but goes by the moniker of “Chingon.” E.P. told police he knew Lopez and repaired scooters for Lopez and others. E.P. did not witness the shooting but expressed familiarity with the Willow Street alley and told investigators he had repaired scooters at that location.

Interview of Involved Police Officers

Both Prasadi and Balza were involved with this matter, but only Balza discharged a firearm. Neither officer was injured. Both provided a voluntary statement which is summarized in this report. Where quotes appear, the statement was taken verbatim from the interview.

Statement of Officer Ryan Prasadi

Prasadi was interviewed on July 25, 2024, with his attorney Scott Burrell present, by SFPD and IIB investigators.

Prasadi, a police officer with SFPD since 2018, told investigators that he was a patrol officer assigned to Tenderloin Station’s 6:00 p.m. to 4:00 a.m. shift, and part of the Tenderloin Violence Reduction Team. Prasadi’s standard equipment consisted of Battle Dress Uniform (BDU), with emblazoned patches for SFPD, pepper spray, and a Sig Sauer P226, .40-caliber, Department issued gun. Prasadi added that the patrol vehicle he drove was equipped with an Extended Range Impact Weapon (ERIW).

Prasadi explained that in addition to full uniform, he drove a black-and-white marked police vehicle on the night of the shooting. Prior to the shooting, Prasadi told investigators he heard from dispatch that an armed robbery occurred in an area not too far from where he and Balza were patrolling. Prasadi drove with Balza in the front passenger seat looking for an individual matching the description of the suspected robber. Prasadi told investigators he was specifically looking for anyone with a black and red scooter. Prasadi told investigators he also was looking for clothing worn by the suspected robber: a blue and white or blue and grey sweater/jacket.

While in the area of Polk and Willow Street, Prasadi told investigators he saw a man on a partially red scooter ride by with a blue/grey and white jacket, baseball cap, and backpack. That man was Lopez. Prasadi followed Lopez as he rode a scooter into Willow Street alley westbound from Polk Street. Prasadi saw Lopez stop and talk to a group of people in the alley. Prasadi realized the dispatched description said nothing about the suspected robber wearing a baseball cap, and asked Balza to check with officers investigating the robbery to see if they could confirm whether the robbery suspect wore a hat. Prasadi heard back that no baseball cap was observed by the robbery victim and decided he didn’t have enough to detain Lopez. Nevertheless, Prasadi drove by Lopez and then turned the police vehicle back around via a U-turn to get a better look at the scooter.

The scooter held by Lopez had a red and black base which even though the clothing was not an exact match, gave Prasadi enough suspicion to merit contact with Lopez. Prasadi tried to engage Lopez but as Prasadi began to exit his car and commented something to the effect of “Hey, man. Nice scooter,” Lopez reacted by throwing the scooter at Prasadi and running away. The scooter fell by the driver’s side door and prevented Prasadi from fully opening the patrol vehicle door to



exit. Prasadi described to investigators that he was “...stuck in between [the] patrol vehicle and the scooter.” Prasadi watched as Lopez ran westbound towards Van Ness.

Prasadi told investigators Balza got out of the patrol car from the passenger side to chase after Lopez while he, Prasadi, had to contend with how to get out of the driver’s side impeded by the scooter. Prasadi knew he needed to get to Balza to assist and told investigators he was delayed because of the scooter/door issue (“I lost a second or two.”). Prasadi was finally able to free the scooter and then tried to ride it to follow Balza, but as he was trying to operate the scooter, Prasadi told investigators he heard “pops consistent with gunfire.” Prasadi abandoned the scooter and ran to Balza who was still in the alley near a parked black sedan.

When Prasadi reached Balza he saw Lopez who had run from them moments before, now lying on the ground. Balza had his gun out and pointed in Lopez’s direction. Prasadi also saw an item near Lopez’s head which Balza told Prasadi was a gun. Prasadi told investigators that immediate emergency aid was delayed a few seconds because Lopez was still a threat with the gun lying nearby and within reach. Once Lopez was safely in handcuffs, with other officers now on scene, life-saving efforts began.

Statement of Officer Paul Balza

Balza was also interviewed on July 25, 2024, with his attorney Michael Hinckley present, by SFPD and IIB investigators.

Balza, a police officer with SFPD since 2020, told investigators that he was assigned to Tenderloin Station and worked the shift from 6:00 p.m. to 4:00 a.m. partnered with Prasadi. Balza’s standard equipment the night of the shooting consisted of Battle Dress Uniform (BDU), with emblazoned patches for SFPD, pepper spray, a baton, and a Sig Sauer P226, .40-caliber, Department issued pistol modified to include a light.

Balza described to investigators the Willow Street alley as a “thin roadway” wide enough to only fit one car if traveling in the alley. Balza described the alley as historically heavily trafficked by both cars and people. SFPD has responded to many calls for service in the alley and citizen complaints of drug use and sales, unhoused people, and weapons.

Balza recalled information from police radio of an armed robbery of a scooter. The description of the robbery suspect was a white male adult, with a blue and white sweater, dark pants, and grey firearm. Balza told investigators that he and Prasadi began looking for this individual and the scooter.

Balza told investigators that Prasadi drove the patrol car to Willow Street alley. There Balza saw Lopez and noted he matched the description of the outstanding robbery suspect. Lopez was with a group of people in the alley. Prasadi drove the patrol vehicle past the group of people at which point Balza took notice of Lopez’s scooter. Balza called to get more details of the appearance of the robbery suspect and realized Prasadi turned the patrol car around and was driving back towards Lopez. Balza told investigators he was still on the phone when he saw from the corner of his eye “movement” in the area just outside the driver’s side of the car. Simultaneously, Balza heard Prasadi say “It’s him,” in reference to Lopez whom Balza could see was running away.

Balza exited the car from the front passenger side and ran after Lopez with awareness that he was chasing an armed robbery suspect. Balza told investigators he saw Lopez “fleeing on foot



westbound...with his left hand extended...[look] over his shoulder...[that he heard] a gunshot and... [saw a] muzzle flash.” Balza told investigators that Lopez’s left arm was extended with his left hand pointed at him when he saw the flash and heard what sounded like gun shots. Balza realized that Lopez had fired a gun towards police and the civilians in the narrow alley.

Balza told investigators he yelled to Lopez to “Stop!” at least once before he fired in response to Lopez firing at him. Balza told investigators what he thought and believed as he reacted to Lopez shooting at him:

“From what I recall, I took a knee...to stabilize my return fire. [Lopez] had just displayed extremely dangerous behavior. [It was] concerning. At that time, I was just focused on stopping the threat. But, if he was to get to Van Ness [Avenue], yeah. It’s concerning. It’s a heavily trafficked street. [Lopez was] attempting to flee and he is armed. And [Lopez has] displayed complete disregard for life at that point.”

Alexander Lopez - Background



Figure 23-Police photo of Alexander Lopez 2023.

Alexander Lopez was 28 years old on July 22, 2024, 5 feet 10 inches and weighed 181 pounds at time of autopsy. Lopez’s last address was unknown and the family member who received his body after autopsy was listed only as Lopez’s “grandmother.” Lopez had no criminal convictions per available sources.

Pending at the time of Lopez’s death was an investigation into a shooting that occurred July of 2024 at the Adrian Hotel in San Francisco’s Tenderloin neighborhood. SFPD had created a flyer asking the public for help in identifying two people who were listed by police as “unknown male” and “unknown female.” The SFPD Operations Center advisement issued the notice to look for two



individuals for whom SFPD had still photo captures from video surveillance. After the OIS event, police determined the photos on the flyer were of both Lopez and his girlfriend, S.O. The flyer also advised any apprehending law enforcement officer to be advised as Lopez “should be considered armed and dangerous.”¹⁴

In 2023, Lopez was also the subject of another use of force investigation involving SFPD officers in SFPD Incident number 230 873 128. In that matter, Lopez was observed via live close-circuit television surveillance as he made open-air hand-to-hand drug sales. When confronted by surveilling SFPD, Lopez ran but was tackled by pursuing police and arrested for drug sales. At time of arrest, Lopez was in possession of a small volume measuring scale, \$300.00 in U.S. currency, a replica BB gun, and the following amounts of controlled substances:

- cocaine: 4.6 grams
- cocaine base: 2.2 grams
- heroin: 3.0
- psilocybin: 1.3 grams
- alprazolam (without a prescription): 3.6 grams
- marijuana: 6.0 grams
- fentanyl: 2.2 grams
- methamphetamine: 26.9 grams

Applicable Legal Standards

Justifiable Homicide Based on an Officer's Reasonable Belief that the Use of Deadly Force Is Necessary and the Law of Self-defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide charge, and if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal. App.5th 732, 744.)

Penal Code sections 196 et. seq. sets forth the law of self-defense in homicide cases. Specifically, Penal Code section 197 lists the circumstances where homicide is justifiable, which includes self-defense or the defense of others. (Pen. Code, § 197, subd (1).) Self-defense arises when a person actually and reasonably believed in the necessity of defending against imminent danger of death or great bodily injury. (*People v. Randle* (2005) 35 Cal.4th 987, 994.) There is both a subjective and objective component to a self-defense claim. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1082.)

The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.) The objective element also requires that the person's belief be objectively reasonable. In assessing the objective element, the trier of fact must consider what would appear to be necessary to a reasonable person in a similar situation with similar knowledge by assuming the point of view of a reasonable person in the position of the accused. (*People v. Brady* (2018) 22 Cal.App.5th 1008, 1014, citing *People v. Humphrey*, supra, 13 Cal.4th at pp. 1082-1083.)

When considering the objective reasonableness of a person's belief, it is worth noting that reasonableness is assessed in terms of a person of ordinary and normal mental and physical

¹⁴ SFPD Incident no. 240-424-595.



capacity. A person's individual background is not the standpoint from where reasonableness is considered. (*People v. Brady*, supra, 22 Cal.App.5th at pp. 1014-1015.) However, a jury may take into account the knowledge that a person had which might increase his or her ability to accurately predict the risk of impending violence. (*Id.* at p. 1017.) For example, knowledge of another person's prior threatening or violent conduct or reputation for dangerousness may provide evidence to support reasonable belief in imminent harm. (*People v. Bates* (2019) 35 Cal.App.5th 1, 9-10.)

Another aspect of self-defense is the assessment of whether danger was imminent. Mere fear that a danger will become imminent is not sufficient. (*People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305.) Fear of future harm, regardless of how great the fear or the likelihood of the harm, will not suffice. (*In re Christian S.* (1994) 7 Cal.4th 768, 783.) Imminent peril has been defined as appearing to a person as "immediate and present and not prospective or even in the near future. An imminent peril is one, that from appearances, must instantly be dealt with." (*People v. Lopez*, supra, 199 Cal.App.4th at p. 1306, quoting *People v. Aris* (1989) 215 Cal.App.3d 1178, 1187.)

The amount of force used by a person is also something that must be found to be reasonable by the trier of fact. "[O]nly that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified." (*People v. Hardin* (2000) 85 Cal.App.4th 625, 629, quoting *People v. Clark* (1982) 130 Cal.App.3d 371, 380.) In a related vein, "deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury." (*Id.* at pp. 629-630.) Even if an individual was in actual and reasonable belief of imminent danger, the use of force may not exceed what is reasonably necessary to repel the attack. (*Ibid.*)

California Penal Code Sections 196 and 835a

Per the California Commission on Peace Officer Standards and Training (P.O.S.T.) Use of Force Guidelines (2021), and Penal Code section 835a, a use of force by a police officer must be for a lawful objective. The authority to use force 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. Officers may use force, which includes deadly force, to meet legitimate law enforcement objectives including:

- I. To effect a lawful arrest, detention, or search;
- II. To overcome resistance or to prevent escape;
- III. To prevent the commission of a public offense;
- IV. In defense of others or in self-defense;
- V. To gain compliance with a lawful order;
- VI. To prevent harm to the officer or another person during intervention in a suicide or other attempt to self-inflict injury.

Penal Code section 196 provides a justification for homicide committed by a peace officer when the use of force complies with Penal Code section 835a. Effective January 1, 2022, Penal Code section 835a was amended to further refine when an officer's deadly use of force is justified (*infra*). Under section 835a, subdivision (a)(2), peace officers may lawfully use deadly force "only when necessary, in defense of human life." To determine 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.” (Pen. Code, § 835a, subd. (a)(2).) Tactical conduct and decisions preceding the use of deadly force are relevant, as part of the totality of circumstances, when determining whether the use of deadly force was reasonable. (*Hayes v. County of San Diego* (2013) 57 Cal.4th 622, 637-639; *Koussaya v. City of Stockton* (2020) 54 Cal.App.5th 909, 935.)

When an officer’s use of force is evaluated, it must be considered “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.” (Pen. Code, § 835a, subd. (a)(4).)

An officer may use deadly force only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary when: (1) defending against an imminent threat of death or great bodily injury to the officer or another person or (2) to apprehend a fleeing person who has committed a felony that threatened or resulted in death or great bodily injury and the officer reasonably believes the person will cause death or great bodily injury if not immediately apprehended. (Pen. Code, § 835a, subs. (c)(1)(A), (B).)

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 to another person. 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. (Pen. Code, § 835a, subd. (e).)

“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.” (*Graham v. Connor* (1989) 490 U.S. 386, 396.) “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.” (Id. at pp. 396-397.) “[T]he question is whether the officers’ actions were ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (Id. at p. 397.)

Apprehension of a Fleeing Felon

A homicide is also justifiable and not unlawful when committed by lawful ways and means to apprehend any dangerous person who has committed a felony. A dangerous person is one who has committed a “forcible and atrocious” felony. (CALJIC 5.25, 2017 ed., citing *Tennessee v. Garner*, (1985) 471 U.S. 1, fn. 15.). Robbery is a “forcible and atrocious” felony. (CALJIC 5.16, 2017 ed.). However, a peace officer may not use deadly force to prevent the escape of a fleeing felon if the suspect poses no immediate threat to the officer and no threat to others. (*Tennessee v. Garner*, *supra*, 471 U.S. at 11; see former Pen. Code, 835a.) This law has been substantially changed by the revisions to Penal Code section 835a which became effective on January 1, 2020.

Prosecutor’s Burden of Proof

A prosecutor bears the burden of proving a criminal defendant’s guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for



review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L. Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 [“A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt,” quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

To prove a person charged with a homicide-related crime who claims self-defense, the prosecution must prove beyond a reasonable doubt that the killing was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.) It is not a criminal defendant’s burden to prove that force was necessary or reasonable, but the People’s burden to prove beyond a reasonable doubt that the person charged with the homicide-related crime did not have an actual or reasonable belief in the need for self-defense or the defense of others. (*People v. Frye* (1992) 7 Cal.App.4th 1148, 1158; *People v. Banks* (1976) 67 Cal.App.3d 379)

Legal Analysis

The SFDA has completed an independent investigation and review of the facts and circumstances that led to the shooting and death of Alexander Anthony Lopez. This analysis is informed by the comprehensive evaluation of all the available evidence provided to the SFDA by the SFPD and the SFDA’s own investigative review, which included in this matter the police reports, emergency communications and documents, witness statements, all available forensic evidence, OCME’s reports and consult, body-worn and surveillance camera footage, and later-obtained documents such as criminal history information for Lopez.

The singular issue presented by this OIS is whether Officer Balza acted lawfully and in self-defense or defense of others, when he fired his firearm at Lopez, or if that same act created a basis to criminally prosecute the officer for killing Lopez. A detailed analysis of the evidence surrounding the OIS shows overwhelmingly that Balza reasonably believed the use of deadly force was necessary to defend against the imminent threat of death or great bodily injury that Lopez posed to him and the public at large. Therefore, the shooting was justified, and a criminal prosecution is unsupported by the evidence.

This determination is fortified by the statement Balza provided to investigators about his thoughts, feelings, and concerns when he realized that Lopez was firing a gun at him. Balza explained to investigators the reasons he pursued Lopez and for firing his gun at Lopez as Lopez continued to flee. Balza also explained how his thought process changed while he pursued Lopez, when he realized Lopez had fired a gun at him, and then his decision to shoot back at Lopez.



The surveillance footage clearly showed that Lopez was armed with a gun that he fired in the direction of Balza and other civilians. The video footage corroborated Balza's observation that Lopez displayed complete disregard for the safety or lives of other people in the alley. Had Lopez survived, the crimes chargeable against him were violent and atrocious felony crimes of robbery with a firearm, attempted murder of a police officer, and assault on a peace officer with a firearm. Balza was correct in his assessment that Lopez was not only a deadly threat but also an imminent danger that needed to be instantly dealt with.

What Balza could not know was that Lopez had used many controlled substances and had committed at least one other violent crime with a gun as well. Nevertheless, the behaviors that Lopez exhibited were correctly assessed by Balza who realized the extreme danger Lopez represented.

Under these circumstances and in the fractionalized seconds Balza had to discern Lopez fired a gun at him, Balza had the presence of mind to defend himself and others. Balza recalled that he "took a knee" to steady his shot and fired three times. Of the three bullets fired, one bullet struck Lopez thereby ending the threat Lopez presented to human life.

Readers of this report may express concern or confusion over the fact that Balza's single bullet entered Lopez's body through his back and the OCME's notation about the bullet trajectory/path as "back to front, right to left, and upwards." As explained above, science and studies of human perception and reaction time explain the limited ability we have as humans to stop an action (or reaction) once it is undertaken, especially under stress. To change an initial reaction made in fractionalized seconds under extreme stress requires the benefit of time to process that something has changed. Time for Balza to disengage a motor response (i.e. to stop shooting) undertaken against a perceived threat (i.e. Lopez shooting at him) was not present in the short (less than three seconds) time that Balza had. Balza already committed to defending himself in that same time frame and formulated a plan to return deadly fire to the deadly threat. And what Balza could not have done is predict or know what Lopez would do next. Balza was limited to split-seconds to react to the stimulus of Lopez rotating his torso to fire a gun behind him and then, in those remaining divided seconds to perceive that Lopez had rotated his torso back to front and continued to run. Balza's reaction would have natural lag time, as explained above, while Balza processed the movements of Lopez and the fired shots. All human beings, even highly trained individuals who repeat core movements or tasks, are fundamentally limited in their ability within split seconds, to change a course of action undertaken once a deadly threat is realized. And this limitation will only be exacerbated by the presence of stress or fear.

The speed of split-second decision making may be best observed in everyday activities such as the last few seconds of any quarter in a basketball game. A player may have the ball and the responsibility to shoot the ball towards the net in the fractionalized seconds which the crowd counts down. Often in milliseconds, a player must receive the ball from another player, identify defensive players (threats), determine the angle (trajectory) to throw the ball, and then initiate the movement of throwing the ball, all while the clock is winding down. In both these scenarios, either basketball or an OIS, the brain works first and then directs the body almost simultaneously to commit the chosen reaction. To begin this process all over again and choose a different action (or reaction) requires additional milliseconds that may not exist.



But the path of the bullet fired by Balza is not the crux of the decision to not charge Balza with any crime. Balza credibly and reasonably believed that lethal force was necessary in this well-documented tense, uncertain, and rapidly evolving circumstance of an imminent deadly threat. All of the evidence examined aptly demonstrated Lopez's ability and inarguable intention to use deadly force against Balza, who presented an obstacle to Lopez's escape.

Conclusion

The evidence shows and would lead a reasonable jury to believe beyond a reasonable doubt, that Officer Balza acted with intention to defend himself and others from what he reasonably believed to be imminent deadly threat. But for the good fortune of Lopez's gun malfunctioning, Officer Balza, or a civilian, might have paid the ultimate cost. Lopez demonstrated complete lack of concern about who he hurt or killed that night because his singular interest was to escape police custody and responsibility for robbing someone at gunpoint of their property.

Further, the totality of the evidence gleaned from all the circumstances present or that existed, including the circumstances of which Balza was not aware, i.e. Lopez's level of intoxication and prior alleged shooting, all amply support Balza's belief that the need to use lethal force was necessary and appropriate. Because the shooting of Lopez was justified by self-defense and the need to defend others, criminal charges are unwarranted against Officer Balza and no further action will be taken in this matter.