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MEDIA ADVISORY
OFFICER INVOLVED SHOOTING REVIEW

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FOR IMMEDIATE RELEASE

Approved by _____

Officer:

Kern County Sheriff Deputies Cameron Beck and Oscar Carrillo

Investigating Agency:

Kern County Sheriff's Office

Location:

3200 Block Discovery Way, Rosamond

FACTS:

On July 18, 2016, Samuel Johnson was fired from his job at a restaurant in Rosamond. On July 19, 2016, Johnson texted his former supervisor and threatened to go to the supervisor's home in Rosamond and shoot him. Johnson then stole his father's truck and double-barreled, 12-gauge shotgun. When the supervisor saw Johnson outside his home, he called 911. When Deputy Cameron Beck arrived at the residence, the supervisor explained what had happened and the threats by Johnson. While speaking with the supervisor, Johnson drove by the residence in his truck and the supervisor identified Johnson to Deputy Beck.

Deputy Beck got into his patrol car and pursued Johnson. Johnson would not pull over despite Deputy Beck's use of lights and siren. Deputy Oscar Carrillo joined in the pursuit of Johnson and Deputy Beck radioed Deputy Carrillo and told him Johnson had threatened the supervisor and he was possibly armed with a firearm. Johnson drove to his residence and parked his truck. Deputies Beck and Carrillo stopped on the street facing Johnson's truck.

Johnson immediately got out of his truck and approached the deputies armed with a loaded, double-barreled shotgun. Johnson pointed the shotgun at Deputy Carrillo. Fearing they were about to be shot by Johnson, both deputies fired their service handguns at Johnson. Johnson was struck three times and he fell to his knees and dropped the shotgun. As the deputies approached Johnson, he said, "I wish you guys would have killed me." Johnson was then taken into custody and given medical aid. When Johnson was interviewed after the shooting, he said that it was his fault and he did not blame the officers for shooting him.

On August 4, 2017, Johnson entered a no contest plea to felony criminal threats (Penal Code section 422), stealing a vehicle (Vehicle Code section 10851) and two counts of personally using a firearm to assault peace officers (Penal Code sections 245(d)(1), 12022.53(b) and 12022.5(a)). On January 11, 2018, Johnson was sentenced to felony probation and one year in jail.

LEGAL ANALYSIS:

A homicide is justified where three elements are met: 1) A person reasonably believes that he, or someone else, is in imminent danger of being killed or suffering great bodily injury, 2) the person reasonably believes that the immediate use of deadly force is necessary to defend against that danger, and 3) the person used no more force than was reasonably necessary to defend against that danger, Penal Code section 197; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; CALCRIM 505. There is no duty to retreat from the danger. *People v. Hughes* (1951) 107 Cal.App.2d 487, 493; *People v. Hatchett* (1942) 56 Cal.App.2d 20, 22; CALCRIM 505.

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of others. Additionally, an officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. *Tennessee v. Garner* (1985) 471 U.S. 1; *Graham v. Connor* (1989) 490 U.S. 386; Penal Code section 196.

In deciding whether an officer who fired his or her weapon did so lawfully, one must consider what a reasonable person would have done in a similar situation with similar knowledge and experience. One must decide whether the officers' beliefs and action were objectively reasonable under all of the circumstances known to him or her, as they appeared at the time. "The calculus of reasonableness must embody allowance for the fact that peace 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*, supra at pp.396-397. In order for the use of deadly force to be "objectively reasonable" the officers must have probable cause to believe that the suspect posed a significant threat of death or serious physical injury to an officer or others.

It had been reported to the deputies that Johnson had threatened to go to his supervisor's house and shoot him. The supervisor identified Johnson to Deputy Beck as Johnson drove by the supervisor's house. Johnson refused to pull over despite the use of lights and sirens on two patrol vehicles. When Johnson finally stopped, he approached the deputies with a loaded, double barreled shotgun. Fearing they were about to be shot, both deputies fired their service handguns at Johnson until Johnson fell to the ground and dropped the shotgun. Johnson was taken into custody and medical aid was rendered. Johnson survived his injuries and was criminally charged. He entered a criminal plea to assaulting both deputies with the shotgun.

CONCLUSION

Deputies Beck and Carrillo were justified in the use of their firearms to stop Johnson from shooting them.