

**Officer Involved Shooting of Neil White
Los Angeles Police Department**

Officer Stephan Shuff, #38533

J.S.I.D. File #15-0351



JACKIE LACEY

District Attorney

Justice System Integrity Division

January 19, 2018

MEMORANDUM

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

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

RE: Officer Involved Shooting of Neil White
J.S.I.D. File #15-0351
F.I.D. File #F057-15

DATE: January 19, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 9, 2015, fatal shooting of Neil White by Los Angeles Police Department (LAPD) Officer Stephan Shuff. We have concluded that Officer Shuff acted lawfully in defense of another.

The District Attorney's Command Center was notified of this shooting on July 9, 2015, at approximately 9:40 a.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports submitted to our office by LAPD Detective Hugo Baeza. The reports include investigative reports, forensic science firearms analysis reports, photographic evidence and witness statements. The compelled statement of Officer Shuff was considered in this analysis.

FACTUAL ANALYSIS

On July 9, 2015, at approximately 8:40 a.m., Paul N. and Jonathon T., who were in separate cars near the intersection of Wilshire Boulevard and La Brea Avenue, observed Neil White smash a window of a commercial building with his skateboard at 5200 Wilshire Boulevard, in the City of Los Angeles.¹ Paul N. and Jonathon T. called the police to report the vandalism because they were concerned that White would use the skateboard to assault someone.

LAPD Communications broadcast the call, which stated that a white male with blond hair broke the window with a skateboard. At 8:42 a.m., Officers Stephan Shuff and Alexandra Sloan were

¹ Paul N. said White appeared to be under the influence of alcohol or drugs because he was stumbling around, and Jonathon T. said he was either under the influence or had mental health issues. White had two contacts with the Department of Mental Health in 2015. Paul N. and Jonathon T. each captured White smashing the window via cell phone pictures or video. The window was on street level of a vacant commercial space on the southeast corner of Wilshire Boulevard and La Brea Avenue.

assigned to the vandalism call. The officers were in full uniform, driving in a marked, black and white SUV patrol car.² Shuff was the driver and Sloan was the passenger. The officers responded to the location of the vandalism call and observed the smashed window. No individuals were at the location, but Shuff saw White, who matched the description of the suspect, riding a skateboard approximately one block away.

Shuff drove eastbound on Wilshire Boulevard towards White's location at the southwest corner of Wilshire Boulevard and Sycamore Avenue. White's hands were concealed inside or behind a large satchel that he carried against his chest. Sloan exited the patrol car with her service weapon drawn and ordered White to stop and drop the bag. White looked at Sloan with a blank stare, and ignored her commands. He turned and rode his skateboard southbound on Sycamore Avenue. Sloan got back into the patrol car and Shuff drove slowly down Sycamore Avenue, following White.³

As White rode towards 9th Street, he stumbled forward from the skateboard, which flew out behind him. Sloan exited the patrol car and ran to grab the skateboard, while White turned around and started running towards it. When he was approximately ten feet from Sloan, White bent down as if he was going to pick up the skateboard, and Sloan feared that he would hit her with it. Sloan stepped backward, drew her service weapon and gave White commands to drop the skateboard and get down on the ground. As Sloan issued commands, Shuff exited the patrol car, approached White and grabbed him before he could reach the skateboard. Shuff and White landed on the bottom of a short flight of steps that led from the street to a pathway in front of a residence. White was on his stomach with his arms and hands underneath his body, and Shuff was laying on top of White, holding his right arm.⁴ Shuff yelled, "Give me your hands! Give me your hands!" but White ignored the commands.

Sloan holstered her service weapon, ran and grabbed White's left arm. White started kicking his legs around and Shuff radioed for help. Shuff continued telling White, "Give me your hands! Give me your hands!" White ignored Shuff's commands and kept his arms and hands locked underneath his body. Sloan grabbed White's legs in a bear hug, and then moved up his body, wrapping her legs around his, to hold them down. Shuff remained on top of White's right side and Sloan was positioned on White's left side. White kept his arms and body rigid as the officers tried to pull his arms out from underneath his body. Shuff continued to order White to release his hands, but he ignored them. Since White continued to be non-compliant, Shuff elbowed White two or three times in the back; however, the elbow strikes had no effect on him.

Shuff again tried to pull White's arms away, but was unsuccessful. Sloan alerted Shuff that she was going to retrieve her Taser. Sloan removed the cartridge and darts from the Taser, and told White that she was going to tase him. Hoping to gain compliance, she conducted a spark check so White

² Both officers wore ballistic vests, and carried department issued service weapons, spare magazines, handcuffs and canisters of Oleoresin Capsicum (OC) spray attached to their Sam Browne equipment belts. Sloan also carried a Taser on her left hip in a soft nylon holster.

³ A security camera located on the northwest corner of 8th Street and Sycamore Avenue captured White traveling southbound on Sycamore Avenue, followed by the officers in their police vehicle.

⁴ White's head pointed westbound and his feet pointed eastbound. A part of his upper body was on the steps and his legs extended onto the sidewalk. White was six feet, one inch tall, and weighed 188 pounds. Shuff was six feet, three inches tall, and weighed 235 pounds. Sloan was five feet, ten inches tall, and weighed 175 pounds.

could hear the sound of the Taser.⁵ White did not respond, and Sloan announced that she was going to tase him. Sloan “drive stunned” White in the back of his left ribcage.⁶ The Taser had no effect on White, who remained rigid. Sloan drive stunned him one or two more times, and White started to move and turn over. Still on his stomach, he slightly relaxed his body. Believing the officers were going to be able to gain control of White and handcuff him, Sloan placed the Taser on the steps above them, and thought it was out of his reach.

As Sloan and Shuff continued to pull White’s arms, White raised his body up and reached up towards the Taser with his right arm. Sloan yelled, “Partner, he’s grabbing the Taser! Partner, he’s grabbing the Taser!” White grabbed the Taser with his right hand, and shoved it into the space between his torso and the step. White laid back down on his stomach. Sloan believed White was going to tase Shuff, and yelled that White had possession of the Taser. Sloan tried to pull her legs free and reposition herself against White’s body when she felt a fire and burning sensation in her left leg. She then heard the clicking of the Taser.⁷ Sloan knew that White was tasing her, and yelled out, “He’s tasing me! He’s tasing me!” Sloan felt paralyzed, lost function of her body from the waist down, and could not feel her Sam Browne equipment belt. Sloan still could not see White’s hands, and feared that he would try to take her service weapon from the right side of her hip.

Sloan attempted to push herself away from White and continued to scream, “He’s tasing me! He’s tasing me!” Sloan looked at Shuff, and while still in pain, screamed at him, “He’s still tasing me!” Shuff fired one round at White.



Black satchel carried by White, and Sloan’s Taser

Sloan stood up, and she and Shuff backed away from White. White, who was laying in a fetal position on his right side, still held the Taser in his right hand. Within seconds, backup units arrived. Officer John Koop removed the Taser, which was in the “activated” position, from White’s hand. White was handcuffed by Officer Jesus Campos and taken into custody.

⁵ A spark check is a Taser activation without a cartridge in the chamber. The trigger is pressed and rapid sparking is heard.

⁶ “Drive stunning” is where the Taser is held against the target without firing the projectiles, and is intended to cause pain, without incapacitating the target.

⁷ White placed the Taser against Sloan’s inner left leg, just above the knee. Sloan did not know how many times White pulled the trigger on the Taser, but Sloan felt it was longer than the normal five second cycle.



Location of OIS at 855 South Sycamore Avenue

Los Angeles Fire Department Paramedics arrived, began treating White, and transported him to Cedars-Sinai Medical Center. White failed to respond to treatment at the hospital and was pronounced dead at 5:50 p.m.

On July 18, 2015, Deputy Medical Examiner Juan Carrillo performed a postmortem examination of White's remains and determined that he suffered a single gunshot wound of the neck. The entry was to the right of the upper back, perforating the seventh cervical and first thoracic vertebra, transecting the spinal cord and injuring the left common carotid artery prior to exiting the anterior left, lower neck. The path of the gunshot wound was back to front, right to left and slightly downward. White also suffered multiple abrasions to his face, head and body, as well as several contusions. Carrillo could not determine if two, faint red contusions to the anterior left lower thigh were the result of a Taser. The toxicological examination of White's blood specimens showed the presence of marijuana, ethanol, amphetamine and methamphetamine.

Sloan suffered contusions to her left thigh. Photographs depict an injury to her inner left thigh that appears to be consistent with marks from a Taser. Shuff suffered abrasions and scratches to his right elbow and arm.

Statement of the Involved Officer

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

Shuff, like any individual, possesses a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against himself. *Uniformed Sanitation v. City of New York, supra*, at 284-285. Because the LAPD ordered him to answer questions which might expose him to criminal liability, the LAPD compelled the officer to

participate in the interview. The effect of this legal compulsion is that the officer's statement cannot be used against him in a criminal proceeding, nor can any material derived from the compelled interview be used against him. *Garrity v. New Jersey* (1967) 385 U.S. 493, 496-497; *Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 715. Further, because the compelled statement is part of the officer's police personnel file, the statement is confidential and may not be disclosed absent an evidentiary showing and court order. Penal Code section 832.7.

Compelled Statement of Officer Stephan Shuff

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 - [REDACTED]
 - [REDACTED]

[REDACTED]

Statements of Los Angeles Police Department Witnesses

Statement of Officer Alexandra Sloan

On July 9, 2015, Officer Sloan was the passenger in a marked black and white patrol car being driven by her partner, Officer Shuff. Sloan and Shuff were in full uniform. At approximately 8:30 a.m., the officers received a radio call of a vandalism suspect smashing windows on the southeast corner of Wilshire Boulevard and La Brea Avenue. The call stated that the suspect was a white male with blond hair, riding a skateboard. The officers responded to the location of the call and observed a window on a commercial building in which most of the glass of the window appeared to be missing, and jagged shards remained around the perimeter. No one was on the corner as the officers drove past. Shuff saw White, who matched the description of the vandalism suspect, riding a skateboard approximately one block away. Shuff pointed White out to Sloan, and drove eastbound on Wilshire Boulevard towards White's location at the southwest corner of Wilshire Boulevard and Sycamore Avenue.

Shuff advised Sloan to exit the patrol car and approach White when they reached his location. Shuff also told Sloan to draw her service weapon because White's hands were concealed inside or behind a large satchel that he wore against his chest. The officers did not know whether White had a weapon inside the satchel, or if he had used an object inside the satchel to smash the window. Once the officers reached White's location, Shuff drove the patrol car a short distance ahead of White to prevent him from continuing eastbound. Sloan exited the patrol car with her service weapon drawn and ordered White to drop the bag and to stop. White looked at Sloan with a blank stare, and ignored her commands. He turned and rode his skateboard southbound on Sycamore Avenue.¹⁴ Sloan got back into the patrol car and Shuff drove slowly down Sycamore Avenue, following White.¹⁵

As White rode towards 9th Street, he stumbled forward from the skateboard, which flew out behind him in a northbound direction. Shuff directed Sloan to exit the car and grab the skateboard. Sloan exited the patrol car and ran southbound to grab the skateboard, as White turned around and started running northbound towards it. It appeared to Sloan that White was going to reach the skateboard before her. When he was approximately ten feet away from Sloan, White bent down to pick up the skateboard. Sloan saw that White was not carrying anything in his hands, but she feared that he would pick up the skateboard and hit her with it.¹⁶ Sloan stepped backward, drew her service weapon and gave White commands to drop the skateboard and get down on the ground.¹⁷ Simultaneously, Shuff exited the patrol car, approached White and grabbed him before he was able to pick up the skateboard. Shuff and White quickly moved to a flight of steps that led from the

¹³ A post-incident examination revealed that Shuff's departmentally issued .40 caliber Glock firearm was loaded with one round in the chamber and fourteen rounds in the magazine. The investigation determined that Shuff fired one round during the officer-involved shooting.

¹⁴ Shuff had exited the patrol car and was walking around the vehicle as White rode away down Sycamore Avenue.

¹⁵ Sloan requested back-up, an airship and a supervisor while the officers followed White on Sycamore Avenue.

¹⁶ Sloan believed the skateboard was longer and wider than a standard skateboard, and appeared to be made of wood.

¹⁷ White had not yet picked up the skateboard, but it appeared to Sloan that he was about to pick it up.

street to the entrance of a residence.¹⁸ White was lying on his stomach with his arms and hands underneath his body. Shuff was laying on White with his chest against his back, holding White's right arm. Shuff yelled, "Give me your hands! Give me your hands!" White ignored Shuff's commands.

Sloan holstered her service weapon, ran to White and tried to grab his left arm. As Sloan tried to grab White's left arm, he started kicking his legs around. Shuff upgraded the call and radioed for help. Shuff continued telling White, "Give me your hands! Give me your hands!" White ignored the commands and kept his arms and hands underneath his body. Sloan grabbed White's legs in a bear hug, and then moved up his body and wrapped her legs around his legs to hold them down. Shuff remained on top of White's right side and Sloan was positioned more on White's left side. White kept his body rigid as the officers tried to pull his arms free.¹⁹ Shuff continued to order White to release his hands, but White kept them underneath his body. Shuff elbowed White two or three times in the back. Sloan could see from looking at White's face that the strikes did not appear to affect him.

Shuff again tried, unsuccessfully, to pull White's arms away. Sloan alerted Shuff that she was going to retrieve her Taser. She removed the cartridge and darts from the Taser, and told White that she was going to tase him. She also conducted a spark check next to White so that he could hear the sound of the Taser. White did not respond. Sloan said, "Partner, I'm going to tase him," and "drive stunned" White in the back of his left ribcage. The Taser had no effect on White, who remained rigid. Sloan drive stunned him one or two more times, and White started to move and turn over. He slightly relaxed, and Sloan believed the officers would be able to grab his arms to handcuff him. Sloan placed the Taser on the left side of the steps above them, as she held onto White's left arm.²⁰ Sloan believed she had placed the Taser out of White's reach.

As Sloan and Shuff continued to pull White's arms, White raised his body up, reached up with his right arm, and grabbed Sloan's Taser. Sloan yelled, "Partner, he's grabbing the Taser! Partner, he's grabbing the Taser!" as White reached for the Taser. White grabbed the Taser and shoved it into the space between his torso and the step, and laid back down on his stomach. Sloan believed White was going to tase Shuff because the Taser was on the side closest to him. Sloan yelled, "Partner, he has the Taser! Partner, he has the Taser!" Sloan's legs were still intertwined with White's legs, so she tried to pull her legs free to reposition herself. Sloan felt a pain like fire in the middle of her left leg and then heard the clicking of the Taser.²¹ Sloan knew that White was tasing her, and yelled to Shuff, "He's tasing me! He's tasing me!" Sloan felt paralyzed and lost function of her body from the waist down. She was not aware of where her legs were and could not feel her Sam Brown belt. Sloan's service weapon was on her right hip, the side closest to White, and she was fearful that White would try to take the weapon.²² Sloan still could not see White's hands, and was aware that

¹⁸ Sloan said she was not sure how Shuff and White ended up on the steps because it happened very quickly. Shuff and White were on the sidewalk and the first three steps.

¹⁹ Sloan described White as having a blank stare on his face and being unresponsive.

²⁰ Sloan could not re-holster the Taser because it was in a soft nylon holster that required two hands, and she decided not to throw the Taser aside because she wanted it to be accessible if the officers still needed it.

²¹ White had placed the Taser against Sloan's inner left leg, just above the knee. Sloan did not know how many times White pulled the trigger on the Taser, but she felt it was longer than the normal five second cycle.

²² Sloan told FID detectives that her service weapon was very close to White, but she could not tell if he ever touched or reached for it. White did not appear to reach for her backup weapon.

Shuff was on the other side of White's body and would not be able to see what White was doing with his hands.

Sloan attempted to push herself away from White's body and continued to scream, "He's tasing me! He's tasing me!" Shuff looked at Sloan as if to ask, "Is he still tasing you?" and Sloan screamed again, "He's still tasing me!" Shuff placed his service weapon around the back of White's shoulders or shoulder blades and fired one round. Sloan did not hear the round fired.²³ Sloan saw White's face relax, and the tasing eventually stopped.

Moments later, Sloan stood up, and she and Shuff backed away from White. White still held the Taser in his right hand. Approximately 20 seconds later, backup units arrived and took White into custody.

Statement of Officer Jamie Deliuze

On July 9, 2015, LAPD Tactical Flight Officer Deliuze was assigned to an airship piloted by Officer Daniel Hudson, and arrived overhead of 855 South Sycamore. Deliuze looked down and saw the officers on top of White, using their body weight on White.²⁴ White began struggling with the officers and they put out a help call. Deliuze broadcast that White was actively resisting the officers. Shuff held what appeared to be a Taser in his hand. Shuff stood up, backed away from White, and Deliuze saw that Shuff was pointing his service weapon at White. Deliuze saw blood coming from White and heard Shuff request a rescue ambulance. Deliuze broadcast that a possible OIS had just occurred and also requested a rescue ambulance. Additional units began to arrive.

Statement of Officer Jose Zambada

On July 9, 2015, LAPD Officer Zambada was the driver of a marked black and white patrol car, and Officer Edward Morales was the passenger. Zambada and Morales responded to a request to assist Shuff and Sloan on a vandalism call. Zambada drove southbound on Sycamore Avenue and parked behind Shuff and Sloan's vehicle. Zambada immediately exited his vehicle, and simultaneously, from a distance of approximately 20 to 25 feet, saw Shuff kneeling over White. White was lying on his stomach on the sidewalk, directly in front of the steps leading to 855 South Sycamore.²⁵ Shuff's left knee was on White's back or the ground, and his left hand was underneath White, or on the ground underneath White. Shuff held what appeared to be a Taser in his right hand, and held it against White's right ribcage. Shuff quickly extended his right arm, and Zambada heard a round fired.²⁶ Zambada approached Shuff and White. White held a green Taser in his right hand. The Taser was in the "on" position and a red laser light emitted from it. Shuff requested a rescue ambulance via radio. Other officers arrived, handcuffed White and took him into custody.²⁷

²³ Sloan did not hear Shuff say anything prior to firing the round.

²⁴ Deliuze, who used stabilized binoculars, was unable to see specific movements because the airship was approximately 600 feet above ground level. While piloting the airship, Hudson saw the officers on top of White but did not see the OIS.

²⁵ Zambada's view was partially obstructed by bushes and the pillar that bordered the steps. Initially, he did not see Sloan.

²⁶ Zambada realized after hearing the loud noise of the round being fired that Shuff was holding his service weapon and not a Taser.

²⁷ Zambada told FID detectives that the incident occurred very quickly, and he did not recall seeing Sloan until she was across the street being separated from Shuff.

Statement of Officer Edward Morales

On July 9, 2015, LAPD Officer Morales was the passenger of a marked black and white patrol car, and Officer Zambada was the driver. The officers responded to assist Shuff and Sloan on a vandalism call. Zambada and Morales drove southbound on Sycamore Avenue, and from a distance of approximately 30 feet, Morales saw White on the sidewalk in front of 855 South Sycamore Avenue. Shuff's service weapon was drawn as he kneeled over White with his right knee in White's back. White's head was on the first step of the residence, and his right arm was extended in a southbound direction. White's left arm was partially across his chest and his legs were twisted around. As soon as Morales opened the passenger door, Shuff fired one round at White's upper body.²⁸ Morales approached Shuff and White, and saw that White held a Taser in his right hand.²⁹ Morales did not check to see if the Taser was on, but he did not hear any sparking. Shuff requested a rescue ambulance, and White was handcuffed and taken into custody by other officers.

Statements of Civilian Witnesses

Statement of Heather A.

Heather A. was driving eastbound on 9th Street when she saw Shuff and Sloan struggling with White on the ground at the intersection of 9th Street and Sycamore Avenue. Heather A. drove to the next intersection, made a U-turn and returned to the stop sign at the northeast corner of 9th Street and Sycamore Avenue. White was on the steps of the residence, laying partially on his side, bucking his head back and forth. The officers, whose backs were to Heather A., were bent over White and were having difficulty holding him down because he was struggling to get up. White's hands were behind his back, and both officers were attempting to handcuff him. Shuff was on White's right side and Sloan was on his left. According to Heather A., Sloan had both of her hands on White, but Heather A. could not see where they were on White's body because, "It was kind of far." Unable to control White, Shuff stood up and removed what Heather A. believed was a Taser. Heather A. heard a popping sound and White's body went flat. Heather A. immediately drove away.

Statement of Patrick C.

Patrick C. was walking his dog eastbound on 8th Street towards Orange Drive when a LAPD patrol car, with its lights and siren activated, sped southbound on Sycamore Avenue through the intersection at 8th Street. Patrick C. walked around the block, noticed the airship above, and then walked westbound towards the intersection at Sycamore Avenue and 9th Street.³⁰ Patrick C. saw Shuff and Sloan struggling with White, who was pinned against the steps leading up to the residence at 855 South Sycamore Avenue. Shuff was on the right and Sloan was on the left, and they appeared to be in a "fairly fierce" struggle with White.³¹ Shuff attempted to control White by

²⁸ Morales estimated that three seconds passed between the time he first saw Shuff and White until the round was fired. Morales did not hear any communication between Shuff, White or anyone else because the incident happened quickly, and he could only hear noise from radio traffic and the airship.

²⁹ Morales was focused on Shuff and White and was not aware of Sloan's location.

³⁰ Patrick C. was standing between 100 and 120 feet away, on the south sidewalk of 9th Street, east of the property at the southeast corner of 9th Street and Sycamore Avenue.

³¹ Patrick C. said that his memory was not clear on exact movements, but described the struggle as violent, turbulent and very intense. He estimated it lasted approximately two minutes.

placing his knee into White's back. White did not appear to be debilitated. He was struggling, appeared strong, and the "two officers were having a hell of a time." Patrick C. was not certain, but he believed the officers were yelling for White to "settle down," and White was also yelling something. The officers appeared to be in the process of placing White's arms behind his back to restrain him when Shuff reached behind his back towards his belt, to what Patrick C. assumed were his handcuffs. Moments later, Patrick C. heard one round fired and White slumped down. Patrick C. realized that Shuff had reached for his service weapon and not handcuffs. Prior to hearing the round fired, Patrick C. could not tell what Sloan was doing, and did not see a Taser during the incident. Momentarily dazed, he next recalled seeing Shuff and Sloan visibly upset and hyperventilating across the street as additional officers rushed to the scene.³² Patrick C. turned and walked home.

Statement of Benjamin M.

Benjamin M. was inside his residence on the west side of Sycamore Avenue when he saw White ride by southbound on a skateboard. White was followed by a police car. Benjamin M. went to the sidewalk in front of his property and heard Shuff tell White to, "Stop! Stop!" White ignored the officers and continued southbound. Prior to reaching 9th Street, White stopped, and Shuff and Sloan exited the police vehicle. Shuff, Sloan, and White moved onto the property at the corner and out of Benjamin M.'s view. A skateboard popped up over the sidewalk and landed on the grass. Benjamin M. did not see who threw the skateboard. Then Benjamin M. saw Shuff walking backwards, while holding onto something or someone that Benjamin M. could not see. Shuff had drawn his service weapon and said, "Stay!" Benjamin M. immediately went inside his residence to locate his family.³³

Taser Information

Sloan's Taser was activated seven times between 8:49 a.m. and 8:50 a.m. The following is the information obtained from the report generated from Sloan's Taser X26P:

<u>Date</u>	<u>Time</u>	<u>Duration</u>
July 9, 2017	8:49:17 a.m.	1 second
July 9, 2017	8:49:22 a.m.	4 seconds
July 9, 2017	8:49:28 a.m.	2 seconds
July 9, 2017	8:49:37 a.m.	1 second
July 9, 2017	8:49:53 a.m.	3 seconds
July 9, 2017	8:50:05 a.m.	5 seconds

DNA Information

Sloan's Taser and equipment belt were examined by LAPD's Forensic Science Division for the presence of DNA. White's DNA was found on the trigger edges, right and left sides of the grip, right and left edges, safety, safety switch, and magazine edges of Sloan's Taser.³⁴

³² Patrick C. said he believed he saw Shuff and Sloan across the street, but said he was not completely certain because he did not get a good look at the officers during the struggle.

³³ Benjamin M. did not hear any other commands, nor did he hear White say anything.

³⁴ The DNA was found in red and brownish stains on the items, and tested positive as possibly being blood. No latent prints of value were developed from the Taser.

LEGAL ANALYSIS

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

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight....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, 396-397.

CONCLUSION

The evidence examined in this investigation shows that on July 9, 2015, at approximately 8:40 a.m., Neil White smashed a window of a commercial building with his skateboard at 5200 Wilshire Boulevard, in the City of Los Angeles. Passing motorists called the police to report the vandalism and because they were afraid that White would assault someone with his skateboard. Officers Stephan Shuff and Alexandra Sloan, in full uniform and driving a marked SUV patrol car, responded to the vandalism call and observed the smashed window. White was approximately one block away on the next corner.

Shuff drove towards White, whose hands were concealed from view by the large satchel he carried against his chest. Unsure if White was concealing a weapon in his satchel, Sloan exited the patrol car with her service weapon drawn and ordered White to stop and drop the bag. Ignoring Sloan's commands, White turned and rode his skateboard southbound on Sycamore Avenue away from the officers. Shuff and Sloan followed him down Sycamore Avenue.

As he approached 9th Street, White stumbled from his skateboard, which flew out behind him. Sloan and White both ran to grab the skateboard, and as White bent down to pick it up, Sloan pointed her service weapon at White, and ordered him to drop the skateboard and to get on the ground. Simultaneously, Shuff tackled White to the ground in front of the steps leading to the residence at 855 South Sycamore Avenue. White landed on his stomach with his arms and hands underneath his body. Laying on top of White, Shuff tried to control him and yelled for White to release his hands. White ignored the commands.

Shuff tried to control White's right side and pull his arm free, and Sloan tried to control his left side. White kicked his legs around as Shuff yelled, "Give me your hands! Give me your hands!" White ignored Shuff's commands and kept his arms and hands rigid underneath his body. Sloan wrapped her arms and legs around White, as she and Shuff worked to pull White's arms free. Shuff elbowed White two or three times in the back, with no effect.

Unable to gain compliance over White with body weight and elbow strikes, Sloan said that she would tase him, and activated the Taser to warn him. White did not respond, and Sloan "drive stunned" him in his left ribcage. The Taser had no effect on White, and Sloan drive stunned him once or twice more. White began to turn over, and Sloan thought the officers were finally going to control him, so she placed the Taser on the steps above them.

Within seconds, White raised his body up, grabbed the Taser with his right hand, and shoved the Taser into the space between his torso and the step. Sloan warned Shuff that White had the Taser, and tried to pull her legs free. Shuff yelled for White to show his hands, but White ignored him. White placed the Taser against Sloan's left leg and pulled the trigger. Sloan felt a fire and burning sensation in her left leg, and felt paralyzed from the waist down. Sloan screamed, "He's tasing me! He's tasing me!" and lost function of her body from the waist down. [REDACTED]

[REDACTED]
[REDACTED] Shuff, [REDACTED]
[REDACTED] fired his service weapon at White, ending the threat.

Given the rapidly evolving, life threatening situation that confronted Officer Shuff, we conclude that he acted lawfully in defense of another. We are therefore closing our file and will take no further action in this matter.