

Officer Involved Shooting of Jason Hendley

Los Angeles Police Department

Officer Michael Briano, #37161

Officer Francisco Aceves, #40434

J.S.I.D. File #15-0337



JACKIE LACEY

District Attorney

Justice System Integrity Division

August 24, 2017

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 Jason Hendley
J.S.I.D. File #15-0337
F.I.D. File #F055-15

DATE: August 24, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 6, 2015, fatal shooting of Jason Hendley by Los Angeles Police Department (LAPD) Officers Michael Briano and Francisco Aceves. We have concluded that Officers Briano and Aceves acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on July 6, 2015, at approximately 11:43 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 Thomas Gonzales. The reports include investigative reports, forensic science firearms analysis reports, photographic evidence and witness statements. The compelled statements of Officers Briano and Aceves were not considered in this analysis, and any statements attributed to the officers were from their Public Safety Statements (PSS) taken at the scene of the officer involved shooting (OIS).

FACTUAL ANALYSIS

On July 6, 2015, at approximately 10:26 a.m., Jason Hendley and Jon C [REDACTED] were involved in a verbal dispute inside a residence located at [REDACTED] in the neighborhood of Sylmar.¹ The dispute escalated into a physical confrontation and Hendley repeatedly stabbed C [REDACTED] with a kitchen knife.² Hendley's mother, O [REDACTED] M [REDACTED], and his brother, L [REDACTED] H [REDACTED], tried to physically stop Hendley from stabbing C [REDACTED] but were unable to pull him away. Screaming for help, M [REDACTED] ran out of the house trying to alert neighbors to call 9-1-1. She approached a Los Angeles City Sanitation garbage truck stopped just north of her house on Via San Ricardo and banged on the door. She asked the driver, Jose M., for help and to call 9-1-1. Jose M.

¹ The residence was in Santiago Estates, a community of manufactured single-family homes, located at [REDACTED]. The residences are on private streets, and each home has an identifying unit or space number.

² C [REDACTED] died at the scene.

observed that M [REDACTED] was hysterical and was naked from the waist down. Jose M. then saw Jason Hendley walk out of [REDACTED]. Jason Hendley was covered in blood and holding a knife. Larry H [REDACTED] exited [REDACTED], ran to O [REDACTED] M [REDACTED] and eventually walked with her northbound down the street. Jose M. immediately contacted his dispatch operator and told the operator to call the police.

LAPD Command Division (CD) Emergency Board Operator (EBO) received numerous calls from neighbors reporting a “screaming woman” at [REDACTED].³ EBO broadcast that in addition to a woman screaming at the location, three males were heard screaming and fighting. Several LAPD officers responded, including Officers Garabedian, Carter, Briano and Aceves. All officers were in full uniform, driving marked black and white cars with their lights and sirens activated. While the officers were enroute, EBO broadcast that the suspect was a male, wearing a white T-shirt covered in blood and carrying a knife.

Garabedian and Carter drove northbound in a patrol car directly ahead of Briano and Aceves’ patrol car as they entered Via San Ricardo. Garabedian and Carter stopped in front of [REDACTED], and Briano and Aceves drove past them and stopped on the east side of the street. Briano and Aceves exited the patrol vehicle and drew their service weapons. Hendley held a knife in his hand and rapidly advanced towards the officers.⁴ The officers yelled multiple times for Hendley to drop the knife, but he ignored the commands and repeatedly yelled “Fuck you,” as he continued to move quickly towards them. Still holding the knife, and ignoring the commands to drop the weapon, Hendley came within 10 to 40 feet of Briano and Aceves. Briano fired ten rounds, and Aceves fired four rounds, at Hendley, who fell to his knees. Hendley dropped the knife and began crawling towards the officers while yelling, “Fuck you!” at them. Hendley stopped crawling forward and was taken into custody a short time later by Garabedian. A kitchen carving knife with an eight-inch, bloodstained blade was recovered twenty-seven feet south of the location where Hendley came to rest.⁵



Knife Dropped by Hendley

³ [REDACTED] was the address of one of the 9-1-1 callers.

⁴ As will be explained below, some witnesses said Hendley simply carried the knife in his hand while others said his hand was raised above his head as he advanced towards the officers.

⁵ A post-incident examination revealed that Briano used a Smith and Wesson .45 caliber weapon, that he personally purchased, and registered with the LAPD, during the OIS. After the incident, Briano’s weapon was loaded with one round in the chamber and no rounds in the magazine. [REDACTED]

[REDACTED] A post-incident examination revealed that Aceves’ departmentally issued 9mm Glock firearm was loaded with one round in the chamber and twelve rounds in the magazine. [REDACTED]

Los Angeles Fire Department Paramedics arrived, began treating Hendley, and transported him to Providence Holy Cross Medical Center. Hendley failed to respond to treatment at the hospital and was pronounced dead at 2:44 p.m.

On July 12, 2015, Deputy Medical Examiner Jeffery Gutstadt performed a postmortem examination of his remains and determined that he suffered multiple gunshot wounds. The wounds were located in his left shoulder, lower back area, left thigh, and right knee. The path of the gunshot wound to the back was through the skin of the right lower back, crossing the midline without penetrating the spine, with the round coming to rest in the subcutaneous tissue and soft tissue of the left lower back. This was a non-fatal gunshot wound. Senior Deputy Medical Examiner James Ribe opined that the manner in which Hendley sustained the gunshot wounds, regardless of the order in which he was struck, was consistent with Hendley's body rotating during the OIS. Hendley also suffered abrasions to various parts of his body, but the coroner could not determine if he received those during the stabbing of C [REDACTED] or while he was crawling in the street. The toxicological examination of Hendley's blood specimens showed a presumptive positive level of methamphetamine. No additional toxicological examination results were submitted with this investigation.



Location of Officer Involved Shooting

Statements of Los Angeles Police Department Witnesses

Statement of Officer Garro Garabedian

On July 6, 2015, Officer Garabedian was the passenger of a marked black and white patrol car being driven by his partner, Officer Carter. The officers responded to an assault with a deadly weapon radio call. While enroute to the location of the call, the officers received updated messages about a man with a knife and a woman screaming for help. As Garabedian and Carter drove northbound on Via San Ricardo, a neighbor pointed in the direction of [REDACTED]. Upon arrival at the scene, Garabedian and Carter began to exit their patrol car. Within a second, Briano and Aceves drove past and parked ahead of, and to the right of, Garabedian and Carter's patrol car.⁶ Carter went to the trunk to get a beanbag shotgun. As Garabedian was exiting the car, Hendley immediately came out of [REDACTED] holding a knife above his head and ran towards the officers at full speed.

⁶ During Garabedian's first interview with FID, he said Briano and Aceves' vehicle stopped approximately 15 feet ahead of Garabedian and Carter's patrol car. Garabedian was interviewed a second time to clarify his position at the time of the OIS. During the second interview, Garabedian said Briano and Aceves' car stopped thirty to forty feet ahead.

Briano, Aceves and Carter yelled at Hendley to stop, get on the ground and put the knife down, but Hendley ignored them. Hendley was loudly screaming something that Garabedian could not understand. Hendley ran in the direction of all the officers, but more so towards Briano and Aceves. Fearing that Hendley, who was running towards the officers while armed with a knife, could cause Garabedian serious bodily injury or death, Garabedian drew his service weapon and took cover behind the passenger door of the patrol car. As Hendley came within ten to fifteen feet of Briano and Aceves' patrol car, both officers fired five to eight rounds at Hendley.⁷ Hendley dropped to the ground and the knife fell to the ground approximately two feet away from him. Briano holstered his service weapon and removed his Taser.

Garabedian took Hendley, who was covered in blood, into custody as Briano, Aceves and Carter stood by as cover.

Statement of Officer Joseph Carter

On July 6, 2015, Officer Carter was the driver of a marked black and white patrol car, and Officer Garabedian was the passenger. The officers heard a radio broadcast of an assault with a deadly weapon or "415" suspect. Carter and Garabedian responded to the call, and received updated broadcasts while enroute. The updates were that the suspect was walking in and out of a residence armed with a knife and covered in blood, and that there was a woman screaming for help.

As Carter drove northbound on Via San Ricardo, Briano and Aceves drove ahead of them on the right side and parked their car approximately three houses south of [REDACTED]. A neighbor on the east side of the street was pointing northbound towards [REDACTED]. Carter parked his patrol car on the left side of the street.

Hendley, armed with an approximate six-inch knife, walked rapidly towards the officers' vehicles. Hendley held the knife in his left hand, pointed in a downward angle, in an aggressive manner above his head. Hendley was yelling something that Carter could not understand. Hendley was approximately ten to fifteen yards ahead of Briano and Aceves' vehicle as Briano exited the car. Carter and Garabedian exited their patrol car. Carter saw that Briano had drawn his weapon, and assumed that Aceves had drawn his service weapon since they were closer to Hendley's position and Hendley was armed with a knife.

Carter went to the trunk to retrieve a beanbag shotgun to have a less-lethal option available if necessary. As he opened the trunk, Carter heard Briano, and possibly Aceves, giving verbal commands to Hendley. Carter heard, "Drop the knife! Drop the knife! Drop the knife!" Carter grabbed the beanbag shotgun, and a couple of seconds later heard approximately six rounds fired. He heard the rounds but did not see the OIS. Carter moved to the passenger side of the rear bumper of his patrol vehicle, and saw Briano with his weapon drawn and backing up towards the rear driver's side of his vehicle. Aceves was on the passenger side of the vehicle with his service weapon drawn. Hendley fell to the ground approximately five to six yards in front of Briano and Aceves' patrol car. The knife was on the ground approximately five feet

⁷ Prior to, and during, the OIS, Garabedian's attention was focused on Hendley. He was aware that Briano and Aceves' patrol vehicle passed his vehicle, but he did not know whether Briano or Aceves was driving the vehicle or their exact positions once their vehicle stopped. Aceves said in his PSS that he fired approximately five rounds in a southwest direction from the passenger door of the patrol car.

behind him. Hendley, who was covered in blood, began to crawl on his stomach towards the officers, pulling himself forward with his forearms and hands. Carter and Garabedian approached Hendley while Briano and Aceves maintained cover. Hendley stopped crawling, and concealed his right arm and hand under his body.

Garabedian took Hendley into custody. Carter spoke with him to determine whether there was anyone inside of the house. Carter asked Hendley if there was anyone hurt inside the residence, and Hendley replied that there was.

Statements of Civilian Witnesses

Statement of O M

O M was inside her residence at [REDACTED]. Her sons, Jason and L H, and Jon C were also in the residence. M was in her bedroom preparing to drive Jason Hendley to see his probation officer when she heard a loud noise.⁸ She ran into the dining room and saw Jason Hendley straddling C, repeatedly stabbing him in the body with a kitchen knife. Jason Hendley appeared outraged. M and Larry H tried to pull Jason Hendley away from C, but were unsuccessful. M rushed outside her residence screaming and ran to a garbage truck that was stopped outside her house. She begged the driver for help and to call the police. L H came and took her to the corner of Via San Ricardo and Via Santiago. M saw Jason Hendley standing on the porch of their residence and then possibly step down from the porch. He looked as if nothing had happened inside the residence. She heard voices but could not understand what was being said. She then heard rounds fired but was unsure exactly where Hendley was positioned at the time the rounds were fired.

Statement of L H

L H was taking a nap inside his residence in [REDACTED] when he was awakened by a loud noise. He heard Ola M screaming for Jason Hendley to stop. L H looked in the dining room and saw Jason Hendley straddling Jon C, repeatedly stabbing him with a butcher knife. Jason Hendley was yelling and stabbing C in a vicious manner. L H ran towards Jason Hendley to stop him, but he lunged at L H with the knife. M also tried to physically stop Jason Hendley, but was unsuccessful. Larry H grabbed M and took her out of the house. M initially stopped at a garbage truck to ask for help, and then she and L H walked to a neighbor's house. H heard police sirens, and then heard officers say once, "Get on the ground." After the command to get on the ground, H heard four rounds fired.

⁸ Hendley had been convicted on April 21, 2014, for a violation of Penal Code section 29800(a)(1) in Los Angeles County Superior Court case number LA077481. He was sentenced to sixteen months in the state prison, and had been released on probation, pursuant to Assembly Bill 109.

Statement of Jose M.⁹

Jose M. was in his City of Los Angeles sanitation truck facing northbound on Via San Ricardo, parked on the east side of the street near O ■ M ■■■■■ residence. M ■■■■■ exited ■■■■■ and approached his truck. M ■■■■■, who wore only a T-shirt, was yelling for help and her hands were covered in blood. Jason Hendley exited ■■■■■ holding a knife in his right hand. The knife, his hands and white T-shirt were covered in blood. Hendley's right arm was extended out and bent at the elbow, and the knife blade was pointing down. He held it in a stabbing motion. Hendley initially moved towards M ■■■■■ as if he was going to run after her, but he turned and went back into the house. Jose M. used his truck radio to request assistance.¹⁰ Three patrol cars arrived driving northbound on Via San Ricardo.¹¹ The officers exited their vehicles and stood behind the doors of the cars. Lester Q., a sanitation truck driver stopped on the opposite side of the street, pointed to indicate to the officers that Hendley had gone inside ■■■■■. Hendley exited ■■■■■ holding the knife and walked into the street. The officers yelled for Hendley to put his hands on his head and get down on the ground. Hendley started running towards the officers with the knife raised above his shoulder and the blade pointed at the officers. Hendley was yelling something unintelligible. Hendley came within thirty to forty feet of the officers, who fired rounds at Hendley. Hendley's body moved around as he was struck. Hendley fell to the ground but kept crawling forward and yelling at the officers. An officer put on gloves and took Hendley into custody.

Statement of Lester Q.

Lester Q. was in his sanitation truck facing southbound on Via San Ricardo. O ■ M ■■■■■ approached the sanitation truck being driven by Jose M. Jose M.'s truck faced northbound. M ■■■■■ did not have any pants or underwear on and appeared upset. Lester Q. heard Jose M. speak with a supervisor over the truck radio and request that the police be called. L ■■■■■ H ■■■■■ walked up to M ■■■■■ and appeared to comfort her. Jason Hendley exited ■■■■■ and stood on the porch. He wore a white shirt that appeared to have a red stain on it, though Lester Q. was uncertain of this because of the distance. Jason Hendley walked in and out of the residence, stood on the porch and looked around. M ■■■■■ and L ■■■■■ H ■■■■■ walked northbound on Via San Ricardo. Lester Q. waited for the police to arrive and exited his truck when he saw two marked patrol cars driving northbound on Via San Ricardo. The patrol cars stopped and all of the officers exited their vehicles. They began walking southbound as if they were looking for the location of the call. Jason Hendley walked out of ■■■■■ and into the street carrying a knife. Lester Q. pointed towards Hendley to alert the officers. The officers began telling Hendley to, "Stop! Drop to the ground! Put down the knife!" Hendley began walking quickly, or jogging, towards the officers, and ignored repeated commands to stop, get on the ground and drop the knife. Lester Q. could no longer see a knife because Hendley was running away from Lester Q.'s location with his back to him, but he heard an officer tell Hendley to drop the knife. Hendley began running faster towards the officers as if he was charging at them. Continuing to

⁹ Jose M. read a statement to FID detectives that he had written prior to being interviewed and then answered follow-up questions.

¹⁰ L ■■■■■ H ■■■■■ emerged from ■■■■■, but it was not clarified with Jose M. at what point during the incident this happened.

¹¹ Once the officers arrived at the location, Jose M. observed the incident through the rearview mirror attached to his truck. Jose M. sat on the right side of the truck and the mirror was attached to the right-side exterior of the truck. Jose M. said he was able to see the entire street and the incident clearly through the mirror.

ignore the officers' commands to stop, Hendley ran to within thirty to forty feet of them. Believing that the officers were going to fire rounds at Hendley because he was charging at them with a knife, Lester Q. turned around and went back towards his truck. As Lester Q. moved back towards his truck, he heard approximately ten rounds being fired.

Statement of Elisa H.

Elisa H. was in the front of her residence when she heard hysterical screaming coming from [REDACTED].¹² She ran inside her residence and called 9-1-1. She went back outside while still on the phone and saw the garbage truck stopped near Unit 419. Ola M [REDACTED] ran out of [REDACTED] screaming and ran up to the truck. Jason Hendley came out of [REDACTED] wearing a white T-shirt covered in blood. Elisa H.'s neighbor told her that Hendley had a knife, so she ran back inside her residence. While on the phone with the 9-1-1 operator, Elisa H. periodically looked out her kitchen window, which had an unobstructed view. Elisa H. then saw Hendley running really fast southbound down the middle of Via San Ricardo, while carrying a knife. Hendley was screaming and held the knife in his left hand. She heard approximately six uninterrupted rounds fired, saw Hendley's body jerk and then drop down. Elisa H. immediately ran away from her window. She returned to the window when she believed things were under control and saw the officers around Hendley. Elisa H. could not hear the officers saying anything but could hear that Hendley was still screaming.

Statement of Victor K.

Victor K. was inside his residence when he heard someone screaming.¹³ He walked outside and did not see anyone screaming, but saw his neighbor, Elisa H., who he believed was speaking to the police on the phone. Elisa H. was saying that someone needed to respond because someone was screaming. Within approximately 30 seconds, O [REDACTED] M [REDACTED] came out of [REDACTED] wearing only a shirt. M [REDACTED] was screaming hysterically and walking around in circles. She walked up to a garbage truck parked just north of her residence, pounded on the door and began speaking with the driver. Victor K. began to walk towards M [REDACTED] to provide assistance when Jason Hendley walked out of the residence. Hendley was carrying a knife and was covered in blood from his neck to his groin.¹⁴ Hendley stared at Victor K. with a blank stare and L [REDACTED] H [REDACTED] exited the house. Larry H [REDACTED] went to console M [REDACTED], and Victor K. immediately turned around to return to his residence. Elisa H. was still outside, and Victor K. warned her that Hendley had a knife. Elisa H. ran into her residence and Victor K. stood inside the opened door of his garage.

Victor K. heard sirens in the distance, but the sirens were silent as the patrol cars drove on Via San Ricardo. Two patrol cars drove slowly down the street, then sped up and came to a stop.¹⁵ Victor K.'s line of sight was initially blocked by a parked car and he could only partially see Hendley through the car's windows. The four officers immediately exited their patrol cars and started yelling, "Drop the knife! Stop! Drop the knife!" The two officers in the patrol car adjacent to Victor K.'s residence stood behind the doors of the car after they exited. The officers continued to yell, and Hendley "stomped" forward towards the officers into a position where

¹² Elisa H.'s residence is located one unit to the south and on the same side of the street as [REDACTED].

¹³ Victor K.'s residence is located two units to the south and on the same side of the street as [REDACTED].

¹⁴ Victor K. estimated he was 50 to 60 feet from Hendley. He believed Hendley carried the knife in his left hand but was not certain.

¹⁵ Briano and Aceves' patrol car stopped adjacent to the open garage that Victor K. was standing in.

Victor K. could see him again. Hendley still held the knife and was yelling, "Fuck you! Fuck you!" Hendley, whose face was contorted, appeared angry and kept screaming at the officers.¹⁶ The officers fired approximately eight rounds at Hendley, who continued moving forward and screaming at the officers.¹⁷ Hendley dropped to one knee and still continued forward towards the officers. As Hendley moved forwards, Victor K.'s view was eventually blocked by a patrol car.¹⁸ Victor K. last saw Hendley still clutching the knife approximately 15 feet in front of the patrol car. The officers were not firing rounds as Hendley dropped down and moved behind the patrol car. Hendley kept screaming at the officers as they told him to, "Put down the knife. Put down the knife." Approximately 30 to 45 seconds later, the officers approached Hendley and Victor K. assumed they handcuffed Hendley. Victor K. said Hendley was moving quickly towards the officers, who fired rounds at him because they "didn't have a choice. I swear to God, they didn't have a choice. I call it suicide by cop."¹⁹

Statement of Daniela U.

Daniela U. was inside her residence when she heard someone screaming.²⁰ Daniela U. looked through her kitchen window and saw garbage trucks stopped on the street. She also saw O ■ M ■ and Jason Hendley screaming and crying outside of ■■■■■. M ■■■■ was not wearing pants or underwear. They initially walked northbound on Via San Ricardo but returned to their residence and went inside. Prior to entering the residence, Hendley had removed his shirt and tied it around M ■■■■. The police arrived and yelled, "Come out! Put your hands in the air and drop yourself on the floor!"²¹ Hendley rushed outside of ■■■■■ holding a knife in his right hand. Hendley now wore a white shirt that was covered in blood.²² His right arm was raised and the blade was pointed at the officers. Hendley did not drop the knife and walked at a fast pace towards the officers. Hendley came within approximately forty feet of the officers, and then five officers fired approximately ten to twelve rounds at him. Hendley fell to the ground, and his body started moving around and wiggling. Daniela U. told FID detectives that she believed that the officers fired rounds at Hendley after he fell to the ground. When asked to explain why she believed that, she said, "I just saw the smoke coming out of the guns, and that's when his body started wiggling, so that's why I'm guessing, or I think they still shoot [sic] him when he was on the ground."

¹⁶ Victor K. believed the officers repeatedly yelled for Hendley to put the knife down for five to ten seconds. Victor K. did not think Hendley was running towards the officers, but was moving forward at a very deliberate pace and was "advancing quickly." Victor K. told FID detectives that the officers waited a "considerable amount of time, in my opinion, before they actually fired."

¹⁷ Victor K. heard an initial barrage of rounds fired, followed by another barrage when Hendley continued moving forward.

¹⁸ Victor K. estimated he was standing 12 to 20 feet from the patrol car.

¹⁹ Victor K. provided two statements on the date of the incident. Victor K.'s first statement was given to Sergeant Francois Reese because he insisted on providing a statement prior to the arrival of FID detectives. Both statements were consistent in every material respect.

²⁰ Daniela U. lived in ■■■■■, which was across the street from ■■■■■. The kitchen window faced southbound and had a clear and unobstructed view.

²¹ At some point, Daniela U. moved to look out her breakfast nook window, which faces eastbound and is partially blocked by trees.

²² Daniela U. repeatedly told FID detectives that she only saw Jason Hendley during the incident. She said she had previous contact with both of M ■■■■ sons, but did not know the other son's name. She also said that the other son did not look like Jason Hendley. According to Daniela U., Jason Hendley was the son who had been crying, screaming and walking northbound with M ■■■■, and had returned to their residence. He was the same son who rushed out of ■■■■■ with a knife in his hand, wore a white shirt covered in blood, and was involved in the OIS.

Statement of Nancy P.

Nancy P. was outside her residence when she heard violent screaming and shrieking.²³ She never saw the person who was screaming, but believed the voice was a female's that was screaming inside another residence. Nancy P. was frightened and went inside her home to call 9-1-1. Nancy P. looked outside a window and saw Jason Hendley on the front porch of [REDACTED] with a white T-shirt that had a bright, red, graphic of an unknown design running down the front of it. Hendley held an object that was possibly a knife in his right hand and was looking up and down the street. Nancy P. moved away from her window but continued to speak with the 9-1-1 operator. The conversation with the 9-1-1 operator ended, and the operator called Nancy P. back. During Nancy P.'s conversation with the 9-1-1 operator, a male voice could be heard yelling in the background, followed by multiple gunshots.

9-1-1 Call

Approximately ten seconds elapsed between the time the officers arrived, and multiple rounds were heard being fired. The successive rounds can be heard during the recorded 9-1-1 call with Nancy P. During the ten seconds prior to the rounds being fired, "Drop the knife and put the knife down!" can be heard. After the rounds were fired, no additional rounds can be heard.

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.

²³ Nancy P. lived in Unit [REDACTED], which was across the street and one street south of Unit [REDACTED]

CONCLUSION

The evidence examined in this investigation shows that on July 6, 2015, Jason Hendley and J■■ C■■ were involved in a verbal dispute inside a residence. The dispute escalated into a physical assault and Hendley stabbed C■■ to death with a kitchen knife. O■■ M■■, Hendley's mother, and L■■ H■■, his brother, attempted to physically intervene and stop Hendley, but they were unsuccessful. O■■ M■■ and L■■ H■■ fled the residence to get help. Officers Michael Briano, Francisco Aceves, Garro Garabedian and Joseph Carter, who were in full uniform and driving marked, black and white patrol cars, responded to reports of a screaming woman at the residence, and a man armed with a knife, covered in blood.

Briano, who was driving a patrol car with Aceves as the passenger, stopped his patrol car a short distance from ■■■. Jason Hendley immediately emerged from ■■■, armed with a knife and wearing a white T-shirt covered in blood. Hendley rushed directly towards Briano and Aceves as they exited their patrol car and stood behind the doors of the car for cover. Hendley held the knife raised above his head, in a stabbing motion, as he charged towards the officers, yelling, "Fuck you! Fuck You!" Briano and Aceves repeatedly ordered Hendley to drop the knife, but Hendley ignored the commands and continued rapidly advancing towards them with the knife. As Hendley, who continued running towards the officers, came within 10 to 45 feet of the officers' position, in reasonable fear of death or great bodily injury to himself and his partner officer, Briano fired his service weapon at Hendley, ending the threat. Aceves, in reasonable fear of death or great bodily injury to himself and his partner officer, fired his service weapon at Hendley, ending the threat.

Given the rapidly evolving, life threatening situation that confronted Officers Briano and Aceves, we conclude that they acted lawfully in self-defense and defense of each other. We are therefore closing our file and will take no further action in this matter.