

Non-Fatal Officer Involved Shooting of Mike Haukka

Los Angeles Police Department

Officer Jonathan Hilliger, #41868

J.S.I.D. File #17-0307



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

March 10, 2021

MEMORANDUM

TO: COMMANDER TIMOTHY NORDQUIST
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

SUBJECT: Non-Fatal Officer Involved Shooting of Mike Haukka
J.S.I.D. File #17-0307
L.A.P.D. F.I.D. File #047-17

DATE: March 10, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 19, 2017, non-fatal shooting of Mika Haukka by Los Angeles Police Department (LAPD) Officer Jonathan Hilliger. It is our conclusion that Officer Hilliger acted in lawful defense of another at the time he fired his duty weapon.

The District Attorney's Command Center was notified of this shooting on June 20, 2017, at approximately 12:33 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Damian Gutierrez.

The following analysis is based on reports, recorded interviews, and photographs submitted to this office by the LAPD's Force Investigation Division (FID). Hilliger's compelled statement was considered as part of this analysis.

FACTUAL ANALYSIS

On June 19, 2017, at approximately 10:58 p.m., Louise called 9-1-1 to report her husband, Mika Haukka, was being violent and threatening her. Louise informed the operator, "My husband is threatening me. He pulled my hair. I am very much afraid of him." The two were at their house on Matilija Avenue in the City of Sherman Oaks.

A radio call went out informing officers of the domestic violence incident. Officers Hilliger and Dustin Richmond were on patrol together and were assigned as the primary unit on the call. Officers George Lara and Jordan Reilly were also on patrol together and were assigned to the call as backup. All four officers were in uniform and responded to the residence in two separate marked black and white police vehicles.

At approximately 11:11 p.m., Louise called 9-1-1 again. This time she reported that Haukka had choked and hit her. As she was speaking with the operator, Hilliger and Richmond arrived on

scene. Hilliger and Richmond approached the residence and made contact with Louise who was sitting outside the front of her residence.

Louise informed the officers that Haukka had strangled and hit her. Officers noted that Louise had multiple red marks on her face and offered her medical treatment. Louise declined to be treated at the scene. She advised the officers that Haukka was inside the residence in their bedroom and stated there were no weapons inside the house. Officers believed that a felony domestic battery had occurred and planned to enter the house to apprehend Haukka.

Hilliger and Richmond decided to wait for their backup before they entered the residence. Lara and Reilly arrived shortly thereafter and Richmond briefed them on the incident. The four officers formulated a plan and entered the residence to search for Haukka.

While inside the residence, the officers entered the bedroom and did not see Haukka. Richmond advised the other officers that he was going to go to the front to check on Louise. Richmond went back outside and asked Louise if she saw anyone come outside to which she responded no. Richmond then heard a noise coming from the south side of the residence. Richmond walked towards the noise and saw Haukka straddling a three-foot high white picket fence that separated the Haukka's residence from their south-side neighbor's property.

Richmond commanded Haukka to raise his hands several times. Haukka did not comply with these orders. The other three officers came to the front of the residence and all four officers approached the driveway of the neighbor's residence where Haukka was straddling the fence.

Haukka climbed over the fence, onto the neighbor's driveway, and moved west down the driveway away from the officers. However, there was an eight-foot chain-linked fence that prevented Haukka from going further down the driveway. See Figure 1.

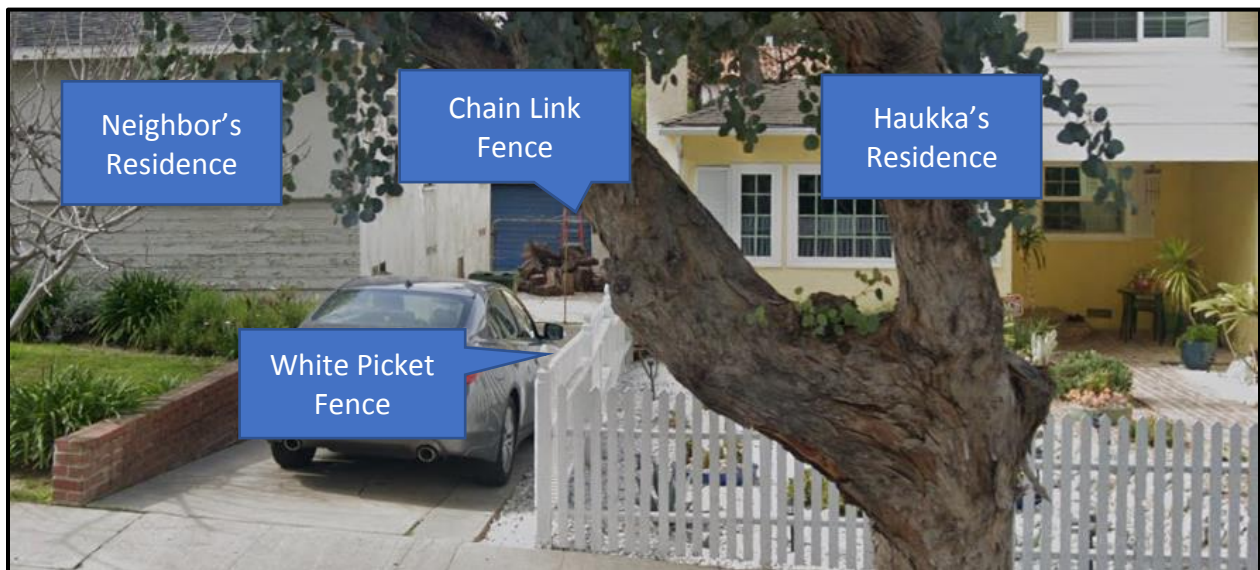


Figure 1: Location of the neighbor's driveway and fence Haukka jumped over.

Richmond and Hilliger reached the neighbor's driveway, which had a parked vehicle facing west in it. The two saw Haukka trying to climb over the chain-link fence. Richmond proceeded up the driveway and moved west along the driver's side of the parked vehicle. Hilliger proceeded west on the driveway along the passenger's side of the parked vehicle, between the white-picket fence and the vehicle.

Richmond continued to give Haukka commands to raise his hands. Haukka turned to face them and for the first time the officers noticed that Haukka was armed with a knife. Haukka held the knife in his right hand and was waving it above his head. Richmond gave Haukka numerous commands to drop the knife. Haukka did not drop the knife. Lara heard Richmond's commands and took a position behind Hilliger, at the passenger's side of the parked vehicle. Reilly arrived at the driveway and took a position behind the parked vehicle.

According to Hillinger, Haukka was approximately 25 feet away from Richmond when he started walking towards him. As Haukka advanced, he moved the knife from chest high to above his head, waving it back and forth. As he proceeded towards Richmond, Haukka stated, "Shoot me! I want to die!" Officers repeatedly gave commands to stop and drop the knife. Haukka again ignored these commands and continued walking towards Richmond still waving the knife. Richmond retreated a few steps, but felt he could not safely back up any further because the driveway slanted down towards the street and he risked tripping by doing so. Lara unholstered his Taser and deployed it at Haukka. Simultaneously, when Haukka was approximately five feet away from Richmond, Hilliger fired one round from his service weapon. Hilliger stated, "He got as close, approximately five feet, to my partner. And at that time, I was scared for my partner's life and safety, that he would be cut or killed."

Richmond drew an imaginary line in his head. He told investigators if Haukka crossed this line, he was planning on shooting Haukka. Richmond stated that if Haukka, "took one more step, I was going to shoot him."

LAPD provided a scene diagram depicting the approximate location of each officer and Haukka at the time of the shooting. See Figure 2.

Haukka fell to the ground and dropped the knife. Richmond and Reilly handcuffed Haukka. As he was being arrested, Haukka stated, "I was going to kill myself. I was trying to kill myself."

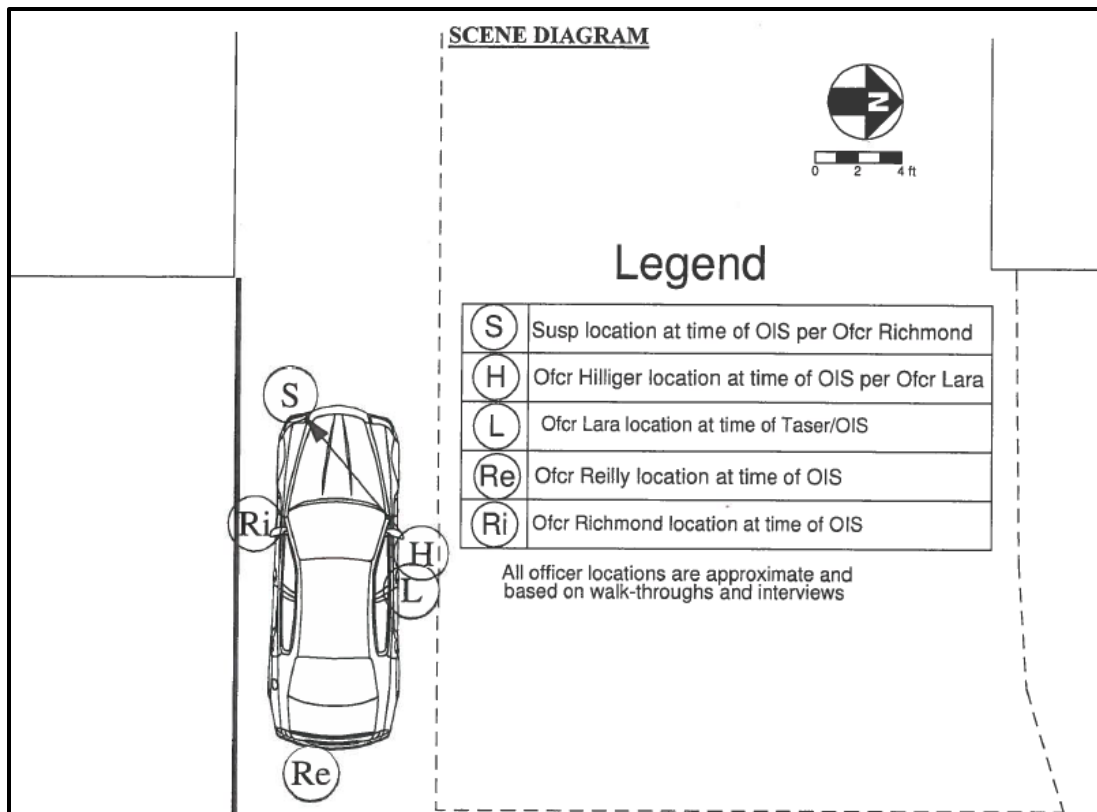


Figure 2: Scene Diagram depicting the approximate location of the officers and Haukka at the time of the shooting.

Los Angeles Fire Department rescue ambulance responded to the scene and transported Haukka to UCLA Ronald Regan Medical Center. Haukka was treated for a gunshot wound to his torso. Haukka survived his injury.

A black handle kitchen knife with a three-inch blade was recovered from the scene. See Figure 3.

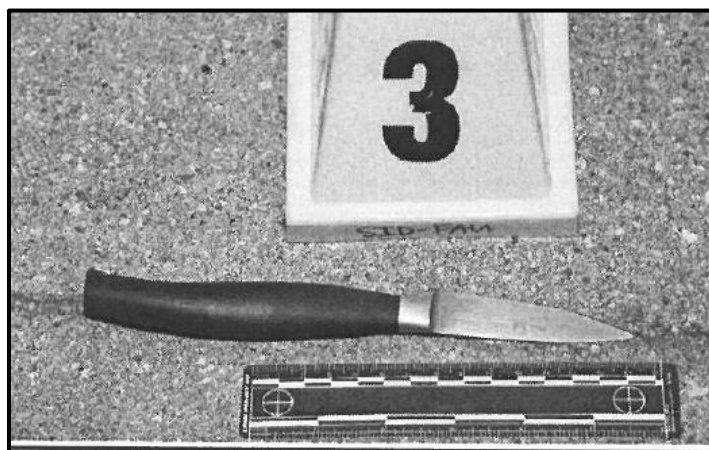


Figure 3: Kitchen knife Haukka possessed.

Detectives subsequently interviewed Haukka, who stated he had a kitchen knife with him because he wanted to kill himself.

Haukka was charged in case LA086258 with two felonies. The charges included domestic violence, in violation of Penal Code § 273.5(a) and assault on a peace officer, in violation of Penal Code § 245(c).

On September 3, 2017, the court declared a doubt as to Haukka's mental competency. His criminal proceedings were suspended and he was sent to Department 95, pursuant to Penal Code § 1368 for mental competency evaluation. On November 13, 2019, the criminal case was dismissed.

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the defense 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 themselves or another, a person may use all the force that they believe reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury that appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. Id.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code § 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in take a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code § 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. People v. Mehserle, supra, 206 Cal.App.4th at 1147. He may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." Id. at 1146; quoting People v. Bond (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM No. 505, 507.

"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.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "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... 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.

Analysis

The evidence examined in this investigation shows the officers responded to a call involving domestic violence. Once on scene, Louise told officers Haukka had strangled and hit her. When the police attempted to arrest Haukka, he fled over a fence onto his neighbor's driveway. Despite numerous commands to stop, Haukka continued to flee until he was stopped by a chain-link fence. Haukka turned to face the officers, armed with a kitchen knife, and advanced towards Richmond waving it back and forth above his head. Richmond retreated as far as he safely could before stopping next to the front of a parked car. Despite additional orders to drop the knife, Haukka refused and kept approaching Richmond. Haukka told the officers to shoot him and that he wanted to die. Haukka got within five feet of Richmond, did not drop his knife, and did not comply with the officers' commands. As such, Hilliger reasonably feared for Richmond's life and fired his duty weapon one time in defense of his fellow officer.

Under this rapidly unfolding situation, it was reasonable for Hilliger to believe that Haukka posed a deadly threat to Richmond. As such, Hilliger's decision to use deadly force in order to protect Richmond was reasonable.

CONCLUSION

We find that Officer Hilliger acted lawfully in defense of another when he fired his service weapon at Haukka. We are closing our file and will take no further action in this matter.