

**Officer Involved Shooting of Robert Washington
Hawthorne Police Department**

Officer Alex Khan #368

J.S.I.D. File #15-0157



JACKIE LACEY

District Attorney

JUSTICE SYSTEM INTEGRITY DIVISION

April 1, 2020

MEMORANDUM

TO: CHIEF MICHAEL ISHII
Hawthorne Police Department
12501 S. Hawthorne Boulevard
Hawthorne, California 90250

CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

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

SUBJECT: Officer Involved Shooting of Robert Washington
J.S.I.D. File #15-0157
H.P.D. File # 15-4097
L.A.S.D. File #015-00018-3199-011

DATE: April 1, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 1, 2015, fatal shooting of Robert Washington by Hawthorne Police Department (HPD) Officer Alex Khan. It is the conclusion of this office that Officer Khan acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on April 1, 2015 at approximately 1:48 p.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 prepared by HPD and the Los Angeles Sheriff's Department (LASD) Homicide Bureau submitted to this office by Lieutenant Dave Coleman and Detectives Traci Healy and Eduardo Aguirre. The reports include video, photographs, audio recordings of witness interviews, and medical reports.

FACTUAL ANALYSIS

Introduction

On April 1, 2015, at approximately 12:40 p.m., Hawthorne Police Officer Alex Khan was working a traffic control assignment at the intersection of Kornblum and Rosecrans Avenues. Khan parked his patrol vehicle on Kornblum Avenue north of the intersection facing south. While monitoring traffic, Khan was approached by a woman, later identified as Denise B., who was driving a Mercedes with her 12-year-old son seated in the front passenger seat. Denise told Khan a vehicle was following her and asked for his assistance. Khan told Denise to park her

Mercedes in front of his patrol vehicle. Within seconds, a white Cadillac pulled up directly beside Denise’s Mercedes. A man, later identified as Robert Washington, exited the Cadillac’s front passenger door, walked to the driver’s side of Denise’s Mercedes and fired two .357 revolvers at her and her son numerous times. As Washington was shooting at Denise and her son, Khan exited his patrol vehicle and fired his duty weapon at Washington.¹ Denise’s son exited and ran from the Mercedes after being shot. Washington and Denise both were struck by gunfire and succumbed to their injuries at the scene.



Officer Statements

Statement of Officer Alex Khan

On April 1, 2015, Officer Alex Khan was dressed in full police uniform working patrol. Khan was the driver of a single man unit monitoring traffic for cell phone violators. Khan parked his black and white patrol vehicle at the intersection of Kornblum and Rosecrans Avenues. He was parked for approximately five minutes when a Mercedes pulled up next to his vehicle. The driver, Denise B., told Khan that the vehicle behind her had been following her.² Khan told Denise to park her Mercedes in front of his patrol vehicle so that he could assist her.

Denise drove her Mercedes in front of Khan’s vehicle. While she was backing up attempting to park, a white four door Cadillac pulled along the side of Denise’s Mercedes. The front

¹ There were two other occupants in the white Cadillac. The driver, Stanley W. and the rear passenger, Brandon W. Stanley and Brandon remained in the Cadillac during the incident and were ultimately detained and questioned by investigators.

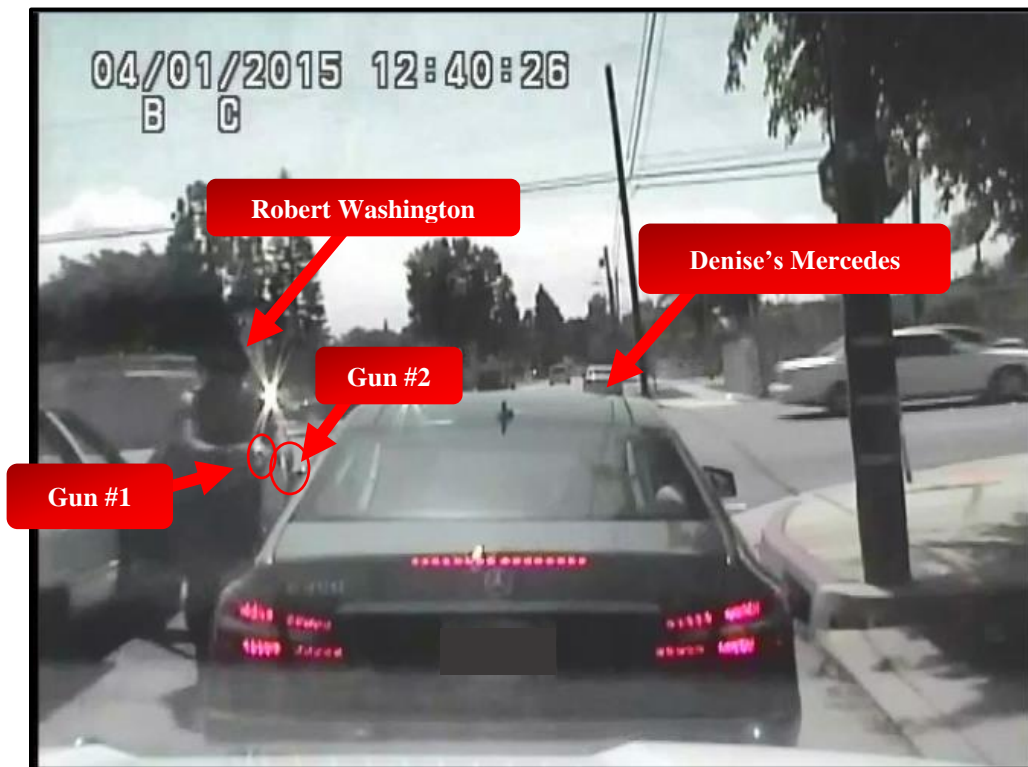
² Khan stated Denise appeared scared and told him, “This car has been following me for a while” and she pointed in the direction behind her.

passenger, Washington, exited the Cadillac holding two guns, one in each hand.³ As soon as Washington exited the Cadillac, he approached the driver side of the Mercedes, leaned inside where Denise was seated, and fired multiple rounds at Denise. Believing he was witnessing a murder, Khan exited his patrol vehicle and fired approximately five to six rounds at Washington causing Washington to fall to the ground. Khan used his radio to report that an officer involved shooting had occurred and requested additional units and paramedics.

Khan saw that there were two men seated in the white Cadillac. The driver and a passenger seated in the back seat behind the driver. Khan held the vehicle at gunpoint and ordered the men not to move to which they both complied. Khan held the vehicle at gunpoint until additional units arrived to assist him. Once additional units were on scene, Khan was escorted away.

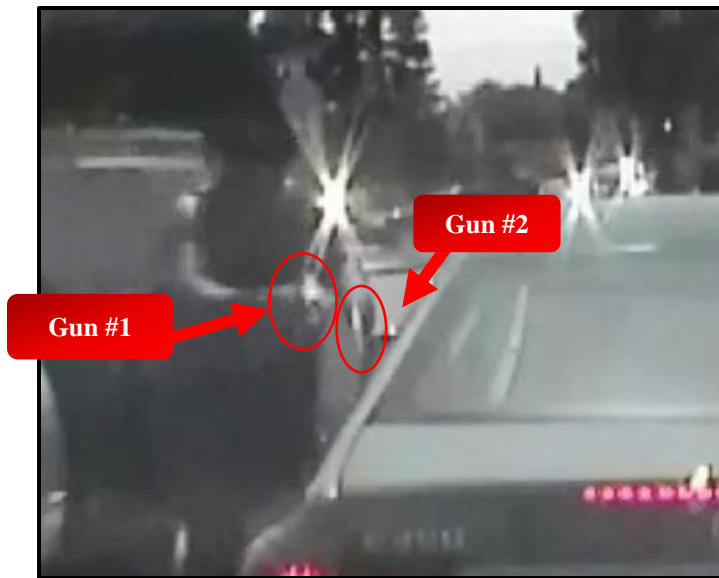
Khan's Dash Camera Video

Khan's patrol vehicle was equipped with a dash camera that recorded the entire incident. Below are still photos retrieved from the dash camera that depicts the officer involved shooting.



Still photo captured from Khan's dash camera depicting Robert Washington holding two guns pointed at Denise.

³ Khan described one gun as a black revolver and the second gun as a silver revolver.



Close-up of a still photo captured from Khan's dash camera depicting Washington with a gun in his right and left hand, pointed at Denise.



Still photo captured from Khan's dash camera depicting Washington's right arm extended into Denise's Mercedes.



Still photo captured from Khan's dash camera depicting Washington's left arm inside the driver side window.



Still photo captured from Khan's dash camera depicting Washington on the ground and Denise's son exiting the Mercedes.

Witness/Victim Statements

Statement of Denise's Son

HPD's Detective Larry Robinson rode in the ambulance with Denise's son to Harbor UCLA Medical Center where Denise's son was treated for injuries he sustained. While in route to the hospital, Denise's son told Robinson that he and his mother, Denise, were driving and stopped at a red light. Denise's son looked to his left and saw a vehicle with a heavy-set man, later identified as Washington, seated in the front passenger seat reclining with both of his feet sticking out of the front door window. Denise and her son smiled at Washington and chuckled to themselves. Denise and her son continued to drive and noticed the vehicle that Washington was in was following them. Denise unexpectedly made a right turn into a residential area and then made approximately four or more quick turns on side streets. Denise's son stated that his mom kept driving in attempt to lose the vehicle that was following them. Denise was speeding down the streets with the other vehicle right behind them on their bumper. As Denise accelerated through stop signs and around corners, so did the vehicle that was following them. Denise's son kept looking over his shoulder and was frightened.

Denise's son saw Washington, with his right arm resting on the window opening. Denise turned down a street and saw a HPD patrol vehicle parked on the side of the road. Denise stopped, leaned over her son, and told the police officer, Khan, that a vehicle was following them. At Khan's direction, Denise pulled in front of the patrol vehicle and parked. Denise's son stated that the windows in the Mercedes that he and Denise were in, were completely open. Seconds later, the vehicle that was following Denise and her son came to an abrupt stop in the street right beside them. The front seat passenger, Washington, exited the vehicle, called Denise a "Bitch," pulled out a gun and started shooting. Washington walked closer to the driver side window where Denise was seated and fired at her while she put her hands up toward her face and stated, "Wait! Wait! Wait!" Denise's son opened his door and tried to exit the Mercedes. The release button on the seatbelt was stuck and prevented Denise's son from exiting, but eventually he was able to retreat from the Mercedes. Denise's son ran down the street and hid. He realized that he had been shot and was bleeding. Shortly after, a man and a police officer found Denise's son hiding and assisted him.⁴

Denise's son sustained two gunshot wounds to his abdomen, with one bullet exiting causing a third wound. Denise's son also sustained three gunshot wounds to his upper thigh area.⁵

Statement of Witness Charles W.

On April 1, 2015, at approximately 12:40 p.m., Charles W. and his wife were in their vehicle driving south on Kornblum Avenue towards Rosecrans Avenue. As they were approaching a stop sign near Rosecrans Avenue, Charles noticed a black vehicle that appeared to be in the process of making a right turn, west to Rosecrans Avenue. A white vehicle was behind the black vehicle and Charles was behind the white vehicle. A police patrol vehicle was parked along the west curb, near the stop sign. Charles saw the black vehicle maneuver and park in front of the

⁴ Denise's son did not see Khan fire at Washington.

⁵ One bullet remained lodged near Denise's son right hip. According to the trauma surgeon who treated Denise's son, the bullet was not necessary to remove at the time.

patrol vehicle. Immediately after, the white vehicle drove up next to the black vehicle and the front passenger, exited and approached the black vehicle while holding a gun in his hand.⁶ Charles saw Washington fire approximately three rounds at the driver. Simultaneously, Charles saw Khan exit his patrol vehicle and fire at Washington approximately two times. Charles stated the second shot fired at Washington knocked him down to the ground.

Charles saw a young boy exit the black vehicle from the front passenger seat and run away. In fear for himself and his family in his vehicle, Charles made a U-turn so that he could flee from the area. Charles told detectives Khan had no choice but to shoot Washington as Washington was “shooting people.”

Statement of Witness Stanley

Stanley, the driver of the white Cadillac, told investigators that Washington was his uncle. Stanley stated that he, his brother, Brandon, and Washington were returning from San Diego when Washington told Stanley to make a stop in Los Angeles to visit a family member. After leaving the family member’s home, Stanley stated that they were driving and came to a stop sign when they saw a charcoal grey Mercedes in the lane to the right of their vehicle. Stanley stated that Washington told him to follow the Mercedes and that it would take them where they needed to go. Stanley followed the Mercedes and stated that shortly after they began following it, the driver began to speed. Stanley also began to speed to keep up with the Mercedes until they approached an intersection where there was a parked police patrol vehicle on the side of the street. Stanley saw the Mercedes backing up in front of the patrol vehicle.

Stanley stated that when they began to approach the intersection where the patrol vehicle and Mercedes were parked, Washington made eye contact with Khan. Stanley saw that Washington was holding two handguns and thought once Washington saw the police patrol vehicle, he would put the guns away. Instead, Washington jumped out of their vehicle and started shooting at the woman in the Mercedes. Stanley heard Khan tell Washington, “Put the gun down, please.” Stanley said he was in fear and, “He [Washington] was going to shoot the cop too and probably us too.” Stanley saw Washington slightly move his body to the right toward Khan as if he was going to start firing at him.⁷

Statement of Witness Brandon

Brandon was seated behind Stanley in the back seat of the white Cadillac. Brandon told investigators that they were stopped at an intersection where the Mercedes pulled up on the side of them in the right turning lane. Brandon stated that he saw a woman and a boy in the Mercedes and the woman had a surprised expression on her face, but he did not think anything of it.⁸ Washington directed Stanley to follow the Mercedes which caused Stanley to maneuver their vehicle into the right turning lane from the left lane that they were in. Washington told Stanley to follow the Mercedes and it would take them where they needed to go. Brandon said they followed the Mercedes for approximately five to ten minutes. The Mercedes began to speed at

⁶ Charles believed Washington was holding only one gun and stated the gun was silver in color.

⁷ Stanley told investigators that everything happened so fast, he did not know why Washington shot the woman, and that he had never seen her before the incident.

⁸ Brandon stated Washington had his foot outside of the window and that he had it in that position for the majority of their ride in the vehicle.

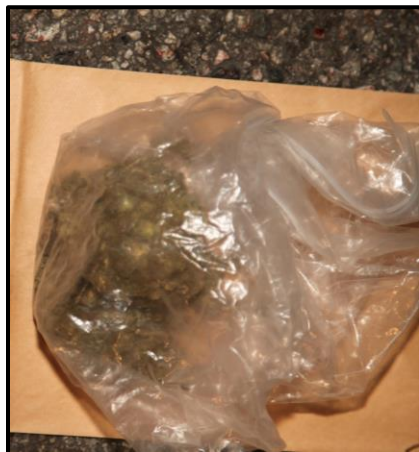
which time Stanley asked Washington, “What are we doing?” Washington replied to Stanley, “Shut up and drive.” Brandon said they kept following the Mercedes until they noticed a police patrol vehicle parked on the side of the street. Brandon saw that Washington had two guns, one in each of his hands, and was holding them like he was “ready.” The Mercedes stopped in front of a patrol vehicle and as they passed the patrol vehicle, Brandon saw Washington nod at the police officer. Brandon said Washington exited the vehicle, walked up to the driver side of the Mercedes and began shooting at the woman in the Mercedes. Brandon told investigators he was scared and immediately put his hands in the air.⁹

Additional Evidence

Investigators recovered a black messenger bag that was hanging from Washington’s neck. Recovered from inside the black messenger bag were nine PMC brand .357 caliber live rounds located in a cotton sock as well as a bag containing marijuana.



Black messenger bag recovered from Washington's body; Black messenger bag and its contents.



Baggie containing marijuana and nine .357 caliber live rounds recovered from Washington's black messenger bag.

⁹ Brandon stated that he did not know the woman in the Mercedes and did not know why Washington shot her.

Autopsy

Decedent/Victim Denise B.

On April 5, 2015, Deputy Medical Examiner Kevin Young, M.D., performed a post-mortem examination of Denise B. Denise's cause of death was caused by multiple gunshot wounds to the head and chest.

Decedent Robert Washington

On April 5, 2015, Deputy Medical Examiner Julia T. Chu, M.D., performed a post-mortem examination of Washington's body. Washington's death was caused by a fatal gunshot wound to the head, with a front to back, right to left, and downward direction.¹⁰

A toxicology analysis revealed Washington had the presence of alcohol, marijuana and phencyclidine-GC/MS (PCP) in his system at the time of his death.

Firearms Evidence

Khan was armed with a Berretta 9mm Luger caliber semiautomatic pistol that has a maximum capacity of 18; 17 cartridges in the magazine and one in the chamber. After the incident, Khan's firearm was loaded with one cartridge in the chamber and 11 in the magazine. Six 9mm cartridge casings were recovered from the scene, which is consistent with Khan firing six rounds from his service weapon.

Washington was armed with a Smith and Wesson .357 Magnum caliber revolver that was recovered from the roadway of Kornblum Avenue, near the back of the Cadillac. Two live rounds and three shell casings were in the cylinder at the time it was recovered. Washington was also armed with a Taurus .357 Magnum caliber revolver that was recovered from the rear cargo area of the HPD patrol vehicle.¹¹ Four live rounds and three shell casings were in the cylinder at the time it was recovered.



Smith & Wesson .357 caliber revolver recovered near Washington's body.

¹⁰ The gunshot wounds are arbitrarily sequenced for identification and do not indicate the sequence in which they were sustained.

¹¹ It is unknown which officer recovered and placed the Taurus blue steel .357 near the rear cargo area of the HPD patrol vehicle.



Taurus blue steel .357 revolver recovered near Khan's patrol vehicle.

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of others if that person actually and reasonably believes 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.

“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.

“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force

to effect the arrest or to prevent escape or to overcome resistance. Penal Code § 835a; CALCRIM No. 2670.

CONCLUSION

The evidence examined in this investigation shows that Officer Khan was working patrol monitoring traffic at the intersection of Kornblum and Rosecrans Avenues. Khan was parked at the intersection for approximately five minutes when Denise drove up in her Mercedes on the driver side of Khan's vehicle and told Khan a vehicle was following her and needed assistance. Khan directed Denise to drive her vehicle in front of his patrol vehicle and park. Seconds later, a white Cadillac occupied by Washington, drove up on the left side of the patrol vehicle and Denise's Mercedes. The Cadillac stopped, Washington exited holding a gun in each of his hands, walked up to the driver side of Denise's Mercedes, and began firing both of his guns at her and her twelve-year old son. Washington leaned his body into the window of Denise's Mercedes and continued firing both of his guns.

Khan saw Washington firing at Denise and her son and reasonably believed he was witnessing a murder in progress. In fear for his life, and the lives of Denise and her son, Khan exited his patrol vehicle, pointed his duty weapon at Washington and fired approximately six rounds at him to end the deadly threat.

Based on the evidence presented, we have concluded that Khan acted in lawful self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.