

Non-Fatal Officer Involved Shooting of Luke Carlson
Redondo Beach Police Department

Officer Ryan Crespín, #1255
Officer Patrick Knox, #1262

J.S.I.D. File #19-0011



GEORGE GASCÓN
District Attorney

Justice System Integrity Division
May 25, 2023

MEMORANDUM

TO: CHIEF JOE HOFFMAN
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Luke Carlson
J.S.I.D. File #19-0011
Redondo Beach Police Department File #19-0148
L.A.S.D. File #019-00005-3199-055

DATE: May 25, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 8, 2019, non-fatal shooting of Luke Carlson by Redondo Beach Police Department (RBPd) Officers Ryan Crespin and Patrick Knox. It is our conclusion the officers acted in lawful self-defense and defense of others when they fired their duty weapons.

The District Attorney's Command Center was notified of this non-fatal shooting on January 8, 2019, at approximately 11:00 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by RBPd Lieutenant Mario Fizulich.

The following analysis is based on reports, recorded interviews, photographs, and body worn camera (BWC) videos submitted to this Office by the LASD Detective Division, Homicide Bureau. The voluntary statements of Crespin and Knox were considered as part of this analysis.

FACTUAL ANALYSIS

On January 8, 2019, Luke, a 21-year-old male, was at his parents' home in Redondo Beach. Luke was at the house with his mother [REDACTED] and his father [REDACTED]. Luke was visiting home from college while on winter break when he got into a domestic dispute with his parents.

At approximately 9:00 p.m., several neighbors heard yelling and death threats emanating from the residence and called 9-1-1. The first caller reported at 9:07 p.m. and stated that she heard a male say he was going to kill someone. A second caller reported at 9:09 p.m. and indicated he heard someone yell, "I'll kill you with my bare hands!" The second caller stated that he heard a male hitting a female and heard someone ask, "Why are you hitting my mom?" This caller

further stated that he then heard someone rack a shotgun and heard a female scream. The caller also told the operator that he believed there was a male and a female, both in their 60s, as well as a third male in his 20s at the residence. Another individual also called 9-1-1 at approximately 9:13 p.m. to report the disturbance. All of the information provided to the 9-1-1 operators was relayed to responding officers via their computer-aided dispatch (CAD) system.

At approximately 9:16 p.m., RBPB Officers Pedro Dos Santos and Nolan Beranek arrived at the location and were flagged down by neighbors. The officers heard the disturbance consisting of loud unintelligible screams and commotion emanating from the residence.

The officers formulated a tactical plan to rescue any potential victims and to arrest the suspect. They formed a single file line and approached the residence on a walkway along the north side. As the officers approached, [REDACTED] and Luke, were located in the laundry room. The laundry room's north wall was adjacent to the walkway and its east wall had a door that opened to the backyard. See the drone image and sketch of the residence depicted in Figures 1 and 2.



Figure 1 and 2: Drone image and sketch of the residence, the path the officers walked, and the location of the parties prior to the OIS.

Knox led the officers down the walkway with Crespin next in line. Following them were Officer Kristen Siegfried, Sergeant Mark Valdivia, Officer Michael Coates, and Officer Rex Yap respectively. As the officers approached, they continued to hear loud screams and commotion emanating from the backyard of the residence.

Knox walked past the laundry room window and entered the backyard. Crespin reached the laundry room window, looked inside, and saw Luke holding a handgun to his head with his

finger on the trigger. Crespin also observed an older male and female standing approximately three to four inches away from Luke screaming at each other. According to Crespin, the expression on Luke's face appeared to be a "face of rage."

Crespin told investigators that Luke's demeanor and the fact he was armed with a handgun caused Crespin to fear for his safety, the safety of the other officers, and the safety of the two other adults in the residence. Crespin shouted out, "Drop the gun!" Crespin pointed his service weapon at Luke through the window and ordered him again to, "Drop it!" Crespin then yelled at Luke, "Let me see your hands!"

At this moment, Luke was near the laundry room's back door, which heightened Crespin's fear. Crespin told investigators he feared that Luke would exit via the door and ambush Knox, who was in the backyard.

Luke then turned his body towards Crespin holding the firearm at a 45-degree angle with his arm extended, but slightly bent. Crespin stated that the muzzle of the gun moved across the two other adults' bodies and across Crespin's body as Luke turned towards him. Fearing for the safety of everyone involved, Crespin fired three times through the window towards Luke. Luke was struck and exited the door to the backyard.

According to Knox, as he passed the laundry window, he saw two males and female yelling and screaming at each other. As he reached the end of the wall of the residence, that was perpendicular with the back door, he heard Crespin yell, "Gun! Put the gun down!" He then heard three gunshots. Knox stated that he focused on the back door and was unsure if the gunshots came from inside or outside the residence.

Knox observed Luke exit the back door. Luke was wearing a bulky jacket and his hands were pointed towards his waistband covered by the jacket sleeves. Knox pointed his gun at Luke and ordered him to, "Show me your hands!" Knox stated that Luke ignored his commands, turned to face Knox, and started walking towards him. Fearing for his safety and the safety of the other officers, Knox stated he fired his duty weapon once, striking Luke.

Luke fell on his back and Yap assisted Knox in taking Luke into custody. Additional officers arrived and began to render aide to Luke.

Luke was struck multiple times in the arms and torso and transported to Harbor General Hospital for treatment. Luke survived his injuries. Detectives attempted to interview Luke, but he requested an attorney so no statements were obtained from him.

██████████ and ██████████ also refused to make any statements to investigators about the incident.

An unloaded 9mm caliber semiautomatic pistol, registered to Luke, was located in the laundry room where Luke was originally shot.



Figure 3: 9mm firearm found in the laundry room.

BWC Analysis

Crespin and Knox were equipped with BWCs, however, Knox did not have his activated during this incident.

As Crespin traveled on the walkway, the inside of the laundry room becomes partially visible through his BWC. At first, only the top of Luke's and [REDACTED]'s heads can be seen, and it appears as though they are facing each other in very close proximity. With the physical positioning of the BWC on Crespin's mid-chest, coupled with various items on top of the washer/dryer obstructing the view, most of Luke's and [REDACTED]'s bodies are not visible on the footage.



Figure 4: Luke and [REDACTED] facing each other in the laundry room.

On the BWC, Crespin is heard yelling, “Drop the gun!” as he points his service weapon at Luke through the window.



Figure 5: Crespin points his firearm through the window as Luke starts turning his body clockwise.

Crespin yells, “Let me see your hands!” as Luke continues to turn his body.



Figure 6: Luke continues turning his body and is now looking at Crespin.

Luke continues his turn and is now facing, possibly attempting to exit, the backdoor. Crespino fired three shots in rapid succession. The first shot's flash can be seen in the window's reflection.

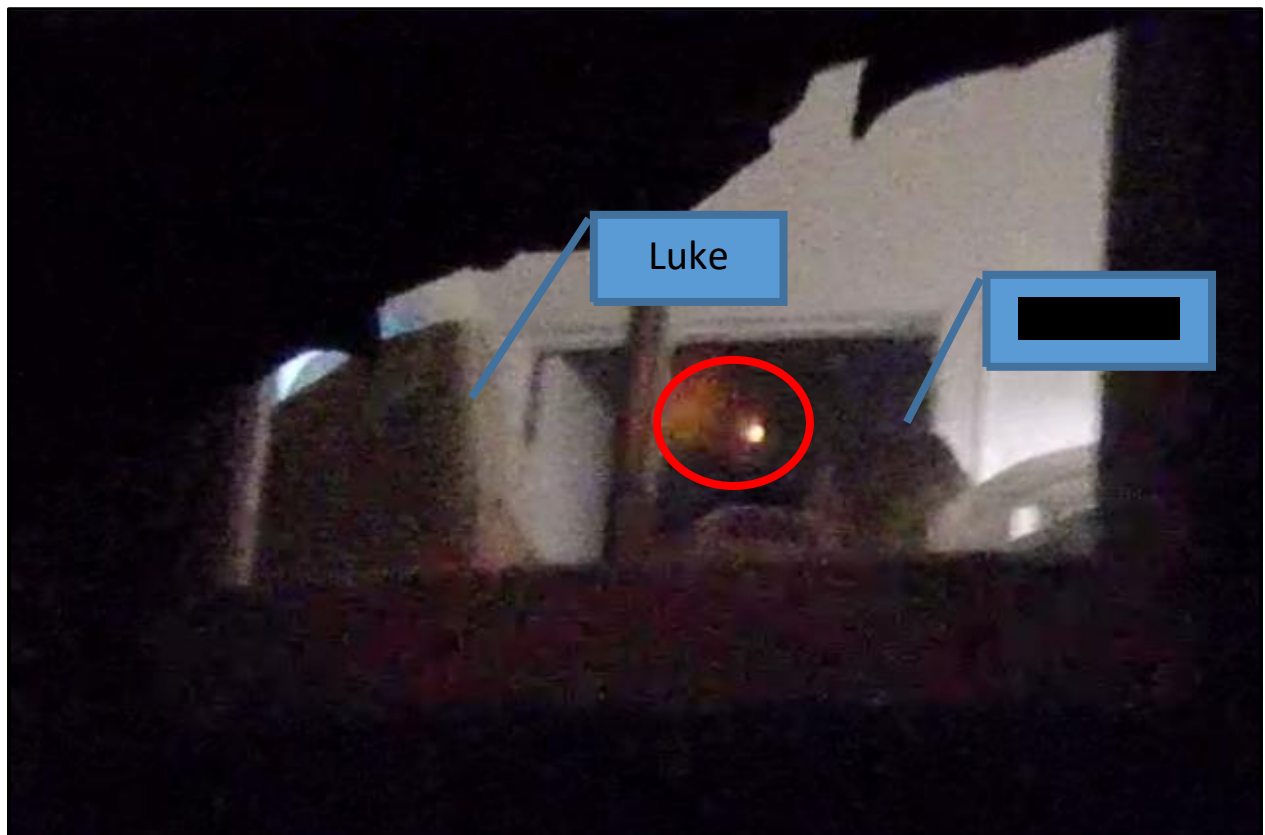


Figure 7: Luke completes his turn and is now facing/exiting the back door. The flash of the first shot can be seen in the reflection.

Prosecution Declined Against Luke

On January 31, 2019, this case was presented to the District Attorney's Office to determine whether any criminal charges should be filed against Luke.

The filing deputy noted that Luke, [REDACTED] and [REDACTED] all refused to provide statements to the investigators. Additionally, the 9-1-1 calls by the neighbors suggested that [REDACTED] assaulted [REDACTED].¹ As such, there existed a possible defense of others claim by Luke. After reviewing the evidence, this office determined that there was insufficient evidence to prove beyond a reasonable doubt that Luke was guilty of an assault with a firearm, in violation of Penal Code section 245(a)(2).

LEGAL ANALYSIS

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; CALCRIM No. 505; See also *People*

¹ Luke Carlson filed a lawsuit in Federal Court. Multiple efforts were made to reach out to the attorney to see if any depositions or other information was available to consider in this analysis and whether Luke Carlson's parents were amenable to being interviewed. As of the date of this memorandum, there has been no response.

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.

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.

In protecting oneself or another, a person may use all the force that he or she believes is reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury that appears to be imminent. CALCRIM No. 3470. If the person's belief 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 taking 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. California law permits the use of deadly force by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. *People v. Ceballos* (1974) 12 Cal.3d 470, 477-484. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. *Id.* at 479.

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* (2012) 206 Cal.App.4th 1125, 1147. An officer may only resort to the use of deadly force when the resistance to compliance or arrest "appears to the officer more 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 Nos. 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 resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

Before a jury can rely on circumstantial evidence to find a person guilty, the jury must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the accused person is guilty. "If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence." CALCRIM No. 224.

Unlike private citizens, police officers act under color of authority to protect the public. Their authority extends to public offenses that pose an immediate danger to persons. Penal Code section 830.1 (a)(3).

The evidence shows prior to the officers' arrival, they were informed by several calls to 9-1-1, that someone in the residence had threatened to kill another person, and that individual was likely armed with a firearm. Upon arrival, the officers heard very loud disturbances consisting of loud screams emanating from the rear of the residence. The officers formulated a plan to approach the rear of the residence utilizing the north walkway.

Once Crespin arrived at the laundry room window, he stated he observed Luke with a firearm raised to his own head, in very close proximity to his parents. All the parties were screaming at each other. Luke, in particular, looked as though he was enraged. Crespin ordered Luke to, "Drop the gun!" and "Let me see your hands!" Luke however did not comply, and instead turned clockwise with his body, causing the firearm's muzzle to be aimed first at Luke's parents and then at Crespin. Luke's turn towards the direction of the backdoor caused Crespin to fear for Knox's safety because Knox was in the backyard located immediately on the other side of the backdoor.

Based on the totality of the circumstances that Crespin was faced with, it was reasonable for him to fear for the safety of the parents, himself, and Knox. As such, Crespin's decision to fire his duty weapon was reasonable.

Similarly, Knox was aware that someone in the house was armed with a firearm based on Crespin's commands for that individual to, "Drop the gun!" Knox heard the gunshots, but was unaware who fired. Immediately after hearing the shots, Knox stated he observed Luke exit the back door. Luke had on a bulky jacket which obstructed Knox's view of his hands. Knox ordered Luke to show his hands, which Luke did not do. Instead, Luke took a step towards Knox. In return Knox fired one time, striking Luke and causing him to fall to the ground.

Based on the totality of the circumstances that Knox faced, it was also reasonable for him to fear for his own safety when he discharged his duty weapon.

CONCLUSION

Based upon the foregoing analysis, we find that Officers Crespin and Knox acted in lawful self-defense and in defense of others when they fired at Luke.