

**Fatal Officer Involved Shooting of Dominador Rabot
Los Angeles County Probation Department**

Officer Anthony Canul #527186

J.S.I.D. File #19-0442



Justice System Integrity Division

November 20, 2020

MEMORANDUM

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

SUBJECT: Fatal Officer Involved Shooting of Dominador Rabot
J.S.I.D. File #19-0442
L.A.S.D. File #019-11758-1625-013

DATE: November 20, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 22, 2019, fatal shooting of Dominador Rabot by Los Angeles County Deputy Probation Department Officer (DPO) Anthony Canul. We have concluded Officer Canul acted lawfully in self-defense and the defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 2:49 p.m., on October 22, 2019. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, recorded interviews, firearm analysis reports, photographs, the autopsy report and witness statements submitted to this office by LASD Detectives Joseph Iberri and Ralph Hernandez. Canul's voluntary statement was considered as part of this analysis.

FACTUAL ANALYSIS

On October 22, 2019, a group of ten DPOs went to a house on South Wilmington Avenue in the City of Carson to conduct a probation compliance search and serve a no bail probation violation arrest warrant on the person of Dominador Rabot. Prior to their arrival at the location, they were briefed by the investigating officer, DPO William Michel, regarding Rabot's criminal history, the

warrant for his arrest and the facts surrounding the matter for which he was on probation, which involved the possession of a knife.

The officers arrived at the location at approximately 12:45 p.m. and took positions outside various areas at the residence.¹ Canul took a position near the front door. The door was secured by a closed wrought iron security screen door. Michel approached and made several knock and notice announcements, identifying the officers as the “Probation Department” and ordering Rabot by name to open the door. The interior door opened briefly, but was closed again quickly. Canul could not see inside the residence, but heard other officers state Rabot had opened and closed the door.²

Additional announcements were made at the front door and Canul looked to the north and observed another DPO, Aldin Tatley, near the garage of the residence. Tatley advised him the garage was open, and there was a door inside which appeared to lead to the residence. Leaving other officers to remain at the front door, Canul and Michel joined Tatley inside the open garage. Canul heard shuffling movement emanating from inside the residence. Michel conducted knock and notice announcements at the door inside the garage and again ordered Rabot to open the door. Michel further advised Rabot through the closed door that the warrant was “no big deal.” Concerned there could be a language barrier issue, DPO Leonard Baquir, who was positioned at the rear of the residence, was brought to the door to convey the same information in Tagalog, which was believed to be Rabot’s first language.

Canul, having taken Baquir’s position at the rear of the residence, observed an unfinished addition which appeared to contain an additional entrance to the residence. The entrance was covered by a loose piece of drywall. Tatley and Canul approached the entrance and requested that additional officers respond to their location. Tatley removed the loose drywall covering the entrance. Canul saw that the entrance led to a bedroom inside the residence. Tatley entered through the opening first, followed by Canul, DPO Arthur Ruiz, DPO Glenda Phillips-Smith and DPO Raul Salazar.

Canul looked down the hallway in front of him and observed Rabot near the front door with his back facing Canul. Canul used his flashlight to illuminate Rabot while announcing, “Probation Department! Let me see your hands!” Canul observed Rabot grab something near the front door with his right hand. The object appeared to be a large bladed knife, similar to a butcher’s knife. Rabot was holding the knife in his right hand at shoulder height.³ Canul and other officers shouted at Rabot to “Drop the knife!”

Rabot ignored these commands, turned, and began charging at Canul and the other officers. Rabot was moving quickly towards them with the knife still held at shoulder height. When Rabot was halfway through the hallway, Canul heard him yell, “Fuck you! Shoot me! Kill me!” Canul continued ordering Rabot to drop the knife. Rabot did not stop. Fearing that Rabot would stab

¹ All of the officers were wearing DPO uniforms which identified them as DPOs.

² Michel observed Rabot inside the residence and was able to positively identify him to the other officers. Probation had been to the residence twice previously for probation compliance searches and had once arrested Rabot for a violation according to Rabot’s family member.

³ Tatley observed Rabot with knives in both hands as he lunged towards the officers. Phillips-Smith observed a black circular object in Rabot’s right hand. Ruiz observed a kitchen knife in Rabot’s left hand and another object which he could not see clearly in his right.

himself or the other officers, Canul fired his service weapon five times, stopping once Rabot fell onto his left side.⁴

A twelve-inch stainless steel knife sharpening rod with a black plastic handle was recovered near where Rabot fell. The end of the item was sharp and the rod contained what appeared to be bloodstains.



Knife sharpening rod recovered near where Rabot fell after Canul fired his service weapon

Michel performed CPR on Rabot until paramedics arrived and transported Rabot to the hospital where he was pronounced dead. A yellow Cuisinart kitchen knife was recovered from Rabot's pants pocket while at the hospital. The knife had what appeared to be bloodstains on the handle and sheath.



Knife recovered from Rabot's pocket at the hospital

⁴ Investigators determined Rabot was between eight to ten feet from Canul when he fired his service weapon. Recovered cartridge casings at the location confirmed Canul's location when firing as well as the number of shots fired.

An autopsy conducted on October 25, 2019, determined the cause of death was multiple gunshot wounds to the chest, abdomen and posterior left arm. A toxicology screen conducted as part of the autopsy found marijuana, amphetamines and methamphetamine in Rabot's system at the time of his death.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 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.*

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 section 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.

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 section 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. And 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 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 have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

CONCLUSION

In the instant matter, the officers were lawfully at Rabot's residence to perform a probation search and arrest Rabot on a no bail warrant. The officers identified themselves and were clothed in a manner which identified them as probation officers. Rabot, who had encountered probation officers

at his residence on previous occasions, did not comply with orders to open the door. Once the officers had gained entry to the residence, he also failed to comply with orders to show his hands, electing instead to arm himself with a knife sharpening rod in his right hand, and according to Tatley and Ruiz, a kitchen knife in his left. When Rabot charged towards the officers wielding these weapons and ignored commands to drop them, he placed the lives of the officers in jeopardy. As such, Canul's use of deadly force in self-defense and defense of others was reasonable.

We are closing our file and will take no further action in this matter.