

**Non-Fatal Officer Involved Shooting of Jarvis Robert Lee Goode
Torrance Police Department**

Officer Alex Gonzalez, #21089

J.S.I.D. File #18-0365



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

December 4, 2023

MEMORANDUM

TO: CHIEF JAY HART
Torrance Police Department
3300 Civic Center Drive
Torrance, California 90503

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

SUBJECT: Non-Fatal Officer Involved Shooting of Jarvis Robert Lee Goode
J.S.I.D. File #18-0365
T.P.D. File #180040924

DATE: December 4, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 27, 2018, non-fatal shooting of Jarvis Robert Lee Goode (Jarvis) by Torrance Police Department (TPD) Officer Alex Gonzales. We have concluded that there is insufficient evidence to prove beyond a reasonable doubt that Officer Gonzales did not act lawfully in defense of others.¹

The District Attorney's Command Center was notified of this shooting on August 27, 2018, at approximately 4:49 p.m. The District Attorney Response Team (DART) responded to the location, where they received a briefing and walk-through of the scene.

The following analysis is based on investigative and other police reports, 9-1-1 calls, radio transmissions and records, body worn camera video (BWV), recorded interviews, crime scene photographs, forensic reports, and other evidence submitted to this office by TPD Detectives Jesus Garcia and Lucas Ryono on March 10, 2020. Additional evidence was received on December 9, 2020. The voluntary statements of Gonzales² and Officer David Chandler were considered in this analysis, as was the preliminary hearing testimony of Jarvis' grandmother, [REDACTED]³

FACTUAL ANALYSIS

On August 27, 2018, at approximately 11:30 a.m., [REDACTED] age 77, called 9-1-1 to report her grandson, Jarvis, smashed the rear sliding glass door of her Florwood Avenue home. [REDACTED] said

¹ Another TPD Officer, David Chandler, also discharged his duty weapon during the incident. On August 27, 2021, Chandler was charged in case number BA498052 with a felony violation of Penal Code § 149. On August 14, 2023, a preliminary hearing was held, and Chandler was held to answer. This matter is pending trial.

² Gonzales provided two statements. The first statement was included with the initial submission on March 10, 2020, and the second statement was provided on January 26, 2022.

³ TPD officers exchanged racist texts between 2018 and 2020. There is no evidence that Gonzales ever commented upon or responded to any of these texts.

Jarvis was not allowed to be at the location,⁴ was not taking prescribed medication for a psychiatric illness, was under the influence of methamphetamine, was “out of control,” and had threatened her.⁵ While ██████ spoke to the 9-1-1 operator, Jarvis broke the kitchen window and left the location. On the 9-1-1 recording, Jarvis can be heard yelling, followed by the sound of shattering glass.

TPD communications informed the responding officers the reporting party’s grandson smashed the sliding glass door and the kitchen window and left the property. Communications advised responding officers via radio transmissions and Mobile Dispatch Computer (MDC) that all calls to the address required a minimum of four officers because Jarvis will fight with TPD officers. Communications also informed the officers that Jarvis was a “5150 and 415 subject.”⁶ Officers Branden Nakashima, Alex Gonzales, and David Chandler responded to the call in black and white patrol vehicles and wore distinctively marked TPD uniforms. When the officers arrived at the location, ██████ told them she had a restraining order against Jarvis, but she allowed him to come to her house that morning to do laundry. While there, Jarvis argued over the phone with his aunt and financial guardian, ██████ Jarvis became upset and broke ██████ rear sliding glass door with an unknown object. ██████ told Jarvis she was calling the police and told him to leave. As Jarvis left, he broke the kitchen window. ██████ said Jarvis had been diagnosed with a mental disorder, used methamphetamine, and tended to become violent. ██████ estimated the damage to be \$1,000 and was desirous of prosecution.⁷ While observing the damage, Chandler and Gonzales saw an empty handgun holster lying on a table in the backyard. Officers searched the surrounding area but were unable to locate Jarvis. The officers left the location by 12:40 p.m.



Figure 1: Photograph of the broken rear sliding glass door showing the empty handgun holster.

Later that day, at approximately 12:50 p.m., ██████ called 9-1-1, informing them Jarvis texted his aunt that he wanted to kill himself. ██████ did not know Jarvis’ whereabouts but wanted the

⁴ In May 2018, ██████ obtained a restraining order preventing Jarvis from being within 100 yards of the location.

⁵ The 9-1-1 call broke up as ██████ told the operator Jarvis had threatened suicide. This information was not conveyed to responding officers at this time.

⁶ Welfare and Institutions Code § 5150 allows a police officer to take a person into custody for an evaluation when there is probable cause to believe a person is a danger to themselves or others. Penal Code § 415 prohibits unlawful fighting or challenging a person to fight in a public place.

⁷ Vandalism causing over \$400 worth of damage is a felony. Penal Code § 594.

officers to be aware of his state of mind. TPD communications entered the information into the MDC. At 1:00 p.m., California Highway Patrol (CHP) attempted to transfer another call from [REDACTED] to TPD, but the call was disconnected. The CHP operator told TPD that Jarvis had returned to [REDACTED]. Communications informed officers via radio and the MDC that Jarvis was back at the location and dispatched several units. Gonzales responded to the call and requested communications contact [REDACTED] since the information was second-hand. Communications informed Gonzales if Jarvis was detained, the Torrance Mental Evaluation Team (TMET) would respond if necessary. At 1:05 p.m., Gonzales told communications he was at the location standing by. Chandler arrived shortly after. When communications tried to contact [REDACTED] the call went to voicemail. At 1:06 p.m., communications informed the officers [REDACTED] was not answering.

Concerned for [REDACTED] welfare, Gonzales decided not to wait for additional units and to approach the house with Chandler. Gonzales stood on the north side of the sidewalk at the end of the pathway leading to the front door, while Chandler stood at the south side of the sidewalk near the end of the driveway. A few seconds later, [REDACTED] exited the front door, pointed behind her, and walked quickly down the front steps toward Gonzales. Jarvis came out of the house directly behind [REDACTED] while holding a knife in his right hand. Gonzales drew his Taser and ordered Jarvis to drop what he was holding. Jarvis yelled expletives at Gonzales, raised the knife to chest level, and moved forward to within an arm's length of [REDACTED] in Gonzales' direction while looking directly at Gonzales.

Chandler saw Jarvis was holding a knife and drew his .45 caliber Glock duty weapon. Gonzales yelled, "He's got a knife!" Gonzales dropped his Taser and drew his .45 caliber Glock duty weapon. Chandler fired at Jarvis. Gonzales fired one round at Jarvis. Jarvis moved southbound behind bushes along the pathway across the front of the house towards the driveway. Chandler continued firing in Jarvis' direction. As Jarvis reached the driveway, Gonzales repeatedly ordered Jarvis to drop the knife, but Jarvis did not drop the knife or make any attempt to surrender. Chandler briefly paused firing. As Jarvis reappeared from behind the bushes onto the driveway, Chandler fired one to two rounds. Chandler then fired approximately three additional rounds as Jarvis turned westbound up the driveway and disappeared into the backyard holding the knife. The officers informed communications a shooting had occurred, and that Jarvis was armed with a knife. Approximately nine seconds elapsed between the time communications informed the officers [REDACTED] did not answer to the time Gonzales reported shots had been fired.⁸

Additional TPD officers established a containment of the area. A Los Angeles County Sheriff's Department (LASD) airship, TPD SWAT personnel, two K-9 units, drones, and other local police agencies assisted TPD in searching for Jarvis throughout the area for over three hours. Officers evacuated the surrounding neighbors. Officers made several announcements instructing Jarvis to surrender. Officers attempted to contact Jarvis by cell phone and through Facebook. Jarvis did not respond and remained in hiding. Around 2:38 p.m., TPD received information from Jarvis' family that he was injured. At 4:37 p.m., TPD officers located Jarvis hiding in an adjacent backyard on Cordary Avenue. At approximately 4:52 p.m., TPD SWAT officers took Jarvis into custody. An eight-inch extended folding knife with an approximate three-inch blade was recovered where Jarvis had been hiding. Jarvis was treated at the scene by TPD SWAT

⁸ The two radio transmissions occurred at approximately 1:06:21 p.m. and 1:06:30 p.m.

Tactical Medics (TEMS) and the Torrance Fire Department and transported to Harbor-UCLA Medical Center. Jarvis suffered one gunshot wound to his upper left shoulder.⁹

Jarvis was charged in case number YA098818 with one felony count of resisting a police officer while armed with a knife, in violation of Penal Code §§ 69 and 12022(b)(2), and one felony count of vandalism, in violation of Penal Code § 594. On October 18, 2018, Jarvis pled no contest to one felony count of Penal Code § 69.

Witness Statements

Investigators interviewed ██████████ Jarvis, Gonzales, and Chandler. These interviews were recorded. ██████████ also testified at Chandler's preliminary hearing on August 14, 2023.

Statement and Preliminary Hearing Testimony of ██████████

Investigators interviewed ██████████ during the search for Jarvis. ██████████ told investigators Jarvis used narcotics instead of his prescribed medication, and his behavior had been "off the wall." ██████████ said Jarvis always talked about getting a gun or having a knife, and the police previously arrested him with knives and a machete. Earlier that morning, Jarvis was arguing with his aunt about money before he broke ██████████ sliding glass door and kitchen window. ██████████ called 9-1-1, and Jarvis left. When ██████████ heard Jarvis in her backyard, she went into the bathroom to call 9-1-1. Jarvis entered the front door at the same time ██████████ exited the bathroom. Jarvis smelled like he had been drinking and told ██████████ he could not trust anybody and was going to kill himself. ██████████ told Jarvis the police would return. Jarvis responded he was going to "use his knife," and they "were not going to take [him] alive." Jarvis was inside about five minutes before ██████████ heard the officers knock at the front door.¹⁰ ██████████ was relieved the officers had returned, opened the front door, and stepped outside. ██████████ thought Jarvis would leave through the back of the house. ██████████ heard Jarvis yell something like, "Nigga!" at the officers after she opened the front door. ██████████ heard the officers order Jarvis to put down his knife. The officers then fired their weapons. ██████████ said she did not see Jarvis behind her with the knife or running toward the back of the house, since it happened so quickly.¹¹ After the incident, the officers told ██████████ that Jarvis held a knife up behind her.

At Chandler's August 14, 2023, preliminary hearing, ██████████ generally testified as she had described the events in her interview. She testified that the officers were armed with rifles and had not identified themselves as officers as she stepped out the front door to her house. ██████████ did not look back to see what Jarvis was doing at that time. She believed she was nearly hit by gunfire. She could not estimate how many rounds were fired by the officers. After the shooting started, ██████████ did not see where Jarvis went.

⁹ It is unknown whether Chandler or Gonzales fired the round that struck Jarvis.

¹⁰ There is no evidence the officers knocked on the door.

¹¹ Gonzales' BWV shows ██████████ turn toward Jarvis, who was standing behind her holding the knife. Chandler reported that ██████████ told him she knew Jarvis had a knife.

Statement of [REDACTED]

On August 28, 2018, TPD Detective Craig Marshall interviewed [REDACTED] telephonically. [REDACTED] stated she and Jarvis argued over money. Jarvis told her, "You can use my money to pay for this, and I'll just take the rest." [REDACTED] thought Jarvis meant he was going to break something. Before Jarvis hung up the phone, [REDACTED] heard [REDACTED] yell that she was going to call the police. Later, Jarvis called [REDACTED] and told her the police had shot him. When [REDACTED] asked Jarvis to tell her where he was so he could get help, he said, "I'm not telling you. This is what you wanted," and hung up. [REDACTED] said Jarvis had been predicting he would die young and said he would not "just give himself up."

Statement of Jarvis

Investigators interviewed Jarvis on August 27, 2018. Jarvis told investigators he wanted his money from his aunt, so he started "breaking things," and [REDACTED] called the police. Jarvis acknowledged [REDACTED] had a restraining order against him. Jarvis said he removed his knife when the police arrived "because I wasn't gonna go with them." Jarvis told investigators he did not know the officers were at the house when he followed [REDACTED] outside. Jarvis said the officers' lives were not in danger, and they should have tased him. Jarvis ended the conversation.

Statement of Gonzales

Investigators interviewed Gonzales on August 30, 2018. Prior to this call, Gonzales had never heard an alert requiring four officers to respond to a call and considered it a red flag. Gonzales briefly searched the area for Jarvis and assisted Nakashima in taking [REDACTED] report. [REDACTED] said she had a restraining order against Jarvis and stated he was under the influence of methamphetamine. Gonzales believed [REDACTED] feared Jarvis because she had obtained a restraining order against him. Gonzales observed the damage to the sliding glass door and kitchen window and noticed an empty gun holster lying on a table in the backyard. After leaving the location, Gonzales saw the updated MDC information Jarvis was suicidal. About an hour later, TPD received another call indicating Jarvis was back at the location. Gonzales was extremely concerned for [REDACTED] safety due to the damage Jarvis caused to her home, the restraining order, and the information that Jarvis was suicidal. Gonzales was concerned Jarvis would try to commit "suicide by cop." Gonzales was the first to arrive and did not want to approach the house alone. When dispatch could not contact [REDACTED] Gonzales became concerned Jarvis was holding [REDACTED] against her will, so he decided to approach with Chandler instead of waiting for additional officers.

Gonzales exited his patrol vehicle and heard a male yelling loudly inside the house. As Jarvis and Chandler approached, Gonzales heard a male scream, "Fuck you niggers!" According to Gonzales, [REDACTED] exited the front door and quickly walked down the stairs towards Gonzales, frantically pointing over her shoulder and looking scared. Jarvis followed [REDACTED] down the stairs in Gonzales' direction. Gonzales was standing on the narrow walkway leading to the front of the house. [REDACTED] was partially blocking Gonzales' view of Jarvis standing behind her. Gonzales saw Jarvis holding an object, so he drew his Taser and ordered Jarvis to drop what he held. Jarvis continued moving forward to within a foot of [REDACTED] and moving in Gonzales' direction.

Gonzales realized the object Jarvis was holding was a large butcher knife. According to Gonzales, he saw Jarvis gripping the knife tightly, flexing his arms, and looking directly at him with “pure rage.” Gonzales was concerned Jarvis would stab and kill [REDACTED] and then stab and kill Gonzales before Gonzales could stop him.¹² Gonzales dropped his Taser, yelled that Jarvis had a knife, and drew his duty weapon. Jarvis raised the knife to stomach level, with the blade pointing downward as if he were going to stab someone. Gonzales believed he had to prevent Jarvis from stabbing [REDACTED] and him but could not safely fire his weapon because [REDACTED] was standing between them. Chandler fired his service weapon. When Jarvis moved aside, Gonzales had an opportunity to fire safely. Gonzales discharged one round from his duty weapon at Jarvis from a distance between 17 to 25 feet away.

After Gonzales and Chandler fired their weapons, Jarvis held onto the knife. Gonzales told investigators, “Any normal person would have dropped the knife and given up and surrendered and just would have ceased their attack.” Instead, Jarvis moved tactically, southbound across the front of the house towards Chandler’s side of the yard. Because Jarvis did not run away quickly, Gonzales believed Jarvis was moving to attack Chandler. Gonzales also believed Jarvis remained a threat to [REDACTED] and him since Jarvis was still holding the knife and could have turned back towards them. Shrubbery partially concealed Gonzales’ view and prevented him from firing as Jarvis moved towards Chandler. Gonzales said he also held his fire so he could defend Chandler, [REDACTED] and himself if Chandler ran out of ammunition. Jarvis retreated towards the backyard armed with the knife. Gonzales did not pursue Jarvis because he was afraid Jarvis would attack him with the knife or retrieve a handgun from the backyard.

Following the filing of the criminal case against Chandler, the City of Torrance conducted further review of this incident. As part of that investigation, Gonzales was interviewed a second time on January 26, 2022. Gonzales’ statements during that interview were generally consistent with the statement above. One difference was that Gonzales stated the only reason he did not continue to fire at Jarvis was because the bushes obstructed his view. He did not repeat his claim that he ceased firing to conserve his ammunition in case Chandler ran out.

Statement of Chandler

Investigators interviewed Chandler on August 30, 2018. When Chandler responded to the initial call, the officers were advised the call required a minimum of four officers because Jarvis would fight with them. When he arrived, Chandler heard [REDACTED] say she had a restraining order and wanted Jarvis arrested for vandalism. Chandler noticed an empty gun holster lying on a table near the broken sliding glass door. Chandler left the location. When Chandler and Gonzales returned after another 9-1-1 call, Chandler recalled the previous advisement that Jarvis would fight with officers. As Chandler approached the sidewalk near the driveway, Gonzales pointed towards the house as if he had seen or heard something. Based upon Gonzales’ actions, Chandler became concerned Jarvis was hiding behind the bushes in front of the house.

[REDACTED] exited the house while pointing behind her, looking pale and “freaked out,” as though she was trying to get away from someone. [REDACTED] walked down the steps, and Jarvis came barreling

¹² Gonzales said he had recently been involved in a similar incident with a man who was under the influence of methamphetamine, suicidal, and armed with a knife, who came within a foot of stabbing Gonzales.

out of the front door yelling, “What’s up, my Niggas?” Chandler described Jarvis’ tone as angry and wanting to “throw down.” Chandler heard Gonzales order Jarvis to “Drop it!” and saw Gonzales draw his Taser.¹³ Chandler immediately saw Jarvis holding a large, silver knife in his right hand next to his leg with the blade pointed downward. Gonzales said, “He’s got a knife!” Jarvis raised the knife to a ninety-degree angle and moved within a foot of ██████. As Jarvis moved forward, he was looking at Gonzales standing in front of ██████. Believing Jarvis was going to stab ██████ and Gonzales, Chandler drew his handgun and fired at Jarvis to prevent him from stabbing ██████ and to prevent Jarvis from running down the walkway towards Gonzales.¹⁴

As Chandler fired his weapon, Jarvis ducked down and continued moving slowly behind the bushes towards the driveway. Chandler believed Jarvis was using the bushes to conceal himself and was moving towards him to attack him with the knife, so he continued firing. When Jarvis came out from behind the bushes holding the knife, he looked at Chandler, and Chandler fired again. As Jarvis turned towards the garage, Chandler remembered seeing the empty gun holster on the table and was concerned Jarvis would retrieve a handgun.¹⁵ Chandler was concerned Jarvis posed a threat to other people in the area. Chandler continued firing his weapon until Jarvis was approximately three feet west of the southeast corner of the house. Chandler reloaded but did not follow Jarvis into the backyard to avoid being attacked. Chandler moved ██████ away from the front door in case Jarvis came back through the house. Chandler fired his weapon because he believed Jarvis intended to stab ██████ Gonzales, and him because Jarvis was known to fight with officers, was armed with a knife, did not put his hands up or respond to the officers’ commands, did not go back into the house, and continued moving in Chandler’s direction even after being fired upon. After the incident, ██████ told Chandler she saw Jarvis with the knife and said he was suicidal. Chandler was not aware Jarvis was suicidal during the incident.

Chandler fired 14 rounds during the incident. Chandler reloaded with a magazine containing 13 rounds and discarded the empty magazine at the scene.

Gonzales’ BWV

When Gonzales activates his body worn camera, he is holding his Taser in his right hand. Gonzales is standing near the sidewalk at the east end of the walkway leading to the front door. ██████ is standing in front of Gonzales, near the walkway that extends southbound across the front of the house to the driveway. Jarvis is standing behind ██████ right shoulder, holding a knife in his right hand near his right leg. Gonzales orders Jarvis, “Drop your hands. Drop whatever...” as ██████ walks toward Gonzales. Jarvis immediately raises the knife to his chest, yelling, “[unintelligible] fucking hands?” as he continues walking towards ██████ in Gonzales’ direction.

¹³ Chandler believed he pushed the button to activate his body worn camera when Gonzales ordered Jarvis to drop the knife, but later realized he had not started it at that time.

¹⁴ Chandler told investigators that when he fired his weapon, he was thinking of an LAPD incident where a suspect stabbed a hostage before the officers fired their handguns. Chandler was concerned he would be unable to stop Jarvis from stabbing ██████ and was worried he would hit ██████ with gunfire.

¹⁵ While officers were setting up the perimeter, Chandler informed Sergeant Scott Cameron he had seen an empty holster in the backyard. Searching officers were informed Jarvis may be armed with a handgun and a knife.

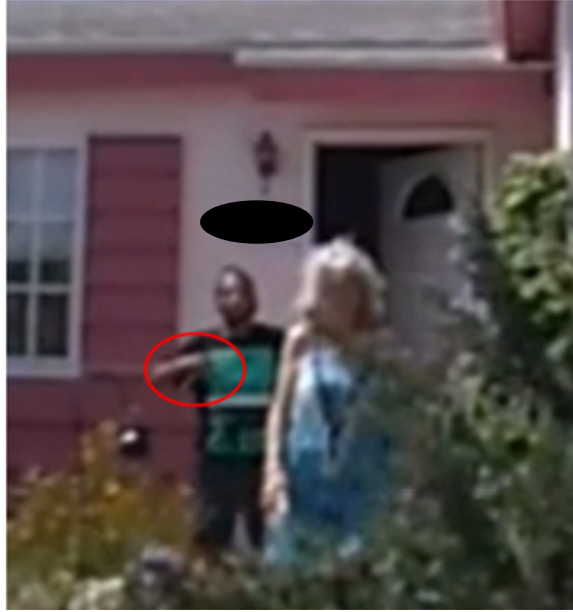


Figure 2: Still image from Gonzales' BWV showing Jarvis raising the knife.

█ stops, turns around, and looks in Jarvis' direction. Gonzales shouts, "He's got a knife!" Chandler fires several rounds as Jarvis turns to his right and moves southbound across the walkway in front of the house. Gonzales fires one round after Jarvis moves away from █¹⁶



Figure 3: Still image from Gonzales' BWV depicting Jarvis before Gonzales fired.

¹⁶ Gonzales transitions to his duty weapon and fires one round less than two seconds after Jarvis begins to move away from █

As Jarvis moves towards the driveway while still holding the knife, Gonzales orders Jarvis, “Put it down now! Put it down!” Bushes partially conceal Jarvis as he steps onto the driveway, turns the corner, and moves toward the rear of the house. Chandler continues firing until he announces he is reloading. Gonzales moves towards Chandler, who is standing where the sidewalk meets the end of the driveway.¹⁷ Gonzales informs dispatch shots were fired and that Jarvis is running through the house armed with a knife. Both officers move west up the driveway and tell ██████ to stay outside and to move away from the residence.¹⁸ Gonzales repositions himself near the southeast corner of the house and tells Chandler to watch the back. Chandler provides dispatch with a description of Jarvis and requests additional officers. Gonzales tells Chandler, “That was quick, dude. He was fucking coming as us. That shit’s like a five-inch, eight-inch knife.” Additional officers arrive. Gonzales informs them Jarvis came at them with a six-inch knife. Gonzales repositions his patrol vehicle near the driveway for cover. Gonzales provides dispatch with additional information that Jarvis charged at the officers with an approximately ten-inch knife.

Chandler’s BWV

Chandler’s BWV begins as he is firing his duty weapon.



Figure 4: Still image from Chandler’s BWV as it activates.

¹⁷ The BWV shows a magazine lying on the sidewalk near Chandler’s feet.

¹⁸ ██████ attempted to re-enter the front door after the officers ceased firing.

Chandler fires several rounds in Jarvis' direction as Jarvis ducks behind the bushes, heading southbound across the front walkway towards the driveway.¹⁹ When the bushes entirely conceal Jarvis, Chandler briefly pauses firing and lowers his weapon slightly for less than a second.²⁰ Gonzales repeatedly orders Jarvis to put down the weapon. As Jarvis reappears from behind the bushes facing southbound on the driveway, Chandler fires one to two rounds. Chandler fires three rounds as Jarvis turns westbound towards the detached garage before disappearing into the backyard.²¹ When Jarvis came onto the driveway, he was approximately 28 to 30 feet from Chandler, who was standing at the end of the driveway.



Figure 5: Still image from Chandler's BWV prior to firing the final round.

Chandler reloads and repositions himself near the southeast corner of the house, telling ██████ not to re-enter the house. Chandler radios that shots were fired, that Jarvis was armed with a

¹⁹ Jarvis cannot be clearly seen through the bushes.

²⁰ Chandler fired approximately eight rounds in less than three seconds.

²¹ Chandler fired the last three rounds in less than one second.

knife, and requests medics be staged. Chandler informs Sergeant Scott Cameron he fired his entire magazine and thought Jarvis might be injured.

As additional officers set up a perimeter, Chandler approaches [REDACTED] and asks if she is injured. Chandler asks [REDACTED] “You didn’t see him coming behind you with the knife?” [REDACTED] responds, “Um, he was inside. I went out to move the hose, and I forgot to lock the door.” Chandler again asks if she saw Jarvis with a knife. [REDACTED] responds, “Oh... I saw him. Yeah.” Chandler asks if Jarvis threatened her with the knife. [REDACTED] says, “No. Well, he was threatening, but not me. He was threatening he was going to kill himself.” [REDACTED] tells Chandler she told 9-1-1 that Jarvis was suicidal. Chandler responds that he did not receive that information.

Recovered Evidence

TPD Forensic Identification Specialists (FIS) recovered 13 expended .45 caliber cartridge cases from the grassy parkway east of the sidewalk and one cartridge case from the street in front of the Florwood Avenue residence. FIS recovered Chandler’s empty magazine and Gonzales’ Taser on the northwest side of the walkway and one expended .45 caliber cartridge case on the northwest side of the sidewalk. FIS identified eight possible bullet holes along the front face of the house and a possible bullet hole in the east wall of the living room, and recovered a projectile from the floor of the northwest corner of the living room. Under the carport on the south side of the house, FIS identified four possible bullet strikes to two trash cans, two possible bullet strikes to a metal downspout, and two possible bullet strikes to the rear bumper and trunk of [REDACTED] vehicle. FIS recovered one possible bullet fragment under the rear tire and one possible bullet fragment inside the vehicle’s trunk.

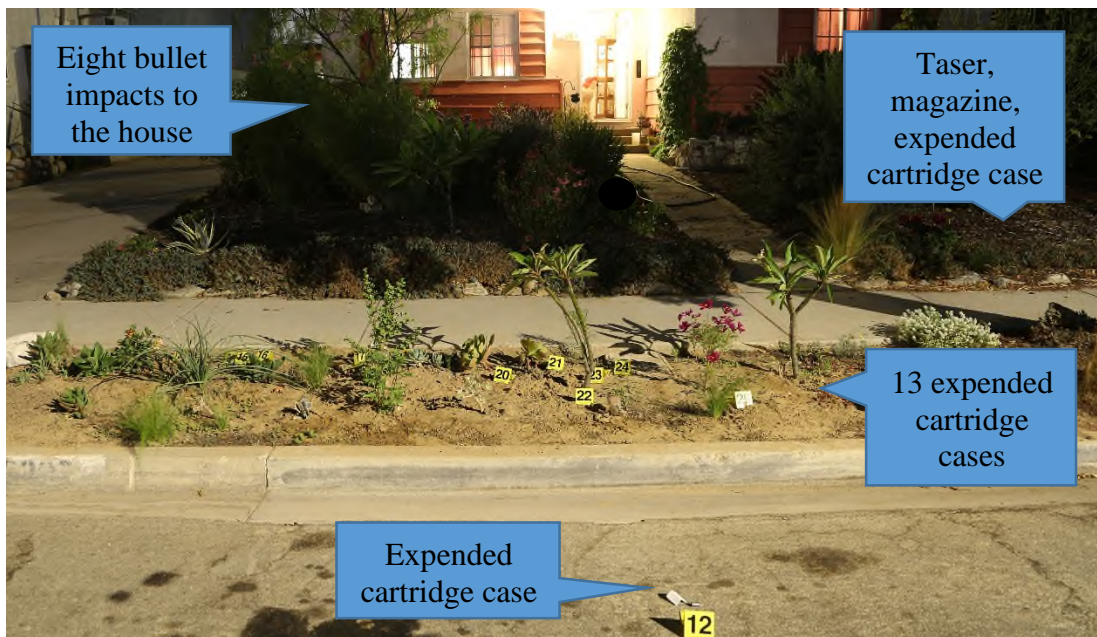


Figure 6: Evidence recovered in front of the Florwood Avenue location.

An eight-inch extended folding knife and a cell phone were recovered where Jarvis had been hiding in an adjacent backyard on Cordary Avenue.



Figure 7: The knife recovered in the backyard on Cordary Avenue.

Additional Witness Statements

Officers canvassed the area for possible witnesses. Several neighbors heard gunfire but did not see the incident. One neighbor said they had called TPD several times in the past regarding Jarvis and attempted to obtain a restraining order against him. Other neighbors said Jarvis caused disturbances and was unpredictable and uncontrollable.

Social Media

On August 26, 2018, at 10:34 p.m., Jarvis posted a message on TPD's Facebook page:

let all the cops know im not playing
in a cell. the holy spirit will fuck shit up
it is within me
DONT TEST ME
and tapping my niggas is a no no
u know where I am I got a restraining order on me but Im here, come
get me I dare you
hell is real . and I am the JUDGE . so its on you

On the morning of August 27, 2018, the TPD social media coordinator saw Jarvis' message. During the search for Jarvis, TPD communications informed the officers via radio transmission of Jarvis' threatening Facebook message. Investigators obtained a search warrant for Jarvis' Facebook account and located the message sent to TPD.

Investigators obtained search warrants for Jarvis' cell phone and computer. On August 25, 2018, Jarvis texted his aunt, "I want 800 in my account today. or I kill myself...my stuff got stolen at the house. laptop gun and tablet... 800 or I'm dead." "If I see the police I'll stab myself in the throat. U have 3 hours bye." On the morning of August 27, 2018, Jarvis conducted several searches on his computer, including: "Where to commit suicide in Los Angeles," "Torrance Police Department," and "Los Angeles Sheriff's Department."

LEGAL ANALYSIS

An assault is an unlawful attempt, coupled with the present ability, to commit a violent injury on the person of another. Penal Code § 240. Assault with a deadly weapon is prohibited by Penal Code § 245. The present ability element “is satisfied when ‘a defendant has attained the means and location to strike immediately’... ‘immediately’ does not mean ‘instantaneously.’” *People v. Chance* (2008) 44 Cal.4th 1164, 1168 (quoting *People v. Valdez* (1985) 175 Cal.App.3d 103, 113).²² “The drawing of a weapon is generally evidence of an intention to use it.” *People v. McMakin* (1857) 8 Cal. 547, 549.

A police officer may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance of a person the officer has reasonable cause to believe has committed a crime. 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. An officer “‘may use all the force ‘that appears to him as a reasonable man to be necessary to overcome all resistance, *even to the taking of life,*’ ... the resistance must be 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 (quoting *People v. Bond* (1910) 13 Cal.App.175, 189-190).

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 § 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 the person perceived need not to have actually existed. A prior threat or harm to the person or others can be considered when determining whether a person’s conduct and beliefs were reasonable. *Ibid.* A person is not required to retreat. He is entitled to stand his ground and defend himself and, if reasonably necessary, to pursue an assailant until the danger of death or bodily injury has passed. This is so even if safety could have been achieved by retreating. The People have the burden of proving beyond a reasonable doubt that the person did not act in lawful self-defense or the defense of another. *Ibid.*

In evaluating whether a police officer’s use of 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 evaluation of reasonableness should look to “the facts and circumstances of each case, including the severity of the crime, the threat posed by the suspect, and whether the suspect is resisting or attempting to evade arrest.” *Graham v. Connor*

²² *See also People v. Nguyen* (2017) 12 Cal.App.5th 44 (upholding conviction for assault on police officers [Penal Code § 245(c)] where defendant held a knife to his throat and told officers to shoot him, then pointed the knife at officers ten to 15 feet away and took one step towards them. An officer fired three rounds, striking the defendant).

(1989) 490 U.S. 386, 396. “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.” *Id.* at 396-397.

The evidence is insufficient to prove Gonzales did not reasonably believe [REDACTED] was in imminent danger of great bodily harm or death when he discharged one round from his duty weapon at Jarvis. Gonzales had been informed Jarvis fought officers on previous occasions and all calls to the location required at least four officers. Chandler and Gonzales saw the damage to [REDACTED] property and knew [REDACTED] wanted Jarvis arrested for felony vandalism. Both officers believed there was a restraining order preventing Jarvis from being at the location. The officers spoke with [REDACTED] initially but left when they could not locate Jarvis. TPD received additional information Jarvis was suicidal, which was relayed to the officers.

Less than an hour later, the officers returned to the location when TPD received information Jarvis had returned. When Gonzales arrived, he initially waited for additional officers as the previous alert had instructed. When TPD communications could not reach [REDACTED] Gonzales was reasonably concerned for [REDACTED] safety and decided to approach the house with Chandler before backup officers arrived. Gonzales observed [REDACTED] exit the front door quickly and, according to him, point behind her and appear frightened. Jarvis exited directly behind [REDACTED] while holding something. Gonzales drew his Taser and ordered Jarvis to drop what he was holding. Both officers drew their duty weapons when they saw Jarvis was holding a knife. Jarvis yelled expletives, ignored Gonzales’ commands to drop the weapon, and raised the knife as he continued moving closer to [REDACTED]. Chandler began firing, and as Jarvis began to walk away from [REDACTED] Gonzales fired one shot. At the time Gonzales discharged his duty weapon, Jarvis was still only steps from [REDACTED]. Gonzales quickly ceased firing and did not discharge any additional rounds as Jarvis continued walking away from [REDACTED]. Gonzales stated he fired his weapon to prevent Jarvis from stabbing [REDACTED] and him. In light of Jarvis’ volatile behavior prior to and during the encounter, and the fact that Jarvis did not comply with Gonzales’ commands, raised his knife, and continued moving towards [REDACTED] there is insufficient evidence to prove it was unreasonable for Gonzales to believe [REDACTED] was in imminent danger of great bodily injury or death. Although Gonzales’ stated belief that Jarvis continued to pose an imminent threat to Chandler, [REDACTED] and himself as he crossed the front of the house and ran away down the driveway is unreasonable, he did not employ deadly force at that time.

CONCLUSION

We find that there is insufficient evidence to prove beyond a reasonable doubt that Officer Gonzales did not act lawfully in defense of others when he discharged his duty weapon at Jarvis.