

**Officer Involved Shooting of Sinuon Pream
Long Beach Police Department**

Officer Elieser Domingo, #10782

Officer Bradley Muhlenkamp, #10799

J.S.I.D. File #17-0028



JACKIE LACEY

District Attorney

Justice System Integrity Division

March 7, 2019

MEMORANDUM

TO: CHIEF ROBERT LUNA
Long Beach Police Department
400 W. Broadway Avenue
Long Beach, California 90802

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

SUBJECT: Officer Involved Shooting of Sinuon Pream
J.S.I.D. File #17-0028
L.B.P.D. File #17-2956

DATE: March 7, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 15, 2017, fatal shooting of Sinuon Pream by Long Beach Police Department (LBPd) Officers Elieser Domingo and Bradley Muhlenkamp. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on January 15, 2017, at approximately 1:00 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Lieutenant Lloyd Cox.

The following analysis is based on reports prepared by the LBPd Investigations Bureau, Homicide Detail, Detectives Shea Robertson and Oscar Valenzuela. The reports include photographs, audio-recorded interviews of witnesses, a 9-1-1 call, radio transmissions, and surveillance videotape.

INTRODUCTION

On January 15, 2017, at approximately 11:14 a.m., Sinuon Pream, who had a history of mental illness and violent offenses, and had the presence of marijuana and methamphetamine in her bloodstream, fought with customers at a restaurant and brandished a knife. Bystanders called 9-1-1 and LBPd Officers Elieser Domingo and Bradley Muhlenkamp responded. The details of the radio call to the officers are shown below:

11:14:33pst	CREATE	Location:JACK IN THE BOX [REDACTED] Type:417A CAddr:PASSERBY Phone:[REDACTED] Darea:2 RD:602 TypeDesc:Person with a Knife LocDesc:at 5601 E PACIFIC COAST HY, CLB LocCross:btwn FLINT AV and E 7TH ST Priority:1 Response:2PAT Agency:LBPd Map:796C6 LocType:C
11:15:17	ENTRY	Info:AT JACK IN THE BOX - 415-FIGHT / 417A - IN PLOT BTWN 2 TRANSIENT FE'S. ONE IS ARMED W/ 417A

Figure 1- Mobile Digital Terminal (MDT) Details of Radio Call to Responding Officers.

When the officers arrived, Pream threatened them with the knife. They ordered Pream numerous times to drop the knife but Pream did not comply. Domingo and Muhlenkamp tased Pream but it was ineffective. Pream advanced toward Domingo and Muhlenkamp with the knife and both officers fired their service weapons at Pream, killing her. A photograph of Pream's knife is shown below:

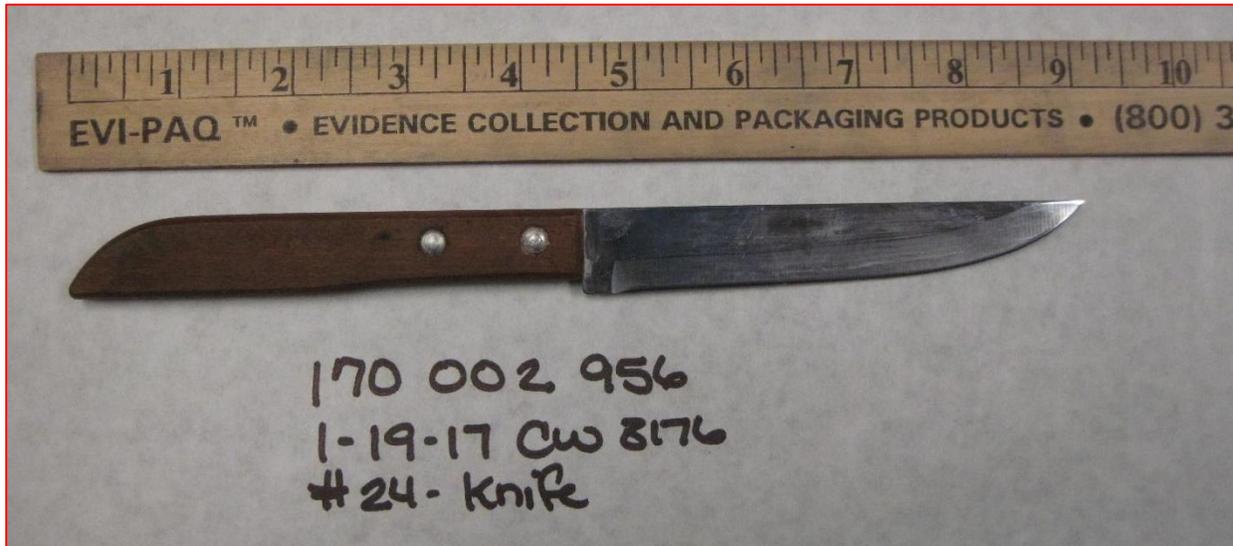


Figure 2 – Photograph of Pream's Knife.

FACTUAL ANALYSIS

Statement of Officer Bradley Muhlenkamp

Muhlenkamp was on patrol and responded to assist Officer Elieser Domingo regarding a fight between Pream and another woman at a restaurant in Long Beach. It was reported that Pream was mentally unstable, threatening bystanders, and brandishing a knife.

Muhlenkamp arrived first and was flagged down by bystanders who identified Pream, said she was acting "crazy," and was threatening people with a knife.

Muhlenkamp saw Pream with a six to eight inch long knife. She was brandishing the knife at passing automobile traffic.

Muhlenkamp yelled at Pream, "Police! Stop! Drop the knife now!"

Pream swung the knife aggressively at Muhlenkamp and said, "No! Fuck you!" Muhlenkamp ordered her again to drop the knife. Pream said, "No. I'll stick you!"

Domingo arrived and also ordered Pream, "Drop the knife!" Muhlenkamp ordered Pream again to drop the knife and raise her hands or he would be forced to shoot her. Pream responded, "Fuck you!" and continued to ignore the officers' commands. Pream was walking at a quick pace toward pedestrians at a bus stop and occupied vehicles, while continuously yelling at the officers and swinging the knife in a threatening manner.

Domingo and Muhlenkamp followed Pream while ordering her repeatedly to stop and drop the knife. Muhlenkamp and Domingo both tased Pream, which was ineffective. Pream continued walking toward the bus stop, ignoring the officers' commands to drop the knife and increasing her pace as she approached the bus stop.

When Muhlenkamp was approximately ten feet away from Pream, he ordered Pream again, "Drop the knife!" Pream turned toward him, took a single step in his direction, and fully and forcefully thrust her right hand with the knife toward him as if to stab him. Pream's right arm was fully extended, with her elbow locked out, and her wrist rotated so the tip of the knife was pointed directly at Muhlenkamp's chest.

Fearing for his life, Muhlenkamp fired one round from his service weapon at Pream. After the gunshot, Pream was still standing.

Muhlenkamp ordered Pream again to drop the knife, but she continued to swing the knife at him. Muhlenkamp fired four additional rounds.

Pream fell to the pavement with the knife still clenched in her right hand. Muhlenkamp ordered Pream again, "Drop the knife!" and Pream responded, "No!" Pream, seriously injured, eventually let go of the knife.

Statement of Officer Elieser Domingo

Domingo was working uniformed patrol when he was dispatched to a restaurant regarding a fight between two women. One of the women, later identified as Pream, was armed with a knife.

When Domingo arrived, he saw Pream agitated, flailing her arms around, sticking out her chest, and screaming.

Domingo drove up next to Muhlenkamp, who was out of his patrol car, and heard him commanding, "Drop the knife!" He saw Pream swinging the knife at Muhlenkamp and yelling, "Try me, motherfucker!"

Domingo commanded the suspect, "Ma'am, drop the knife! Drop the knife! We need to talk to you." Pream continued to ignore Muhlenkamp and Domingo's commands and continued to swing the knife at Muhlenkamp.

Pream walked away toward a bus stop. Muhlenkamp and Domingo followed about ten to 15 feet behind and attempted to tase Pream, but the Taser deployment was ineffective. Both officers again commanded Pream to drop the knife, but she picked up her pace, abandoned her shopping cart, and walked toward the bus stop.

Pream suddenly stopped, raised the knife, turned to her right, and pointed the knife at Muhlenkamp's chest. Domingo was about six feet away from Muhlenkamp, who was about

eight feet away from Pream. Domingo aimed his service weapon at Pream and fired one shot as Muhlenkamp also fired.

Pream stood with the knife still in her hand still threatening Muhlenkamp. After three more gunshots by Muhlenkamp, Pream fell to her stomach, knife still in hand. Domingo continued to give her commands to drop the knife until she eventually complied.

Statement of Mark M.

Mark M. was inside the restaurant when he saw Pream and another woman arguing. Pream had a five inch long kitchen knife. Pream walked away and continued to wave the knife at anyone she saw. An officer arrived and ordered Pream to drop the knife. A second officer arrived and ordered Pream to drop the knife. Pream ran up a ramp with the knife in one hand and pushing a shopping cart with the other. She turned and held the knife facing the officers, as they continued to order her to drop it. Pream ignored the officers' commands and ran with the knife. She turned towards the officers again and lunged at them with the knife. When Pream took three steps toward the officers, they discharged their firearms. The officers were approximately 15 feet from Pream when they fired. Mark M. was unable to see which officer fired first. Pream turned away from the officers when they shot her, but turned back around and tried to run towards them with the knife still in hand. When she got close to the officers, they shot her again. Pream fell to the ground and the officers administered first aid.

Statement of Jose R. Jr.

Jose R. was at the restaurant with a friends, Val R. and Valerie S. Pream approached them, drew a knife, and swung it at Valerie S. Val R. tried to get the knife away from Pream by swinging at it with a jacket. Jose R. also threw his shoe at Pream to try to help Valerie S. and Val R.

Statement of Val R.

Val R. was seated inside the restaurant when he saw Pream swinging a knife at Valerie S. He took off his jacket to defend Valerie S. from the attacks. He asked Pream to give him the knife but she did not respond. Pream left while still holding the knife.

Statement of Valerie S.

Valerie S. was at the restaurant when Pream walked up and kicked her food, drew a knife, said, "I'm going to stab you," and lunged at her with the knife. A man escorted Pream from the restaurant.

Statement of Scott W.

Scott W. was at the restaurant and said Pream approached him and his friends and said, "Fuck you motherfuckers," drew a knife, and said, "I'll fuck you up bitch. I'll stab you." Pream also lunged with the knife at a man who was passing by. A man told Pream to leave and she walked away, still holding the knife.

Statement of Robert K.

Robert K. was at the restaurant and heard Pream say, “Bitch, Bitch, Bitch” and then quickly exited. A short time later he heard yelling and saw Pream with a knife and saw her try to stab three people.

Statement of Richard L.

Richard L. was working when he saw Pream fighting with another woman and some men trying to break them up. Pream had a knife. Officers arrived and repeatedly ordered Pream to drop the knife and then he heard gunshots. Richard L. commented that Pream was known to be “pretty crazy.”

Statement of Ridge B.

Ridge B. heard shouting from his living room and looked out the window. He saw police officers with their weapons drawn, pointed downward and running. He saw Pream who was holding something. After officers ordered her to drop it, they opened fire and Pream went down.

Statement of Michelle C.

Michelle C. was in her apartment when she heard officers yell, “Drop it!” Then she heard gunfire.

Statement of Abram G.

Abram G. was driving when he saw and heard the fight at the restaurant. Abram G. had seen Pream before and she was always saying “crazy things.” He saw Pream with a knife and officers holding her at gunpoint and ordering her to drop the knife. Pream ignored the officers and continued walking away. He heard a Taser deploy, followed by gunshots.

Statement of Marcia S.

Marcia S. was driving when she saw Pream shaking a knife at another woman and two men attempting to separate them. She called 9-1-1.

Statement of Vincente M.

Vincente M. was driving when he saw Pream aggressively swinging a knife at three people. He called 9-1-1 and saw two policers arrive and yell at Pream, “Drop the knife!” Pream turned toward the officers, raised the knife above her head pointed to the sky, and stepped towards the officers who were about 15 feet away. Vincente M. heard five gunshots.

Statement of Katherine T.

Katherine T. was stopped in her car when she saw officers arrive and follow Pream as she walked away. One of the officers stated about three times, “Drop the knife or I will shoot you!”

Katherine T. lost sight of Pream and the officers, but counted five gunshots, and ten seconds later heard more gunshots.

Statement of Beatrice C.

Beatrice C. saw Pream with a knife. She heard police sirens and then heard officers yelling, “Stop! Stop!” Soon after, she heard gunfire.

Coroner

Matthew Miller, M.D. performed a postmortem examination of Pream’s remains and determined that Pream was shot seven times. There were bullet entry wounds in the right side of Pream’s chest, two in her right thigh, one in the lower abdomen, two in the right buttock, and one in the left buttock. The gunshot wounds to the right torso and left buttock were fatal. The locations of the entry wounds are highlighted in the coroner diagrams below:

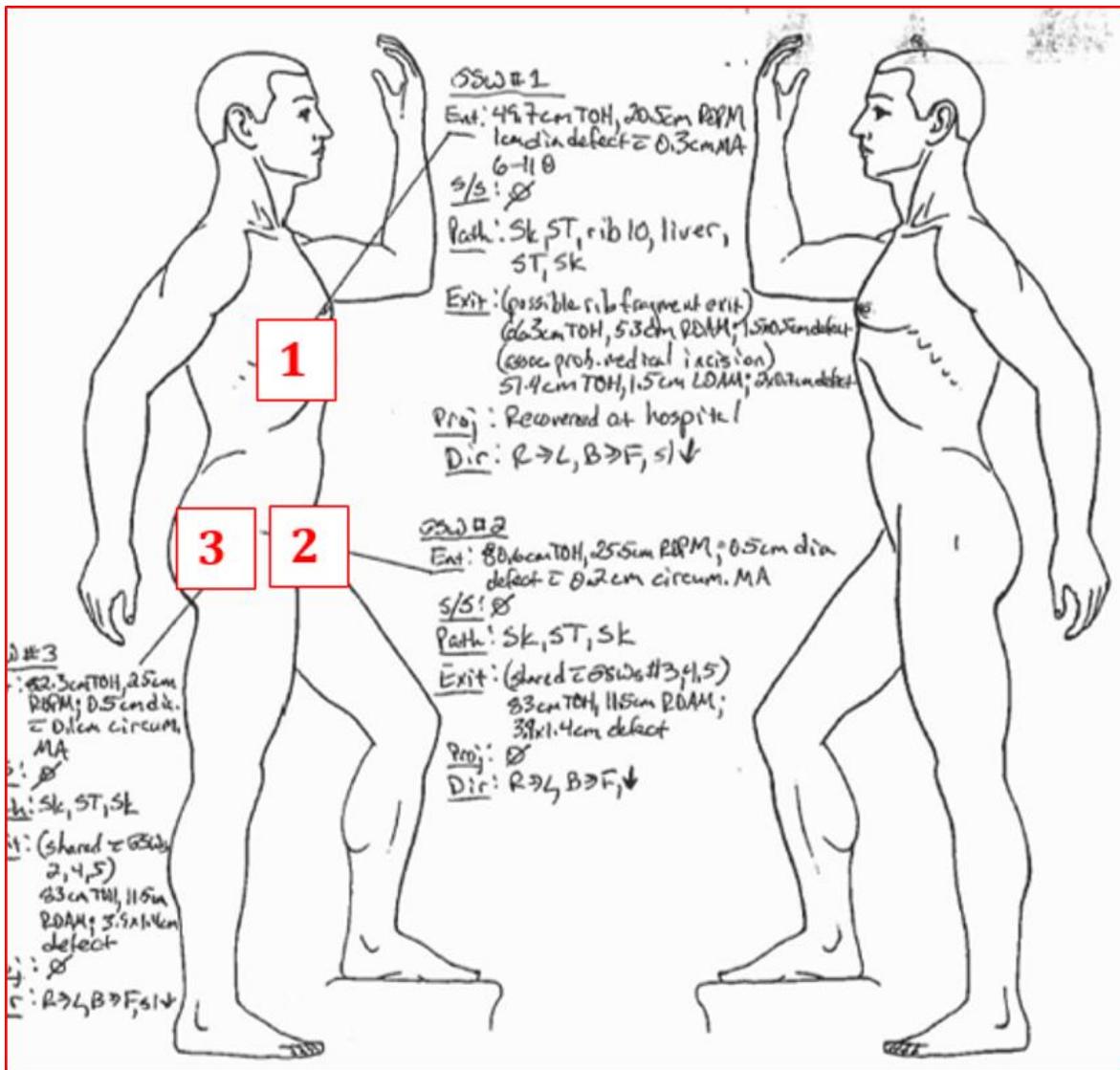


Figure 3 – Coroner Diagram with Entry Wounds One, Two, and Three Highlighted.

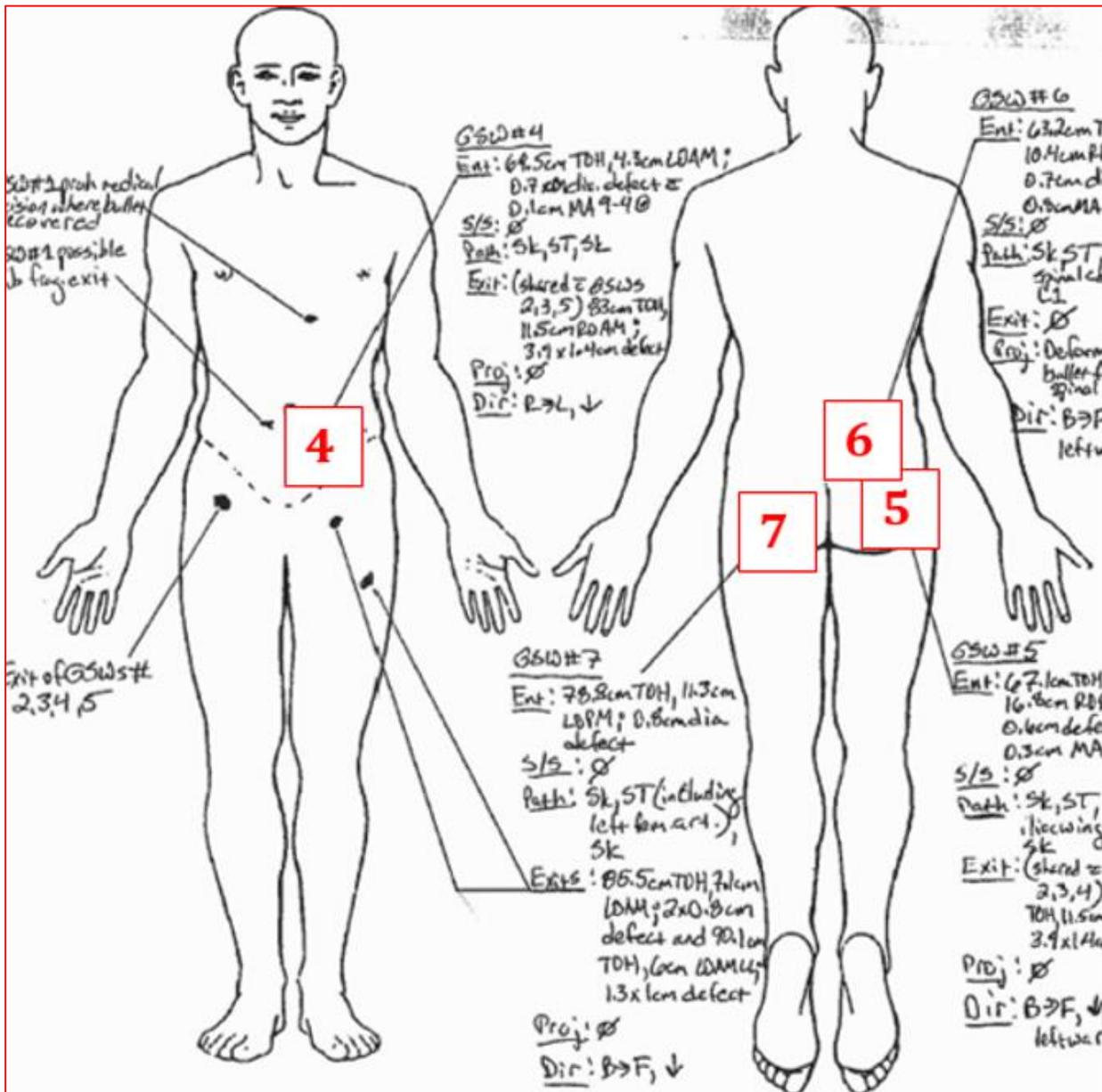


Figure 4- Coroner Diagram with Entry Wounds Four, Five, Six, and Seven Highlighted.

A toxicology analysis was performed and showed the presence of methamphetamine and marijuana in Pream's bloodstream at the time of her death.

Firearms Evidence

Domingo and Muhlenkamp were armed with .45 caliber semiautomatic handguns. There were eight .45 cartridge casings recovered at the scene. Those casings were analyzed and the results are consistent with Domingo firing one round and Muhlenkamp firing seven rounds during the incident.

LEGAL ANALYSIS

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. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. 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.

California law also permits any person, including police officers, to use deadly force in self-defense or in the defense of others, and, if someone dies as a result, this is a “lawful excuse” which precludes a conviction for murder. Penal Code sections 197, 198; CALCRIM No. 505. This defense is available if the killer 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 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 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. 505, 3470. The prosecution has the burden of *proving beyond a reasonable doubt* that the killer did not act in self-defense. *Id.* (*italics added*).

In this case, an evaluation of all of the evidence shows that Officers Domingo and Muhlenkamp were approached aggressively by Pream, who was apparently suffering from mental illness, had the presence of marijuana and methamphetamine in her bloodstream, was armed with a knife, and was attacking innocent bystanders. The officers’ attempt to use less lethal means to take Pream into custody was ineffective and Pream continued to ignore the officers’ commands to drop the knife. When she raised the knife over her head in a stabbing position and advanced on the officers, they were in reasonable fear for their lives and lawfully discharged their service weapons at Pream.

CONCLUSION

Based on a review of all the evidence in this case, we conclude that Officers Elieser Domingo and Bradley Muhlenkamp were placed in reasonable fear of death or great bodily injury by Pream’s actions and acted lawfully in self-defense and defense of others when they used deadly force against her. We are therefore closing our file and will take no further action in this matter.