

**Officer Involved Shooting of Kermit Johnson  
Redondo Beach Police Department**

**Officer Patrick Shrum, #1308**

**J.S.I.D. File #16-0054**



**JACKIE LACEY**

**District Attorney**

**JUSTICE SYSTEM INTEGRITY DIVISION**

**May 18, 2017**

## MEMORANDUM

TO: CHIEF KEITH KAUFFMAN  
Redondo Beach Police Department  
Investigations Division  
401 Diamond Street  
Redondo Beach, California 90277

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

SUBJECT: Officer Involved Shooting of Kermit Johnson  
J.S.I.D. File #16-0054  
R.B.P.D. #16-0707

DATE: May 18, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 6, 2016, non-fatal shooting of Kermit Johnson by Redondo Beach Police Department (RBPD) Officer Patrick Shrum. It is our conclusion that Officer Shrum acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on February 6, 2016, at approximately 12:44 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports prepared by the RBPD Investigations Division, submitted to this office by Sergeant Shawn Freeman and Detectives Clinton Daniels and Mark Valdivia. The reports include photographs, videos, audio-recorded interviews of witnesses, and radio transmissions. The voluntary statement of Officer Patrick Shrum was considered in this analysis.

### **FACTUAL ANALYSIS**

#### **Summary of Incident**

On February 5, 2016, at approximately 9:30 p.m., Stephanie J. arrived home and began to argue with her husband, Kermit Johnson.<sup>1</sup> Both Stephanie and Johnson had been drinking prior to their argument. The fight escalated and Stephanie was cornered by Johnson in the kitchen. Stephanie feared for her safety, armed herself with a kitchen knife and instructed her daughter to call the police.

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<sup>1</sup> At the time of the incident, Stephanie and Johnson had been together for 14 years and married for 11. They have two children in common and Stephanie has a daughter from a previous relationship whom Johnson has raised since the age of three.

RBPD responded to the residence located at [REDACTED], in the City of Redondo Beach, and collected statements. They determined that no crime had been committed. The officers advised Johnson that he should leave the location for the evening. After determining that Johnson's BAC (Blood Alcohol Content) was over the legal driving limit, Johnson agreed to sleep in his van parked on the street.

Approximately 15 minutes after officers left the location, Johnson returned to the residence and retrieved a handgun. Stephanie called 9-1-1 to notify the police Johnson had returned and was now armed with a gun.

Shrum responded to the location and armed himself with his service rifle. As he approached the residence, Johnson was walking in Shrum's direction. Shrum ordered Johnson multiple times to stop, but Johnson failed to comply. Johnson momentarily stopped and lifted his hands into the air. Seconds later, Johnson lowered his right hand into his right coat pocket, pulled out a small black handgun and held the firearm at his belt line. Shrum, fearing for his safety and the safety of others, fired four rounds at Johnson. Johnson fell to the ground, sustaining a gunshot wound to his right hand.

## **Officer Statements**

### ***Statement of Officer Patrick Shrum***

On February 5, 2016, Shrum stated he, along with Officers Dileva and Ho, were dispatched to [REDACTED] regarding a family disturbance. Dileva and Ho responded to the location and spoke with Stephanie and Johnson regarding the argument they were having. Based upon the investigation, the officers determined that no "crime had occurred, and nothing physical had occurred." Shrum felt that Stephanie was in fear for her well-being. The officers convinced Johnson to leave the residence to "let things settle down." Johnson began to leave the location. Before leaving, Officer Drury, a D.U.I. officer who was at the location, administered a PAS (Preliminary Alcohol-Screening) test. Johnson's blood alcohol level was determined to be .196%. Based on his BAC, the officers advised Johnson he was not to drive. Johnson agreed and proceeded to walk toward his vehicle parked on the street.

At approximately 11:36 p.m., Shrum received a radio call to respond back to [REDACTED]. Shrum stated the comments of the call involved a gun. Shrum stated that his awareness was "heightened" because Johnson's demeanor was belligerent from the previous call, and Johnson was intoxicated, angry, and suspected his wife, Stephanie, was cheating on him. Shrum feared for the safety of the children that were inside the home, his own safety, the safety of Stephanie, and the safety of his ride along, Reynaldo L. Shrum responded Code-3 from the area of Inglewood Boulevard and Manhattan Beach Boulevard.<sup>2</sup>

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<sup>2</sup> Code-3 is used when officers are responding to a location with their lights and sirens activated.

Shrum arrived at the location and parked his patrol car in front of [REDACTED], west of the location. Shrum told Reynaldo L. to stay in the patrol vehicle. Shrum removed the AR-15 rifle from inside his patrol car and broadcast to responding units that he was deploying his AR-15 rifle. Shrum began to walk eastbound on the sidewalk and observed Johnson walking westbound on the same sidewalk and in his direction. Shrum clearly and loudly commanded Johnson to, "Show me your hands!" Shrum repeated the commands "multiple times, three to four times." Johnson continued to walk in Shrum's direction and was approximately 25 feet from him. Shrum yelled to Johnson to, "Get on the ground! Get on the ground!" Johnson failed to comply with Shrum's commands and turned left into a driveway at a property located at [REDACTED]. As Johnson made this left turn, Shrum saw Johnson make a "furtive movement" with his right hand under his jacket, and begin to move an object from his right side to his left side. Shrum saw Johnson remove a "black revolver" with his left hand. Fearing for his safety and the safety of others, Shrum fired four to six rounds at Johnson. Johnson fell to the ground and onto his stomach. Johnson fell with his head pointed in a southwesterly direction, with his feet pointed out toward the street with both hands underneath his head. As Johnson fell, Shrum saw a revolver fall to the ground.

Shrum yelled to Johnson, "Stay on the ground! Don't move! Don't move!" Shrum saw Johnson's right hand move from underneath his head toward the revolver.<sup>3</sup> Shrum yelled to Johnson, "Don't fucking move! Don't fucking move! Don't fucking move!" Shrum broadcast over the radio twice, "Shots fired." Other officers arrived at the location and took Johnson into custody.

## **Witness Statements**

### ***Statement of Stephanie J.***

Stephanie stated that February 5, 2016, was her and Johnson's 11<sup>th</sup> wedding anniversary. After coming home from work, Stephanie told Johnson that she was going out with her sister. While at the restaurant with her sister, Stephanie consumed a few alcoholic drinks. She returned home at approximately 9:30 p.m. and she and Johnson began to argue. The fight escalated and Johnson cornered Stephanie in the kitchen. Stephanie, fearing for her safety, armed herself with a kitchen knife with the hope of making Johnson move away from her. Stephanie told her daughter to call the police.

RBPD officers responded to the location and spoke with both Stephanie and Johnson. RBPD officers ultimately determined that no crime had occurred, and advised Johnson to leave the location for the evening. Stephanie said Johnson agreed to sleep in his van down the street. RBPD officers told Stephanie to call 9-1-1 if Johnson returned.

Approximately 15 minutes after the officers left the residence, Johnson returned and walked into their master bedroom. Stephanie was sitting on the couch with a kitchen knife for protection, and overheard Johnson tell their daughter not to call the police. As

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<sup>3</sup> The revolver was approximately 12 inches from Johnson, on his right side.

Johnson exited the room, Stephanie saw him adjust what appeared to be a gun that they kept in their home. Johnson told Stephanie, "I ought to shoot you." Stephanie called 9-1-1 to notify them that Johnson returned and was now armed with a gun.<sup>4</sup> Stephanie saw Johnson remove the gun from the right side of his body and place it into the right side of the black "bomber jacket" that he was wearing. Shortly after Johnson left, Stephanie heard approximately four shots outside of their residence.

***Statement of Reynaldo L.***

On February 5, 2016, Reynaldo L., a former police officer with the Manhattan Beach Police Department, was conducting a ride along with Shrum. Reynaldo L. stated that he responded to the Johnson residence with Shrum. During this initial contact, he remained near the police vehicles and did not hear any of the statements about the family disturbance.

Later that same evening, at approximately 11:36 p.m., Shrum was dispatched to the same residence at [REDACTED]. Reynaldo L. overheard comments of the call over the radio that involved a gun.

Shrum arrived at the location and parked west of the residence. As Reynaldo L. exited the vehicle, he saw Shrum take the patrol rifle from the rack located inside the vehicle. Reynaldo L. exited and stood next to the passenger side door. After exiting, Shrum began to walk eastbound, in the direction of the location. Reynaldo L. saw Shrum begin to shoulder the rifle while walking, and saw Johnson walking westbound in Shrum's direction.

Reynaldo L. heard Shrum yell to Johnson, "Stop!" two to three times, however, Johnson continued to walk in Shrum's direction. Reynaldo L. saw Johnson initially raise his hands up above his head, but then saw Johnson make a left turn onto the driveway of [REDACTED]. Johnson's right hand came down toward his front right pocket. Reynaldo L. saw Johnson pull a small black revolver out of his pocket and hold it at his belt line. Reynaldo L. saw Shrum fire four to five rounds from his rifle and saw Johnson and the gun fall to the ground.<sup>5</sup>

***Statement of Kermit Johnson***

Johnson was read his Miranda rights, which he stated he understood and waived. Johnson stated that February 5, 2016, was his 11<sup>th</sup> wedding anniversary with his wife Stephanie. Stephanie called him earlier that afternoon and told him that she was going out with her sister after work. Johnson stated that he was upset that Stephanie decided to spend their anniversary with her sister, but said he and Stephanie had not been getting

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<sup>4</sup> Stephanie told investigators that she believed Johnson armed himself with a gun due to the fact that he was going to be sleeping outside in his van. She further stated that Johnson did not threaten her with the gun.

<sup>5</sup> Reynaldo L. told investigators that he had a clear and unobstructed view and was approximately 30-35 feet from Johnson at the time of the incident.

along for the past couple of weeks. Johnson stated that Stephanie came home at approximately 3:30 p.m., but he did not speak to her and she left shortly after to go out with her sister. Stephanie came home at approximately 10:30 p.m. Johnson was in their bedroom watching television, while their children were in the living room watching television. Johnson stated that he could tell Stephanie had been drinking and was “talking trash.” Johnson tried to ignore her but she would not stop talking to him.

Johnson stated that while Stephanie was out with her sister, he had begun to pack his clothes to leave. He said they had not been getting along and figured their relationship was over. When Stephanie came home, Johnson and Stephanie began to argue and the fighting got really loud and physical.<sup>6</sup> They soon ended up in the kitchen and Stephanie pulled a knife on him. Johnson stated he did not know how Stephanie got the knife, but she had it. Johnson stated he told Stephanie to stab him. The police arrived and asked him and Stephanie if they had been fighting and whether there was any physical violence, which they both denied. Johnson agreed to leave the residence for the night but was not able to drive as he was intoxicated.<sup>7</sup> Johnson said that he would sleep in his van that was parked on the street.

Johnson went to his van and decided he needed protection as he would be sleeping outside on the street. Johnson went back into his residence and into his bedroom to retrieve his handgun. His daughters were inside the bedroom and Johnson told his daughter, Megan, that if she called the police on him again, Megan would have problems. Stephanie began to yell at him, asking what it was he was saying to his daughters. Johnson and Stephanie began arguing in the hallway. Johnson said his handgun was inside his front waistband and was falling down his pants while they were arguing. Johnson said he retrieved his handgun from his waistband and placed it inside his right pants pocket. Stephanie was on the phone with the police while telling him to leave. Johnson left shortly after.

Johnson exited the residence and began walking westbound on the south side of Manhattan Beach Boulevard. Johnson was contacted by Shrum, who was armed with a rifle. Johnson stated Shrum yelled for him to stop, but he made the mistake of continuing to walk toward Shrum. Johnson stated he was nervous, intoxicated and was not thinking straight at the time. Johnson knew he had a handgun in his pocket and did not want to be shot. Johnson reached down with his right hand toward his handgun and then turned to his left, away from Shrum. Shrum fired at him when he reached for the handgun. Johnson immediately went to the ground and put his hands out to his sides. After several shots were fired at Johnson, he felt a burning sensation to his left pinky. Johnson was taken into custody, handcuffed, and transported to the hospital for the injuries he sustained.

Johnson told investigators his intentions were not to have a shoot-out with police and he was not trying to induce suicide by cop. Johnson further stated that he did not know why

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<sup>6</sup> Johnson stated he physically restrained Stephanie using both his hands, but did not hit or push her.

<sup>7</sup> Officers knew that Johnson had been drinking and administered a PAS test to obtain his blood alcohol content. Johnson blew a .19% BAC, which is over twice the legal limit to drive.

he reached for his handgun and does not remember pulling it out from his waistband, but he may have pulled it out to discard it.

Johnson suffered a gunshot wound and open nondisplaced fracture of the distal phalanx of his left little finger.

Approximately 15 minutes prior to the shooting, Johnson's blood alcohol concentration was .19%. At 2:50 a.m., almost three hours after the shooting, a sample of Johnson's blood taken at the hospital revealed that his blood alcohol concentration was .15%.

Johnson was charged and convicted in Superior Court case YA093725 of Penal Code section 29800 (A)(1), possession of firearm by a felon. Johnson was sentenced to three years of formal probation.<sup>8</sup>

### **Firearms**

Johnson was armed with a "Rossi," .38 special revolver containing five live cartridges. The revolver was recovered from the ground near Johnson's right armpit.

Shrum was armed with a department issued Colt AR-15, .223 caliber rifle.



.38 special revolver recovered near Johnson at the time of his arrest.

### **LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense or in the defense of others, if it reasonably appears to the person claiming the right of self-defense or the defense of others that he 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.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 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

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[REDACTED]

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.*

“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.

## **CONCLUSION**

The evidence examined in this investigation shows that Officer Shrum responded to a call of a domestic dispute involving a gun. Shrum observed Johnson and gave him repeated commands to get on the ground and to stop moving. Johnson ignored the commands and made a movement with his right hand under his jacket, consistent with moving an object from his right side to his left side, and removed a black revolver with his left hand. Reasonably in fear for his life, Shrum fired at Johnson. Johnson fell to the ground, dropping his revolver.

For the foregoing reasons, we conclude that Officer Patrick Shrum acted lawfully in self-defense and defense of others when he used deadly force against Kermit Johnson. We are therefore closing our file and will take no further action in this matter.