

**Officer Involved Shooting of Derrick Hunt
Long Beach Police Department**

Officer Fernando Mayen, #5881

J.S.I.D. File #15-0407



JACKIE LACEY

District Attorney

Justice System Integrity Division

October 19, 2016

MEMORANDUM

TO: CHIEF ROBERT LUNA
Long Beach Police Department
400 West Broadway
Long Beach, California 90802

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

SUBJECT: Officer Involved Shooting of Derrick Hunt
J.S.I.D. File #15-0407
L.B.P.D. File #15-48058

DATE: October 19, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 7, 2015, fatal shooting of Derrick Hunt by Long Beach Police Department (LBPD) Officer Fernando Mayen. It is our conclusion that Officer Mayen acted in lawful defense of others when he fired his weapon.

The District Attorney's Command Center was notified of this shooting on August 7, 2015, at approximately 10:00 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by LBPD Lieutenant Lloyd Cox.

The following analysis is based on reports submitted to our office by LBPD Homicide Detectives Scott Lasch and Michael Hubbard. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

Stabbing Victims:

On August 7, 2015, at approximately 8:18 p.m., Derrick Hunt stabbed his wife, Khristie W█████, multiple times in the bedroom of their second floor apartment, located at ██████ East Artesia Boulevard in the City of Long Beach. As she ran into the living room screaming for help, Hunt stabbed Khristie's brother, Roderick ██████. Both Khristie and Roderick fled the apartment but Khristie fell down the stairs during her escape. Multiple neighbors within the apartment complex called 9-1-1 because they heard her screams and saw her bleeding profusely from her back.

One neighbor, Tramel Brown, exited his apartment unit on the first floor and saw Khristie and Roderick sitting on a bench in the apartment courtyard bleeding from their stab wounds. Brown approached Khristie in an attempt to render aid as he observed Hunt walk down the stairs carrying a 12" knife. Brown noted that Hunt appeared very calm and was not in any distress. Khristie and Roderick ran outside of the apartment complex when they saw Hunt.

Hunt calmly walked towards Brown, who was still standing in the courtyard. As Brown turned to walk back to his apartment, Hunt stabbed Brown in his left chest area. Hunt was swinging and thrusting the knife at Brown. Brown attempted to defend himself and was stabbed in his left and right forearm. As Brown turned to run away, Hunt stabbed him in the back. Brown ran towards the back of the apartment complex, which leads into an alley. From there, Brown “jogged” westbound to Obispo Avenue and then southbound towards East Artesia Boulevard. Hunt calmly followed Brown while holding the knife. Brown saw police vehicles approaching the area on East Artesia Boulevard and lost sight of Hunt.

Hunt walked southbound across Artesia Boulevard and entered the Windsor Convalescent Home located at 3232 East Artesia Boulevard. Once inside, he entered the Admissions Office, which was the first door west of the entrance. Catherine Sanchez, who was six months pregnant, was sitting at her desk inside the office, while Betsy Martin was standing across from Sanchez’s desk as they talked. Both were Windsor employees. Hunt walked up to Martin, “mumbling something,” and holding a knife with a black handle. Hunt grabbed Martin’s left arm and stabbed her in the left shoulder area. Martin fled the office screaming. Hunt walked behind Sanchez’s desk. Sanchez could not escape as she sat in her chair. Hunt stabbed Sanchez three times, in the upper left arm, her left neck area, and her right upper chest. Hunt calmly walked away and left Sanchez’s office without saying anything. Sanchez locked her door after Hunt exited and called 9-1-1. During the call, Sanchez heard a gunshot.

Anne Panganiban, a registered nurse at Windsor, saw Martin run down the hall screaming as she fled the Admissions Office. Panganiban did not know why Martin was running so she tried to catch up to her. Suddenly, Panganiban felt a sharp pain on the left side of her back. Panganiban looked behind her and saw Hunt, who had stabbed her in the back, so she quickly ran inside a hospital room and closed the door. She waited inside the room until she heard police sirens outside the home.¹

Windsor Convalescent Home Surveillance Video:

A surveillance camera located in the Windsor lobby faced northbound towards the front entrance of the convalescent home and recorded Hunt as he entered and exited the facility. Initially, the recording shows Hunt walking inside Windsor with his hands in his pockets yelling, “Boom boom boom boom!” Hunt turns right and walks into the Admission Office out of view. Seconds later, Martin is heard screaming as she runs outside the office and down the hall, out of view of the camera on the left side of the screen. Hunt exits the office moments later and follows Martin down the hall out of view. Approximately one minute later, Hunt reappears from the bottom right of the camera and walks out of the camera’s view again.² A patrol vehicle approaches the location and its lights are visible through the front glass doors of the entrance. Seconds later, a spotlight is directed inside the lobby. Hunt walks back into the camera’s view, in the lobby, and he appears to focus on the patrol vehicle outside. Hunt holds a knife in his right hand and raises

¹ All six stabbing victims were treated for their injuries and survived.

² Windsor Convalescent Home is configured in a loop. When someone walks in through the front doors and turns west down the hall, there are rooms on both the north and south side. If one continues walking westbound, the hall eventually turns northbound, and then eastbound, then southbound, and eastbound back to the lobby entrance.

it to chest level with his palm facing down, as though he is holding a firearm. Hunt raises his left hand as though he is holding the knife with both hands and yells, “Boom boom boom!” Hunt rapidly walks out the front doors still holding the knife in this manner. Approximately three seconds after he exits the convalescent home, three gunshots are heard.

Michael Markarian’s Statement:

Michael Markarian was in the back alley behind [REDACTED] East Artesia Boulevard when his friend, Tramel Brown, ran up to him and said, “Mike, help me! I’ve been stabbed!” Markarian looked over Brown’s shoulder and saw Hunt walking towards him wielding a knife that had a ten-inch blade. Hunt was holding the knife with both hands and swinging it like a sword. In fear of being stabbed, Markarian found a shovel in the apartment courtyard and armed himself with it. Hunt walked towards Markarian swinging the knife at him. Hunt did not appear to be upset or angry and did not seem to be “all there.” Hunt walked southbound on Obispo Avenue towards Artesia Boulevard. Markarian ran through the apartment complex courtyard and onto the center divider of Artesia Boulevard, still holding the shovel. He saw Hunt walk southbound across Artesia Boulevard and enter the Windsor Convalescent Home through the front glass doors.

While Markarian stood on the center divider of Artesia Boulevard facing southbound, Officer Fernando Mayen approached him in a black and white patrol vehicle.³ Mayen wore a standard dark blue police uniform. As Mayen stopped his vehicle in the number two eastbound lane, he ordered Markarian, who was now standing in the number one eastbound lane of Artesia Boulevard, to drop the shovel. Markarian told Mayen that Hunt was inside the convalescent home stabbing people and had just stabbed his friend (Brown). Markarian pointed to the front entrance of the convalescent home, which was approximately ten feet west of where he and Mayen were positioned.

Officer Brian Caton approached eastbound on Artesia Boulevard in his patrol vehicle. Caton pulled in front of Mayen’s patrol vehicle and stopped at a 45-degree angle facing the front entrance of the convalescent home.

Mayen exited his vehicle to assist Caton. Hunt exited the front doors of the convalescent home swinging the knife around in the air. Hunt began walking towards Mayen, who was standing in front of his patrol vehicle. Mayen ordered Hunt to “Stop,” or “Halt,” but Hunt did not comply.

Markarian felt Mayen’s life was threatened by Hunt advancing towards him with the knife. When Hunt was within eight to ten feet of Mayen, Mayen shot Hunt three times. Hunt fell to the ground in front of Caton’s patrol vehicle.

³ Initially, Markarian told detectives the officer he spoke to was a male White with blond hair, which describes Caton. However, Markarian later clarified that the officer he spoke to was the officer who fired shots. In addition, Markarian’s description of where Caton and Mayen stopped their vehicles is consistent with Markarian speaking to Mayen.

Farfan Lima's Statement:

Farfan Lima was in his apartment on East Artesia Boulevard, which is directly across the street from the Windsor Convalescent Home. Flashing lights outside his apartment caught his attention. Lima looked southbound out his window and saw two police vehicles with their lights on, stopped in front of the convalescent home. Lima saw Hunt exit the front doors of the convalescent home with both his arms extended outward. Lima believed Hunt had a pistol in his hands so Lima dropped to the floor in fear. Lima then heard two gunshots. When Lima looked outside his window again, he saw Hunt lying on the ground and two police officers standing over him with their weapons drawn.

Officer Brian Caton's Statement:

On August 7, 2015, at 8:18 p.m., LBPD Officer Brian Caton was working uniformed patrol in a marked black and white police vehicle when he heard over the radio that LBPD Officer Fernando Mayen was dispatched to respond to a radio call of a male and female who were just stabbed. Caton responded to the location of the call at [REDACTED] East Artesia Boulevard in an effort to assist Mayen.

While en route to the location, Caton heard multiple additional calls regarding the incident. One call indicated that a female fell down a flight of stairs screaming after she was stabbed. Another call indicated that the female victim had stab wounds to her legs and stomach. The caller described the suspect as a male Black in his early 20's, six feet tall, 145 to 165 pounds, and had braids or dreadlocks. The suspect was last seen running towards the back of the apartment complex at [REDACTED] East Artesia Boulevard and was armed with a knife. Other callers gave a similar description of the suspect, adding that he wore a gray tank top with tan shorts.

Caton heard Mayen say over the radio that he was flagged down by a citizen who said the suspect was possibly on Artesia Boulevard between Obispo Avenue and Indiana Avenue. The citizen told Mayen the suspect continued to try and stab people.

As Caton traveled eastbound on Artesia Boulevard approaching Obispo Avenue, Michael Markarian flagged down his patrol vehicle. Markarian was standing in the center median of Artesia Boulevard, holding a shovel and screaming that there was a male Black with a knife trying to stab people. Markarian was very upset and told Caton that the suspect had just walked into the entrance of "the old people's home," Windsor Gardens Convalescent Center, located at 3232 East Artesia Boulevard.⁴

Caton was familiar with Windsor Gardens and knew it was staffed with medical personnel and patients. He drove his patrol vehicle to the entrance of the location, which was across the street from the apartment building at [REDACTED] East Artesia Boulevard. He stopped his vehicle in the number two lane of Artesia in a southeast direction in front of the main entrance of the

⁴ Markarian stated he only spoke to the one officer who shot at Hunt. However, the physical description he provided of the officer with whom he spoke described Caton. It is possible that he spoke to both officers but only recalled speaking to one of them during his interview.

convalescent home. Caton utilized his driver's side spotlight towards the double glass entrance doors, which illuminated the main lobby without obstruction. The lobby was initially empty.

Caton saw Hunt appear from the southeast corner of the lobby holding a knife that measured eight to twelve inches in length. The light from Caton's spotlight appeared to catch Hunt's attention. Hunt raised the knife to shoulder level, pointing it towards the entrance, and began walking northbound quickly towards the entrance doors and Caton's patrol vehicle. Caton exited his vehicle and stood just behind his driver's side front tire, shielded by his driver's side door. Caton removed his firearm and pointed it at Hunt based on the nature of the calls and Hunt's aggressive behavior.

Caton heard, but did not see, Mayen's patrol vehicle stop abruptly behind him. Caton remained focused on Hunt, who walked outside through the double doors still holding the knife at shoulder level and pointed at Caton.

Hunt made eye contact with Caton and continued to walk towards Caton's patrol vehicle at a fast pace. Caton said Hunt's "eyes were glaring [and] his brows were furrowed," as Caton yelled at Hunt to drop the knife. Hunt ignored the command and continued to approach Caton. Caton feared for his life at that moment but decided not to shoot because he believed there might be innocent bystanders in the lobby of the convalescent home, which was directly behind Hunt.

Hunt was approximately twenty feet away from Caton when Caton heard two gunshots just west of him. Hunt dropped the knife, which came to rest touching the right front tire of Caton's vehicle. Hunt fell forward and into the street, approximately two to three feet from the front right tire of Caton's patrol vehicle. Caton released his finger from the trigger of his weapon and slowly walked towards Hunt when he heard Mayen's voice announce over the radio that an officer involved shooting had occurred.

Caton ordered Hunt to keep his hands visible but Hunt did not respond. Caton requested medical treatment for Hunt over the radio. At that point, Caton checked his surroundings for any other possible victims or suspects and saw Mayen as the only officer with him. Caton saw several people inside the lobby area of the convalescent home walk towards the entrance. One person opened the double glass doors and told Caton that several people inside the hospital had been stabbed.

Officer Fernando Mayen's Statement:

LBPD Officer Fernando Mayen was working uniformed patrol in a black and white patrol vehicle when he was dispatched to [REDACTED] East Artesia Boulevard regarding an assault with a deadly weapon where a male and female were being stabbed in front of the location.

While en route to the location, Mayen heard another radio dispatch that there was a female bleeding from her back. The suspect was described as a male Black in his early 20's, 145 to 165 pounds and wearing a dark shirt with braids or dreadlocks. The suspect was armed with a steak knife.

As Mayen approached the rear of 3290 East Artesia Boulevard, Mayen saw two males waving him down and screaming in Spanish. One of the males yelled, "There is a man that ran into the convalescent home and is stabbing people!" The second male yelled, "He is on Artesia right now trying to stab people!" Mayen relayed this information over the radio as Mayen drove eastbound on Artesia.

Mayen saw Markarian standing in the center median holding a shovel. Markarian yelled, "He is over there! He is stabbing people with a big knife!" Mayen drove towards the convalescent home and parked behind Caton's vehicle, which was parked at an angle facing southeast in front of the entrance. The entrance was well lit. Mayen exited his vehicle and observed Caton standing outside his patrol vehicle behind his driver's side door.

Mayen drew his service weapon and walked towards the front entrance of the convalescent home. Mayen was aware that the location housed hundreds of elderly men and women who are unable to care for themselves. He also knew there were staff members inside the building. Fearing for their safety, Mayen intended to enter the convalescent home to stop Hunt from stabbing any further victims.

As Mayen walked to the entrance, Hunt, who matched the suspect description, walked out of the location holding a large butcher knife with his right hand above his chest area. The knife blade appeared to be ten inches long. Hunt's arms were extended towards Caton and Hunt appeared to be fixated on Caton.

Mayen stood just west of Hunt and the front entrance. Caton yelled an order at Hunt. Hunt did not comply and continued advancing towards Caton across the sidewalk.

When Hunt was approximately ten feet from Caton, Mayen believed Caton's life was in immediate danger. Mayen aimed his duty weapon at Hunt and fired three rounds.⁵ Hunt fell into the street in front of Caton's vehicle. Mayen was approximately 15 feet from Hunt's left side when Mayen fired three rounds. Mayen immediately radioed that he was involved in an officer involved shooting.

Autopsy Report:

On August 9, 2015, Los Angeles County Deputy Medical Examiner Martina Kennedy performed an autopsy on Derrick Hunt. Hunt suffered two gunshot wounds, one to his upper left back and the other to his left flank. The trajectory of the gunshot wound to his upper left back was left to right, downward, and slightly back to front. The projectile perforated the lower lobe of the right lung and the liver. The trajectory of the gunshot wound to his left flank was left to right, slightly front to back, and slightly upward. The projectile perforated the lower lobe of the left lung. Both gunshot wounds were determined to be fatal.

⁵ It was later determined that Mayen fired three rounds from his weapon during the officer involved shooting. All three cartridge casings were recovered at the scene.

The trajectory of both gunshot wounds is consistent with Hunt facing Caton while Mayen, who was standing further in front of Caton and approximately 15 feet to Hunt's left side, fired his service weapon as Hunt continued to advance towards Caton.

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.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.

“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.

The people have the burden of proving beyond a reasonable doubt that the use of deadly force was not justified. *People v. Banks* (1976) 6 Cal.App.3d 379, 383-384. A killing or attempted killing is justified if it is committed in self-defense or the defense of another. CALCRIM No. 505.

When Officer Mayen responded to the radio call, he was aware that Hunt had just stabbed at least two victims in an apartment complex. As he was arriving at the scene, Mayen was flagged down by three individuals on Artesia Boulevard who said Hunt was stabbing people inside the convalescent home. Mayen knew there were hundreds of people who were potential stabbing victims of Hunt. As Mayen walked towards the entrance in order to stop the threat, Hunt walked outside armed with a knife and pointing it in a threatening manner at Caton. Hunt ignored Caton's commands and continued to approach Caton. When Hunt was within ten feet of Caton, Mayen believed Hunt was an immediate threat to Caton. Hunt was close enough to stab or kill Caton. Based on Hunt's actions at the apartment complex and his aggressive behavior towards Caton, Mayen feared for Caton's life and fired his weapon at Hunt.

We conclude that Officer Mayen was in reasonable fear of imminent danger of death or great bodily harm to Caton and acted lawfully in defense of others when he fired his weapon at Hunt. We are therefore closing our file and will take no further action in this matter.