

**Officer Involved Shooting of Jason Davis
Los Angeles Police Department**

Officer Ryan Connell, #41287

J.S.I.D. File #15-0353



JACKIE LACEY

District Attorney

Justice System Integrity Division

November 15, 2016

MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ
 Los Angeles Police Department
 Force Investigation Division
 100 West First Street, Suite 431
 Los Angeles, California 90012

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

SUBJECT: Officer Involved Shooting of Jason Davis
 J.S.I.D. File #15-0353
 F.I.D. File #F058-15

DATE: November 15, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 13, 2015, fatal shooting of Jason Davis by Los Angeles Police Department (LAPD) Officer Ryan Connell. It is our conclusion that Officer Connell acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on July 13, 2015, at approximately 3:10 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Lieutenant Brian Gilman.

The following analysis is based on reports prepared by the LAPD Force Investigation Division, submitted to this office by Detectives Gregory McKnight, Elizabeth Rico, Donald Walthers, and Eduardo Gonzalez. The reports include photographs, audio-recorded interviews of witnesses, cellular telephone videotape, and radio transmissions.¹ Officer Connell's compelled statement was considered as part of this analysis.

INTRODUCTION

On July 13, 2015, at approximately 2:10 p.m., LAPD Officers Ryan Connell and Ivan Lombard-Jackson responded to a 9-1-1 call of a man, later identified as 41 year-old Jason Davis, wielding a knife at a coffee shop. Davis, who had a history of mental illness, was behaving erratically, vomited on the patio of the coffee shop, and told other patrons he was dying.

When Connell and Lombard-Jackson arrived, Davis was sitting in the patio area of the coffee shop, holding a box cutter with the blade exposed. The officers approached Davis, stopping approximately 10 to 15 feet away. Lombard-Jackson was armed with a Taser and Connell drew his service weapon. Connell ordered Davis to drop the knife. Davis refused and instead stood up and yelled, "Today is the day that you motherfuckers are going to kill me!" Connell again

¹ The cellular telephone footage does not capture the shooting itself. It begins after Davis was shot and on the ground.

ordered Davis to drop the knife, but Davis walked toward him with it raised over his head. Lombard-Jackson fired his Taser at Davis' chest, activating a five-second burst. Davis was stunned by the Taser but continued to approach Connell with the box cutter raised over his head. In fear for his life, Connell fired two rounds from his service weapon at Davis from a distance of approximately eight feet. Davis was struck in the abdomen and shoulder and collapsed on the cement, landing on his stomach before rolling over to his back and releasing the box cutter. He was transported to the hospital and pronounced dead approximately six hours later.

FACTUAL ANALYSIS

Statement of Taylor Brinckerhoff

Brinckerhoff, an off-duty employee of the coffee shop, was at the coffee shop getting coffee with his wife and a friend. Davis entered the patio area of the coffee shop and sat down. Davis appeared to be homeless and was drinking out of a water bottle filled with blackened water and cigarette butts. Davis was not initially disruptive but began to vomit on the patio so Brinckerhoff alerted the manager of the coffee shop, Meredith Jensen. Davis continued to vomit so Jensen asked Davis if he was "okay." Davis became verbally aggressive and another patron alerted Brinckerhoff that Davis was armed with a knife. Brinckerhoff cleared the patio of other patrons while Jensen called 9-1-1.

Davis continued to sit on a bench in the patio area, with the knife, and was yelling incoherently. Davis announced to bystanders, "Film my death for YouTube. This is the day I'm going to die."

The police arrived and Brinckerhoff heard them repeatedly order Davis, who was now standing with the knife in his hand, to drop the knife. When Davis walked toward the officers, Brinckerhoff saw one officer fire his Taser. Shortly thereafter, the other officer fired two rounds from his service weapon at Davis.

Statement of Jake Zambas

Zambas was drinking coffee with his friends, Tyler Brinckerhoff and Zoe Wescott, when Davis entered the patio area and sat down. Davis vomited between his legs and was drinking from a water bottle filled with a black liquid. Davis announced, "You get to watch me die. You should take a video of this. You get to make money off of my death."

William Emmons, an employee of the coffee shop, confronted Davis and asked him to leave. Davis yelled that he was dying and was being photographed and followed. The store manager, Meredith Jensen, offered to call an ambulance for Davis who responded, "No. I want you to watch me die." Davis drew a knife so Jensen called 9-1-1. Davis cursed at them and announced that he was dying.

Zambas, Emmons, and another employee blocked off the patio area to isolate Davis as two police officers arrived. One officer was armed with a handgun and the other officer was armed with a Taser. The officers repeatedly ordered Davis to drop the knife and told him, "We just want to help you. We don't want to hurt you. Just drop the knife."

Davis stood up and approached the officers with the knife. When Davis came within five feet of the officers, Zambas saw one officer fire his Taser, which stunned Davis but failed to incapacitate him. Davis continued to walk forward, waving the knife at the officers. The second officer fired two shots at Davis.

Statement of William Emmons

Emmons was working inside the coffee shop when Brinckerhoff told him that a homeless man was vomiting on the patio. Emmons approached Davis, asked him if he was okay, and offered assistance. Davis responded angrily and said Emmons was spying on him and that cameras were watching him. Davis was drinking from a water bottle filled with a black liquid and cigarette butts, which Davis referred to as “liquid death.”

Emmons asked Davis politely to leave the premises, but Davis responded, “No. Fuck you.” Emmons alerted the store manager, who called the police. Davis drew a knife from his pocket. Emmons asked Davis, “Did you just pull a knife out?” Davis said, “Yes.” Emmons alerted Jensen that Davis was now armed with a knife. Emmons told Davis again to leave. Davis responded, “No. Fuck you. You’re going to watch me die and it’s your fault.”

The police arrived and ordered Emmons and another bystander to leave the area as Davis continued to curse. Emmons heard the officers calmly instruct Davis, “Sir, put the knife down. Put the knife down and calm down.” Davis approached the officers with the knife. One officer fired his Taser, momentarily stunning Davis, who continued to move forward. Emmons looked away and heard two gunshots, looking back to see Davis on the ground, bleeding from the abdomen.

Statement of Meredith Jensen

Jensen was managing the coffee shop when an off-duty employee alerted her that a homeless man was vomiting on the store’s outdoor patio. Jensen asked Davis to leave. When Davis became uncooperative, Jensen called 9-1-1. While she was on the phone with the police, Emmons alerted her that Davis had armed himself with a knife, which she relayed to the 9-1-1 operator.

Jensen saw the police arrive and approach Davis, who was agitated. The officers ordered Davis to drop the knife. Davis stood up and walked toward the officers with the knife in his right hand and his left fist clenched. Davis raised the knife over his head and made stabbing motions toward the officers with the knife. When Davis failed to follow the officers’ orders to drop the knife, one of the officers tased Davis. Davis appeared unfazed by the Taser and continued to move towards the officers, at which point Jensen heard the other officer fire two rounds at Davis.

Statement of LAPD Officer Ivan Lombard-Jackson

Lombard-Jackson provided a compelled statement to investigators.

Lombard-Jackson was on patrol with Connell when they responded to a radio call regarding a man with a knife at a coffee shop.

When they reached the location, Lombard-Jackson saw Davis seated on the patio with a knife in his right hand and a water bottle filled with a black liquid in his left hand.

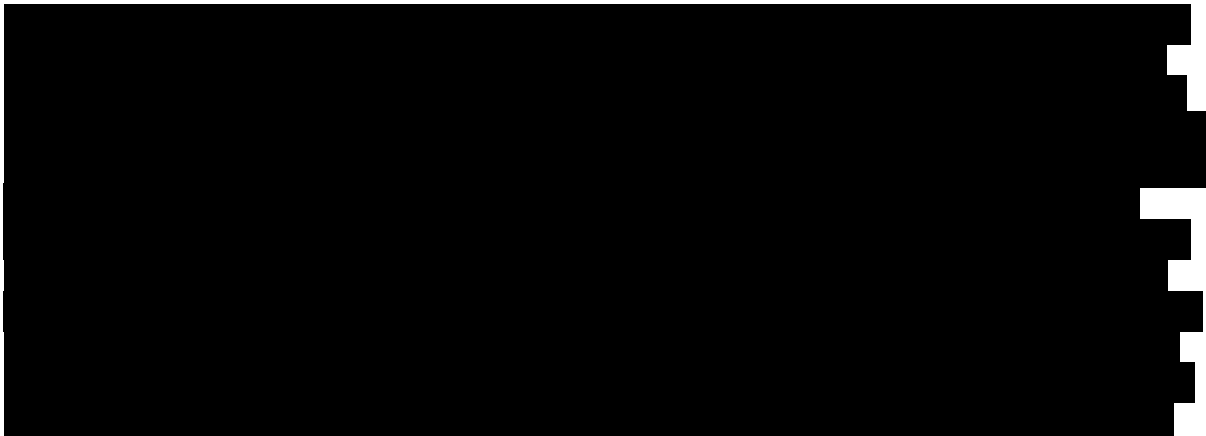
Davis and Lombard-Jackson were inside the patio area. Connell was positioned on the public sidewalk just outside the open door of the patio area.

Connell ordered Davis to drop the knife and stand up from the table. Davis did not comply and instead announced, "Today is the day that you motherfuckers are going to kill me." The officers called for backup.

Connell continued to order Davis to drop the knife. Davis stood up with the knife in his hand and walked toward Connell. Fearing for Connell's safety, Lombard-Jackson deployed his Taser and fired it at Davis, causing Davis to tense up momentarily before continuing to charge toward Connell. A few seconds later, Lombard-Jackson heard Connell fire a single round. Davis fell to the ground and rolled onto the sidewalk before dropping the knife.

Statement of LAPD Officer Ryan Connell

Connell provided a compelled statement to investigators.



Jason Davis' Background

Davis had a history of bipolar disorder and schizophrenia. He attempted suicide on three occasions in 1993. In 2000, Davis told his mother he was going to commit "suicide by cop" but she was able to successfully intervene by calling the police. Davis had been under psychiatric care and was suicidal, but refused to take his medication.

Davis' Injuries

Connell shot Davis in the abdomen and right shoulder. Both gunshot wounds had a front-to-back trajectory. The abdominal wound was fatal.

The Knife

A silver, folding box cutter with black grips and a 1 1/8 inch exposed blade was located near the area where Davis fell after being shot.

The Cartridge Casings

Two expended cartridge casings from Connell's service weapon were recovered from the driveway and sidewalk area in front of the coffee shop.

LEGAL ANALYSIS

The standard for evaluating the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard, which enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation.² 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.³ Moreover, "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 the police are often forced to make split-second judgments - - in circumstances that are tense, uncertain, and rapidly involving - - about the amount of force that is necessary in a particular situation."⁴ The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others."⁵

In this case, an evaluation of all of the evidence shows that Officers Connell and Lombard-Jackson were confronted by Davis, who was suffering from mental illness and behaving erratically and aggressively toward bystanders at the coffee shop. Davis appeared to be intent upon committing suicide by arming himself with a box cutter and initiating a deadly confrontation with the police. Davis declared to bystanders, "Film my death for YouTube. This is the day I'm going to die" and announced to Officers Connell and Lombard-Jackson, "Today is the day that you motherfuckers are going to kill me", just before attacking Connell with the box cutter. Lombard-Jackson attempted to deploy less-lethal means to subdue Davis, but to no avail. When that measure failed, and in fear for his life and the life of his partner, Officer Connell fired two rounds from his service weapon, fatally injuring Davis.

CONCLUSION

We conclude that Officer Connell was placed in reasonable fear of death or great bodily injury by Davis' actions and acted lawfully in self-defense and defense of others when he used deadly force against him. We are therefore closing our file and will take no further action in this matter.

² *People v. Mehserle* (2012) 206 Cal. App. 4th 1125.

³ *CALCRIM No. 3470*.

⁴ *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

⁵ *Munoz v. City of Union City* (2004) 120 Cal. App. 4th 1077, 1102.