

Officer Involved Shooting of Daniel Mast

Los Angeles Police Department

Officer Eui Joung #39150

Officer Raina Foster, #40721

J.S.I.D. File #16-0383



JACKIE LACEY

District Attorney

JUSTICE SYSTEM INTEGRITY DIVISION

November 5, 2019

MEMORANDUM

TO: COMMANDER ROBERT E. MARINO
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 Daniel Mast
J.S.I.D. File #16-0383
F.I.D. File #F049-16

DATE: November 5, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 2, 2016, non-fatal shooting of Daniel Mast by Los Angeles Police Department (LAPD) Officers Eui Joung and Raina Foster. It is the conclusion of this office that Officers Joung and Foster acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on August 2, 2016, at approximately 3:35 a.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Detective Greg McKnight.

The following analysis is based on reports prepared by LAPD's Force Investigation Division submitted to this office by Lieutenant Jeffrey Wenninger, and Detectives Greg McKnight, Theresa Stanford and Pete Stone. The reports include photographs, surveillance videos, transcripts of witness interviews, medical reports and radio transmissions. The compelled statements of Officers Joung and Foster were considered as part of this analysis.

FACTUAL ANALYSIS

Introduction

On August 2, 2016, at approximately 1:07 a.m., LAPD Officers Eui Joung and Raina Foster, working out of the Hollywood Patrol Division, received a radio call from LAPD's Communications Division regarding a dispute at a Walgreens located at 5451 West Sunset Boulevard.¹ At approximately 1:08 a.m., Joung and Foster arrived and parked their marked patrol vehicle in the parking lot of the shopping center where the Walgreens was located. Joung and Foster exited their vehicle and entered the Walgreens. The cash registers were situated east

¹ The Communications Division transmitted a non-coded business dispute call to Joung and Foster via their Mobile Digital Computer (MDC) that read, "Inside of the store, susp/customer, M/B, early 30's, 600/180-200lbs, bald head, wrg blk jacket, blu jeans, gry jeans, attempting to pay with check written for wrong total, refusing to correct payment issue or leave the loc, nfi."

of the front entrance. There were a total of three registers: one along the south wall, and two directly to the north, with a walkway aisle in between them. A man, later identified as Daniel Mast, was standing near cash register number two and was assisted by Walgreens clerk Kristan R.

Mast looked in the direction of Jounge and Foster and greeted them by stating, "Oh, good evening officer. You know I'm here buying stuff." Jounge and Foster met with supervisor Quannisha C. who was standing near the end of the registers. Quannisha identified Mast and informed Jounge and Foster that Mast was attempting to purchase items with a check and credit cards, but their computer system was not accepting either form of payment. Quannisha also told Jounge and Foster that Mast was causing a scene and she wanted him to leave the store.

Jounge and Foster approached Mast, who was holding a case of Dos Equis beer in his hands. Jounge engaged in conversation with Mast while Kristan handed the check Mast was attempting to use to Foster.² Jounge and Foster moved closer to Mast, who had placed the beer on the counter. Jounge told Mast to put his hands behind his back. Mast complied by turning his back toward the officers and placing his hands together behind his back. Jounge gave additional commands to Mast. Kristan heard Mast say, "Your instructions are really difficult to understand. I'm going to need you to be a little clearer for me." Jounge, who was within arm's reach of Mast, used his right hand to reach out and grab Mast's hands and fingers. Mast separated his hands, rotated his right arm above his head, turned his body toward the officers, and held onto Jounge's fingers. Foster immediately reacted to Mast's sudden movement by grabbing his left arm with both hands, attempting to gain control of him. While Foster was still holding onto Mast's left arm, Jounge separated himself from Mast's grip. Mast moved backwards as Foster tried to hold onto him. Mast broke free from Foster and pushed her aside. Jounge, using his right hand, unholstered the collapsible baton that was attached to his equipment belt, used a downward sweeping motion to extend the baton, and chased after Mast.³

Mast moved into a fighting stance, squaring his body while clinching his fists, and stated, "You want to fight? Let's fight." Jounge lunged toward Mast and, with his right hand, swung his baton at Mast, without making contact. Jounge lost his balance and fell to his knees. After Jounge fell, Quannisha heard Mast say, "This is how you hit somebody." Mast then punched Jounge in the face with his fist, jumped on top of him and knocked Jounge to the ground, causing Jounge to drop his baton.

Foster attempted to assist Jounge, but was wrestled to the ground by Mast. Mast then punched and slammed both Foster and Jounge against a display rack. Jounge stumbled to his feet and moved east. At the same time, Foster was on her hands and knees trying to get up when Mast attacked her from behind. Mast straddled her, placed his right arm around her neck, swiftly lifted her up and aggressively dove backwards onto his back. Mast's movements caused Foster's entire body to swing backwards in the air, landing on her back on top of Mast. Jounge approached Foster and Mast holding his pistol in a two-handed position. Mast yelled, "Stop or

² The investigation revealed that Mast was attempting to use one of his personal checks that he had previously made payable to his roommate. The name and amount was scribbled out, and the payee name was replaced with, "Walgreens."

³ At the time of the incident, Jounge was five feet, eight inches tall and weighed approximately 150 pounds. Foster was five feet, three inches tall and weighed approximately 140 pounds. Mast was six feet tall and weighed approximately 210 pounds.

I'll kill her!" Joung approached Mast with this gun drawn and Foster yelled, "Don't do it! Don't do it! Don't do it!" Kristan believed Foster was telling Joung not to shoot. Joung reached down with his left hand and grabbed Mast's right arm, and with Joung's help, Foster broke free from Mast. Mast in turn immediately redirected his attention toward Joung and grabbed Joung's duty weapon with both hands. Mast then pulled Joung down to the ground and wrapped his legs around him, still holding Joung's duty weapon.

Foster stood up, and as Joung was wrestling with Mast on the ground, Foster bent down and punched Mast in the face approximately three times. Foster attempted to broadcast for help on her radio while Joung fought with Mast to gain control of his pistol. During the struggle, Joung fired his weapon twice, striking Mast. Foster ran back and tried to remove Mast's hands from the pistol to no avail.

Joung and Mast continued to wrestle over the gun causing Joung's body to be positioned on top of Mast, who was now lying on his back. Mast began to slowly turn the muzzle of the gun toward Joung. Foster positioned herself near Mast's legs, unholstered her pistol and held it with her right hand. Mast was still lying on his back with Joung on top and with a single hand, Foster aimed her pistol downward, approximately four inches away from Mast's left knee, firing one round at Mast, impacting his leg. The impact caused Mast to release Joung's duty weapon. Joung regained control of his pistol, straddled Mast, aimed his pistol toward Mast's head and remained in this position until additional units arrived.

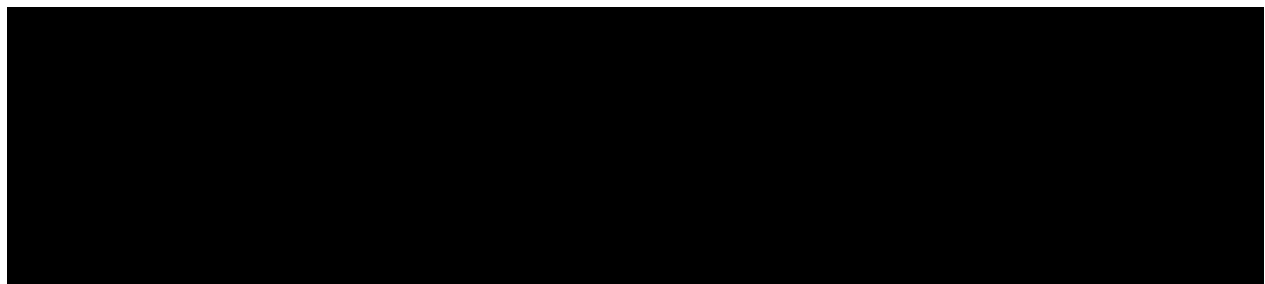
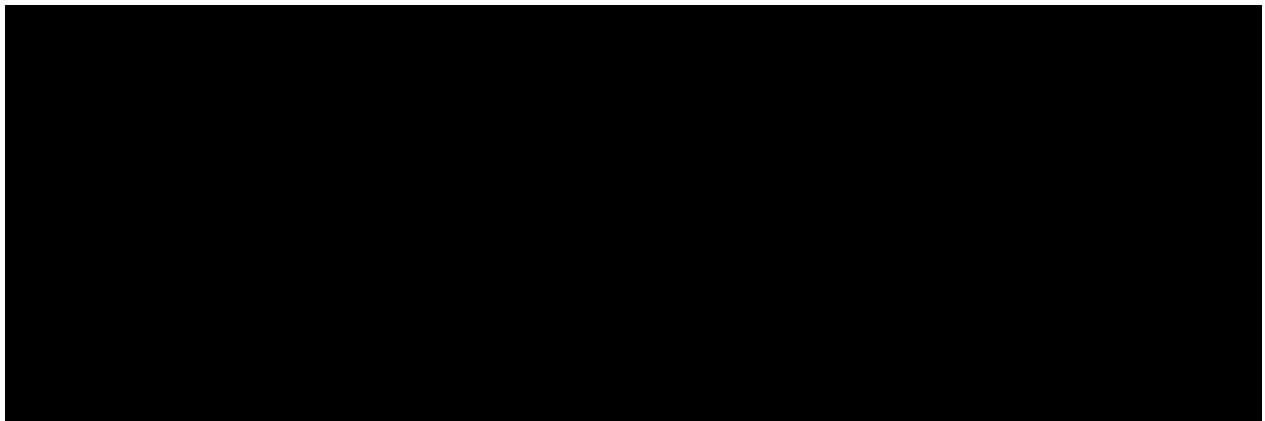
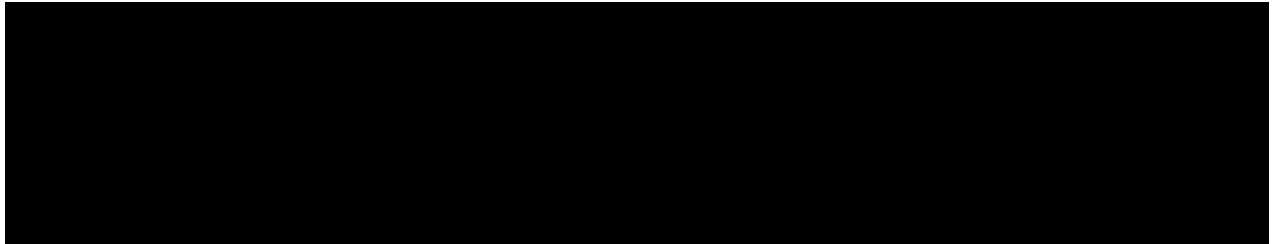
Foster broadcast, "Help call. Shots fired." but received no response. Foster grabbed Joung's radio and broadcast an additional help call. While Foster and Joung waited for additional units to arrive, they attempted to handcuff Mast. Foster holstered her weapon, removed her handcuffs, and handcuffed Mast's right wrist, but was unable to cuff his left hand because Mast forcefully held his left arm underneath his body. Hollywood Patrol Division Officers Brian Oliver and Carlos Ramos arrived at the Walgreens to assist Joung and Foster and saw Joung on top of Mast trying to handcuff him. Oliver and Ramos placed their knees on top of Mast's upper shoulder area and applied their bodyweight to assist in handcuffing Mast, without success. Mast was actively resisting the officers by preventing his arms from being brought together. Joung stood up and drew his Taser from its holster, bent down, aimed the Taser toward Mast's lower back and fired. The probes struck his lower back but did not allow the officers to move Mast's hands close enough to handcuff him. Joung then tased Mast a second time. At this time, additional units from Hollywood Division arrived and took hold of Mast. Joung stood up and was bleeding from his face. Joung and Foster were then escorted from the scene.

Officer Jennifer Nodes placed her knee on top of Mast's right thigh and applied bodyweight. Using physical strength, Officer Nestor Escobar used his hands and held Mast's right arm by the bicep and forearm area. Officer Ivette Cruz used her hands and held Mast's legs to prevent him from bucking and turning over. Officer Charlie Magana stated that he and the other officers were still trying to handcuff Mast, but Mast continued to resist by thrashing his body from side to side and kicking his legs, trying to roll over on his back. Magana positioned himself on Mast's right side and placed his right knee on his buttocks area and applied his bodyweight. Magana inserted the Taser cartridge and used the Three Point Drive Stun method by placing the Taser on Mast's right thigh and activated the Taser for a full cycle to allow the officers to bring Mast's hands closer together to handcuff them. Mast reached down behind his back, grabbed Magana's hands and dug his nails into his skin, grabbed the Taser and attempted to take it from Magana.

Magana alerted the other officers that Mast had a hold of the Taser. Magana activated the Taser a second time, which allowed the officers to secure Mast in handcuffs. Mast continued to resist after being handcuffed. Officers secured a hobble device near Mast's ankles, above his knees and around his elbows. Throughout the entire encounter with Mast, officers repeatedly gave Mast commands to stop fighting, but he continued to resist. Mast was subsequently transported to Cedars-Sinai Medical Center and was treated for the injuries he sustained.

Officer Statements

Compelled Statement of Officer Raina Foster⁴



⁴ Unlike private citizens, public sector employees can be forced to submit to questioning regarding the performance of their official duties and, so long as they are not required to waive their privilege against self-incrimination, their refusal to submit to such questioning can result in administrative discipline including termination from public service. *Gardner v. Broderick* (1968) 392 U.S. 273, 278; *Uniformed Sanitation v. City of New York* (1968) 392 U.S. 280, 284-285. The officers involved in this incident were interviewed and ordered to submit to questioning concerning the performance of their official duties. Like any other individual, the officers possess a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against themselves. *Uniformed Sanitation v. City of New York, supra*, at 284-285. Because the LAPD ordered the officers to answer questions which might expose them to criminal liability, the LAPD compelled the officers to participate in interviews. The effect of this legal compulsion is that the officers' statements cannot be used against them in a criminal proceeding, nor can any material derived from the compelled interviews be used against them. *Garrity v. New Jersey* (1967) 385 U.S. 493, 496-497; *Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 715.

[REDACTED]

[REDACTED]

Compelled Statement of Officer Eui Joung

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Compelled Statement of Officer Jennifer Nodes

Nodes arrived at the location in response to a backup request. Upon arrival, she saw Mast on the ground, face down, with an officer on his right side near his shoulder, and another officer on the left side of Mast's shoulder, trying to handcuff him. Nodes saw Joung near Mast's left leg, holding a Taser in his right hand.¹⁰ Nodes asked Joung if he was okay, but Joung did not respond immediately. It appeared to Nodes that Joung was not 100 percent and took the Taser from him. She helped him move away from Mast, eventually taking his place and position by holding Mast near his right thigh area. Nodes heard Mast screaming incoherently which led her to believe he was under the influence. Mast was actively resisting the officers. Nodes heard an officer state that they would need to hobble Mast.

At this time, Nodes saw that Magana was holding a Taser, and Mast had his hands behind his back, grabbing for the Taser. Nodes assisted Magana by opening Mast's hands allowing Magana to remove the Taser from Mast. Nodes placed the hobble on Mast's feet and another officer assisted in securing it. Even with the hobble in place, Mast was still resisting the officers. Nodes and the other officers decided to place another hobble near Mast's knees.

Nodes placed the hobble above Mast's knees and cinched it down to secure it. Mast started to use his shoulders to turn himself over. To prevent this, Nodes and the other officers retrieved another hobble to place around his elbows. Nodes was attempting to place the hobble around Mast's arms, but was having a difficult time as Mast was being irate, screaming, and resisting her and the other officers. Mast was trying to pull his elbows up and lean his shoulders forward. Nodes then held the handcuffs that were on Mast's hands and pulled his arms straight behind him to allow the officers to position the hobble over his elbows. The officers picked Mast up from the ground and moved him towards the front entrance door where they were able to sit him up. Other officers maintained control over Mast while Nodes left to assist with the crime scene.

Compelled Statement of Officer Charlie Magana

Magana arrived at the location in a response to a backup request call. Upon arrival, Magana ran inside and immediately saw several officers on top of Mast, trying to hold him down with their body weight. It was immediately clear to Magana that the officers were having a difficult time with Mast. Magana went to the right side of Mast's body and saw Joung stand up with blood

⁹ Joung asked Mast, "Hey, where are you injured?" and Mast responded, "You got me on the back of the leg and my neck."

¹⁰ Nodes noticed that Joung was bleeding from the face and had an open wound above his left eyebrow.

dripping down his face. Magana saw Nodes take the Taser from Joung. Magana took the Taser from Nodes. Magana took the Taser dart that looked deployed and placed it back inside the Taser. Magana placed his right knee on Mast's right buttock area. Mast was resisting and struggling with the officers. Magana moved the Taser to Mast's right knee area and placed the Taser down and activated it.

Officers were able to bring Mast's arms closer to his back in a handcuffing position. Mast grabbed Magana's hand, dug his nails into his hand, and grabbed the Taser with both of his hands. Magana screamed that Mast had hold of the Taser as he continued to flail and move his arms around, grabbing the Taser and trying to pull it away from Magana. Magana activated the Taser a second time, but Mast still had a grasp on the Taser. Nodes helped Magana pry Mast's hands from the Taser and Magana backed away. Mast was then handcuffed and hobbles were placed on him as he continued to resist. Officers moved Mast toward the front entrance of Walgreens, sat him up, and waited for paramedics to arrive.

Compelled Statement of Officer Terrance Cross

Cross was one of the officers who arrived at the location and accompanied Mast to the hospital in the ambulance. Cross heard Mast make several statements. Cross heard Mast say that the Iraqi government was after him and were sent here to kill him. He also heard Mast say, "I was trying to get her gun because her partner pointed his gun at me."

Witness Statements

Statement of Quannisha C.

On the date of the incident, Quannisha C. was working as the supervisor for Walgreens when the cashier, Jesus E. requested her assistance with a customer, later identified as Mast. Mast told Quannisha, "I need you to cash me all this" and showed her a check written out for \$20,000. Quannisha told Mast, "We don't cash checks. You can make a purchase and you can write out whatever your purchase come to on a check from there." Mast then showed her a check written out for \$100,000, and another for \$1,000. Mast told Quannisha, "I want to buy everything." At this point, Mast told her if he did not get whatever he wanted, he would take it anyway. Quannisha, scared, requested another employee, Kristan, to come up to the register to assist her so that she could call the police for assistance.

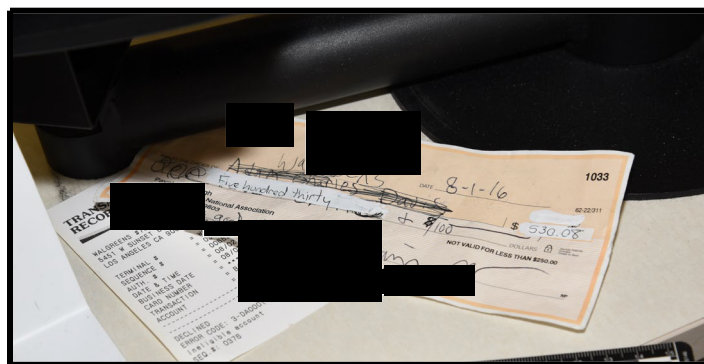


Photo of fraudulent check Mast was attempting to cash at the Walgreens.

Kristan took over assisting Mast while Quannisha contacted the police. While waiting for the police to arrive, Kristan continued to assist Mast. Quannisha opened up another register to assist other customers when Joung and Foster arrived. Quannisha told Joung and Foster that Mast was attempting to cash multiple checks, was causing a scene, and that she wanted Mast escorted from the store.

Joung and Foster approached Mast. It initially appeared that Mast was going to comply as he placed his hands behind his back. Joung and Foster tried to place handcuffs on Mast to arrest him, however, Mast was not allowing them to. Quannisha saw Joung take his baton out and swing it at Mast, but missed as Mast ran forward and then turned around. Quannisha heard Mast say to Joung, “This is how you hit somebody.” Mast hit Joung causing Joung to fall to the floor. Mast grabbed Foster from behind and used all his weight to take her to the ground while placing her in a “choke hold” with both of his arms. Quannisha then heard Mast scream, “Get away from me or I’m going to kill her!” Quannisha stated that Mast, Joung, and Foster all ended up on the floor and were all fighting. Foster was able to get up while Mast and Joung were still on the floor fighting.



Still taken from surveillance video depicting Mast holding Foster in a “choke hold” on the floor.

Joung was trying to get away from Mast, but Mast kept punching him. During the time that Joung and Mast were fighting on the floor, Quannisha saw Foster walk towards the front door to get on her radio. Foster ran back and tried to help Joung. Quannisha saw Joung place his hand on his hip, near his holster and then saw Mast trying to take Joung’s gun. Quannisha stated Joung and Mast were fighting on the floor with the gun, but Joung was eventually able to retrieve it and was able to get away from Mast. Quannisha turned and heard one gunshot and then after approximately five seconds, she heard two more gunshots.¹¹ After Quannisha heard the

¹¹ Quannisha did not see who fired the gun.

gunshots, she left the area and went into the stockroom for approximately three to four minutes and then went to the office with Kristan.¹²

Statement of Lanyendi B.

Lanyendi B. entered the Walgreens store at approximately 1:00 a.m. to make a purchase. She requested assistance from an employee. While in one of the aisles being assisted by an employee, Lanyendi heard a commotion. She and the employee ran to see what was happening and saw Foster in a choke hold by Mast. Lanyendi heard Mast say something like, “If you do something, I will kill her!” Lanyendi told detectives that while Mast held Foster in a choke hold, Foster was placing her hand on her gun in her waistband and Mast was trying to grab it from her.

Lanyendi started to run towards the back of the store when she heard the commotion getting louder.¹³ She looked back and saw Foster getting up from the floor and pointing her gun saying, “Don’t. Don’t.” Shortly after, Lanyendi heard approximately three gunshots and then approximately two more gunshots seconds later. She then continued running to the back of the store. Lanyendi heard Foster saying, “I need backup. Shots fired.”¹⁴

Injuries

After the incident, Joung was transported to Kaiser Permanente Los Angeles Medical Center and was treated for a fractured left eye socket, laceration to the left eye brow, and contusions to the head. Joung was admitted and stayed in the hospital overnight and was placed off-duty due to his injuries. On March 24, 2017, Joung had surgery on his left eye.



Photos depicting Joung's injuries.

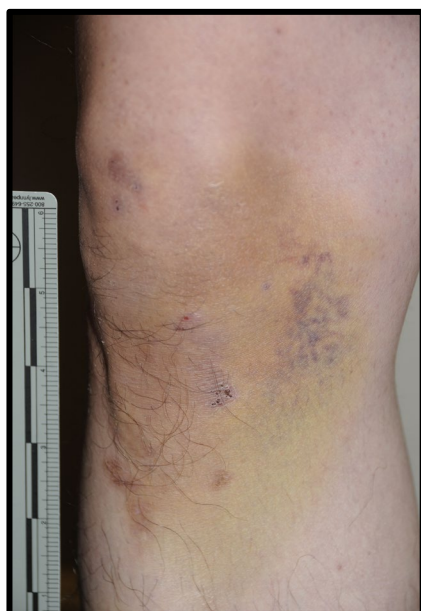
¹² Quannisha did not leave the office until officers took Mast into custody and out of the store.

¹³ Lanyendi heard a Taser going off, but did not see it happen. Her view was obstructed by the aisles.

¹⁴ Lanyendi told detectives that she only saw “gaps” of the incident as she was in an aisle with the aisles blocking her view, and was also running with her back turned, turning around, witnessing some of the events.



Photos depicting Joung's injuries.



Photos depicting Joung's injuries.

Foster sustained stiffness to her neck and an abrasion to her left knee. Foster was treated and returned to full duty.

Mast was transported to Cedars-Sinai Medical Center where he was treated for a gunshot wound near his right knee, causing a shattered femur, and a gunshot wound to the left side of his torso. The gunshot wound to the left torso slightly penetrated the skin and exited approximately three inches from the entrance.

FID Criminal Apprehension Team (CAT) Detectives Jose Martinez and Francisco Alvelais, responded to Cedars-Sinai Medical Center to interview Mast. Mast invoked his Miranda Rights and did not provide a statement.

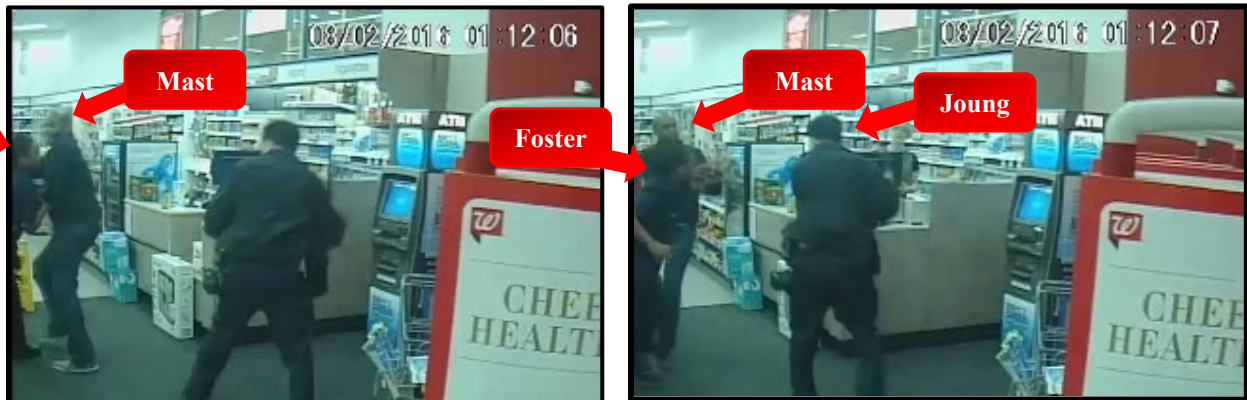
A toxicology analysis revealed Mast had the presence of amphetamine in his system at the time of the incident.¹⁵

¹⁵ Detectives responded to Mast's residence and met with his roommate, Adam D. Detectives were invited into the apartment and Adam D. indicated Mast was in possession of various prescription medications, including Adderall and amphetamines. There were several pills on the floor, couch and in Mast's bedroom, all of which were collected and booked into evidence.

Mast was charged with two counts of Penal Code section 664/187 (a), attempted murder of a peace officer, two counts of Penal Code section 245 (c), assault upon a peace officer, one count of Penal Code section 245(d)(2), assault on a peace officer with a semiautomatic firearm, and one count of Penal Code section 470(d) & 473(b), forgery, in Los Angeles Superior Court case number BA448939 and is currently pending trial.

Surveillance Video

Video footage was obtained from surveillance cameras located inside of the Walgreens Store. Below are stills taken from different video cameras depicting the officer involved shooting and the entire encounter that Joung and Foster had with Mast.



Stills taken from surveillance video of the initial encounter between Joung, Foster and Mast.

The photos below are various stills retrieved from the surveillance video inside Walgreens depicting the encounter between Joung, Foster and Mast.







Still depicting Joung and Mast struggling.



Still depicting Joung on top of Mast with his gun drawn.



Still depicting Foster with her gun drawn.



Still depicting Foster with her gun drawn.

Firearms Evidence

Foster was armed with her department-issued 9mm Glock, semiautomatic pistol. One cartridge case was collected from the scene and determined to have been fired from Foster's pistol.

Joung was armed with his department-authorized .40 caliber Smith & Wesson, semiautomatic pistol. Two expended .40 caliber cartridge cases were collected from the scene and determined to have been fired from Joung's pistol.

Joung was also equipped with a Taser, Model X26P. The Taser log indicated the trigger was activated a total of four times on the date of the incident. At 1:21:51 hours for five seconds, at 1:22:05 for four seconds, at 1:22:52 for five seconds, and at 1:22:58 for five seconds.¹⁶

LEGAL ANALYSIS

The Law

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

¹⁶ The Taser's internal time was verified and was determined to be six minutes and 25 seconds ahead of computer time.

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. A forcible and atrocious crime is one which threatens death or serious bodily harm. Kortum v. Alkire (1977) 69 Cal.App.3d 325, 333.

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 3470; *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. 3470. This is true even if there is no actual threat. Id.

The evidence examined in this investigation shows that Officers Joung and Foster arrived at the Walgreens to assist with Mast, a customer, who was attempting to cash a fraudulent check and was causing a disturbance. Joung and Foster reasonably believed Mast was involved in an attempted fraudulent transaction and attempted to take Mast into custody. Mast immediately became defiant and resisted the officers, pushing both of them. Mast struck Joung several times causing him to bleed and fall to the ground, almost losing consciousness. Foster attempted to assist Joung by pulling on Mast's arm. Mast pushed Foster and began attacking her by placing his arm around her neck, forcing her into a choke hold position to the point she was having a difficult time breathing. Joung drew his pistol and approached Mast. Mast threatened Foster by stating to Joung, "I will kill her." Joung moved his gun toward Mast's face after trying to pull Mast's arm to release it from Foster. After elbowing Mast and managing to escape his hold, Foster used her radio to request help. Mast immediately diverted his attention to Joung and began attacking him a second time by striking him multiple times.

In fear of losing consciousness and allowing Mast the opportunity to retrieve his gun, Joung pointed the muzzle of his gun toward Mast and fired one round. Mast continued to resist and fight with Joung. Joung and Mast were on the ground struggling and again, in fear that Mast would take control of his duty weapon, Joung fired another round at Mast. Mast had a grip on Joung's gun and they were fighting over the gun in an attempt to control the direction of the muzzle. Mast was able to force the muzzle toward Joung and said, "You know this is going to end up bad for you." Joung was afraid and was not able to stop Mast from turning the muzzle toward him. In fear for his life, and in quick thinking, Joung unclipped the magazine from the gun to prevent the gun from discharging more than one round. Joung thought to himself that he would fire the round in the chamber before the muzzle was completely turned toward him to prevent Mast from shooting him. Foster saw that Mast was attempting to take Joung's gun and came to assist Joung. In fear for the life of her partner, Foster fired one round at Mast's leg which finally allowed Joung to gain control over his gun.

Additional units arrived at the location to assist Joung and Foster. Joung tased Mast in an effort to cause Mast to stop resisting, but he still would not comply and would not allow the officers to handcuff him. It took several Taser deployments and hobble ties to finally take Mast into custody.

Based on the evidence presented, we determine that Mast placed Joung and Foster in reasonable fear for their lives and the lives of others when he continually resisted them, attacked and struck both Joung and Foster, choked Foster to the point where it compromised her ability to breathe, and again attacked and struck Joung, ultimately forcing Joung to fire two rounds at Mast in order to stop the attack. Mast also placed Joung and Foster in reasonable fear when he grabbed Joung's gun. Foster, reasonably in fear for her partner's life, fired her weapon at Mast to end the deadly threat.

CONCLUSION

For the foregoing reasons, we conclude that Officers Eui Joung and Raina Foster acted in lawful self-defense and defense of others when they used reasonable force against Daniel Mast. We are therefore closing our file and will take no further action in this matter.