



Sacramento County District Attorney's Office

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June 26, 2015

Chief of Police Cynthia Renaud
City of Folsom Police Department
46 Natoma Street
Folsom, CA 95630

Re: Officer-Involved Shooting: Case No. FPD 14-2598
 Shooting Officer: FPD Officer William Bradshaw #206
 Person Shot: Jose Manuel Reyes-Torres
 (DOB 5/25/1994; x-ref. 4740887)

Dear Chief Renaud:

The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Jose Manuel Reyes-Torres. For the reasons set forth, we conclude that the shooting was lawful.

The District Attorney's Office received and reviewed written reports and other documentary items. These items included the following: Folsom Police Department (FPD) report number 14-2598; the related 911 audio recording; witness interview recordings; dispatch logs; photographs; diagrams; Sacramento County District Attorney Laboratory of Forensic Services reports; evidence logs; and the Sacramento County Coroner's Final Report of Investigation.

FACTUAL SUMMARY

Jose Manuel Reyes-Torres lived in an apartment upstairs from that of his aunt, Areli Aguilar, at 317 Montrose Drive. On August 7, 2014, he entered Aguilar's residence, came into her kitchen, and stood next to her. She immediately noticed that he looked strange. He appeared pale and was moving his chin back and forth. She asked him what

was going on, but he just stared at her without speaking. He was simply moving his eyes around. Finally, he stated, "I'm a dead man." He then pulled out a fixed-blade knife and stabbed Aguilar in her ribs. Reyes-Torres' sister, Ana Reyes, saw the attack.

Reyes-Torres repeatedly stabbed Aguilar despite her attempts to push him away and Ana Reyes' attempts to pull him off of her, which included hitting him in the head with a pot. After stabbing her approximately thirty-two times, Reyes-Torres went to the back bedroom and stabbed Aguilar's six-month-old son, Roberto V., in his back and neck with the knife. Ana Reyes was able to get the knife away from Reyes-Torres, but he grabbed a ceremonial sword off of the wall and began swinging it in the direction of the baby. Ana Reyes then took the sword from Reyes-Torres and ran outside. Reyes-Torres' seven year-old brother saw Reyes-Torres "drop" Roberto V. on the ground. Aguilar survived. Roberto V. died at the hospital a short time later.

FPD Officer William Bradshaw was on duty and dressed in a full police uniform with a visible badge. He was driving a marked patrol car. He was with a civilian ride-a-long who was seated in the front passenger seat. At approximately 2:29 p.m., he heard dispatch indicate a 911 call was in-progress at 317 Montrose Drive. Dispatch did not yet have specific information about the nature of the call. At the time, Officer Bradshaw was already on Montrose Drive about 100 yards away. As he drove to the apartment, he heard dispatch update that there may be a deceased baby. He arrived in front of the apartment in less than a minute. At this time, he was the only officer on scene.

As Officer Bradshaw approached the residence from across the street, two women came out. One of them was Aguilar, who was staggering and completely covered in blood. She fell to the ground in the front yard. According to Officer Bradshaw, it was "very evident that she was injured." The other woman was Ana Reyes, who was also bloody. She was screaming something about a knife and yelling, "My baby! My baby!" Officer Bradshaw's civilian ride-a-long heard Ana Reyes screaming, "My baby! My baby! He cut my baby!"

Realizing a violent stabbing incident had just occurred inside the residence and that there was a child inside, Officer Bradshaw drew his firearm and proceeded up a concrete path comprised of unevenly spaced steps towards the apartment. He was still the only officer on scene. At that point, he saw Reyes-Torres at the top of the steps, covered in blood, with his eyes wide open, looking "wild," and screaming angrily in Spanish. Reyes-Torres made eye contact with Officer Bradshaw and ran down the steps towards him. Officer Bradshaw pointed his firearm at Reyes-Torres and ordered him to stop and get down. Reyes-Torres disregarded his orders, yelled "Fuck You!" at him, and rapidly advanced towards Officer Bradshaw with his arms raised in an aggressive manner. Officer Bradshaw determined that he had insufficient time to holster his weapon due to the speed with which Reyes-Torres' was coming at him. He did not want Reyes-Torres to gain control of his gun and, based on the circumstances, believed Reyes-Torres would kill him if he did. As such, Officer Bradshaw fired his gun one time from approximately ten feet away, striking Reyes-Torres in the chest.

Reyes-Torres continued down the steps, stumbled towards Officer Bradshaw, and ultimately fell to the ground. Officer Bradshaw holstered his gun and attempted to physically detain Reyes-Torres. After Officer Bradshaw handcuffed him, Reyes-Torres tried to get away by repeatedly thrashing about and attempting to roll and spin out of his control while angrily yelling and screaming. Other officers arrived, took custody of Reyes-Torres, and relieved Officer Bradshaw.

Ana Reyes had followed Reyes-Torres out of the residence after the stabbings and observed the shooting. She stated that Reyes-Torres initially began to run towards a back parking lot (away from where Officer Bradshaw was). She heard Officer Bradshaw command Reyes-Torres to “Stop!” She stated that Reyes-Torres then turned and ran towards Officer Bradshaw, who shot him by the steps in front of the residence.

According to the Coroner’s autopsy report, Reyes-Torres died at Mercy Folsom Hospital from a gunshot wound to his chest. He also suffered sharp force injuries to his hands and blunt force injuries to his scalp and face. During the autopsy, a folding knife was found tucked between his underwear and his abdomen.

LEGAL ANALYSIS

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. Additionally, an officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Garner* (1985) 471 U.S. 1; *Graham v. Connor* (1989) 490 U.S. 386; *Kortum v. Alkire* (1977) 69 Cal.App. 3d 325; California Penal Code Section 835a; CALCRIM 2670.) An officer who attempts to arrest or detain a person need not retreat or desist from his efforts by reasons of the resistance or threatened resistance of the person; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (California Penal Code section 835a.) Police may use some degree of physical coercion or threat thereof to accomplish an arrest. The force used must be objectively reasonable, considering such issues as the severity of the crime, whether the suspect posed an immediate threat to police or others, and whether the suspect actively resisted arrest or attempted flight. (*Graham v. Connor* (1989) 490 U.S. 386.) The reasonableness inquiry takes into account those facts known to the officer at the moment he or she uses deadly force to apprehend a fleeing suspect. (*Ford v. Childers* (7th Cir. 1988) 855 F.2d. 1271, 1275; *Sherrod v. Berry* (7th Cir. 1988) 856 F.2d 802, 804.)

The person being detained or arrested may be subjected to such restraint as is reasonably necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d 981, 985; CALCRIM 2670, 2671, 2672.) The rule “requires that the officer’s lawful conduct be established as an objective fact; it does not establish any requirement with respect to the defendant’s mens rea.” (*People v. Jenkins* (2000) 22 Cal.4th 900, 1020.)

California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 3470.) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 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.)

Applying these legal principles to the factual circumstances in this case, Officer Bradshaw was confronted with a rapidly developing and extremely violent crime scene. Almost immediately upon his arrival, two bloody women came outside screaming. One fell down into the landscaping due to her severe injuries. The other screamed about a knife and her baby. Realizing something violent had just occurred inside the residence, having information that there was a child inside who may have been killed, and being the only officer on scene at that point without any support, Officer Bradshaw drew his firearm as he approached the residence. Officer Bradshaw saw Reyes-Torres covered in blood. Officer Bradshaw told him to stop, but Reyes-Torres rapidly approached Officer Bradshaw in an angry manner. Reyes-Torres ignored Officer Bradshaw's commands to stop. Instead, Reyes-Torres yelled "Fuck You!" and ran towards Officer Bradshaw with his arms raised. Officer Bradshaw believed that his life was in danger because, given Reyes-Torres' close proximity, he did not have sufficient time to secure his weapon and feared that Reyes-Torres would grab his firearm and use it against him.

Furthermore, Officer Bradshaw had reasonable cause to believe that Reyes-Torres was armed. Upon arrival, Officer Bradshaw observed two individuals covered in blood, one of whom appeared to be physically injured and the other mentioned a knife and her baby. One dispatch report indicated there was a deceased baby. Officer Bradshaw then observed Reyes-Torres also covered in blood but acting in an angry manner. Officer Bradshaw had reason to believe that Reyes-Torres was responsible for the injuries and had used some type of knife, stabbing instrument, or other object capable of inflicting violent injuries. Officer Bradshaw also had reason to believe that Reyes-Torres might still be in possession of this weapon as he rapidly approached Officer Bradshaw in a threatening manner.

Believing that his life was in danger, Officer Bradshaw shot Reyes-Torres one time in self-defense and was thereafter able to detain him.

CONCLUSION

Given the circumstances, Officer Bradshaw was justified in using deadly force in self-defense. The objective evidence supports a finding that the officer's conduct was reasonable under the circumstances. Accordingly, we find the shooting to be lawful and will take no further action in this matter.

cc: FPD Detective Rick Olson #193
FPD Officer William Bradshaw #206