



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

August 14, 2026

Sheriff Don Barnes
Orange County Sheriff's Department
550 N. Flower Street
Santa Ana, California 92703

Re: Officer-Involved Shooting on August 20, 2023
Non-Fatal Incident Involving Ahmed Williams
District Attorney Investigations Case # SA 23-002393
Orange County Sheriff Department Case # 23-031242
Orange County Fire Authority # 23-078902
Orange County Crime Laboratory Case FR # 23-47161

Dear Sheriff Barnes,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the above-listed incident involving on-duty Orange County Sheriff Department (OCSD) Deputies Shane Johnson and Dante Jiron. Ahmed Williams, age 25, survived his injuries. The incident occurred in the City of Lake Forest on August 20, 2023.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the August 20, 2023, non-fatal, officer-involved shooting of Williams. The letter includes an overview of the OCDA's investigative methodology and procedures employed, as well as a description of the relevant evidence examined, witnesses interviewed, factual findings, and legal principles applied in analyzing the incident and determining whether there was criminal culpability on the part of the OCSD deputies involved in the shooting. The format of this document was developed by the OCDA at the request of many Orange County police agencies to foster greater accountability and transparency in law enforcement.

On August 20, 2023, investigators from the OCDA Special Assignments Unit (OCDASAU) responded to this incident. During the course of their investigation, 3 interviews were conducted and 33 additional witnesses were contacted during the

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supplemental neighborhood canvass. OCDASAU Investigators also obtained and reviewed the following: OCSD reports; Orange County Fire Authority (OCFA) reports; audio dispatch and radio traffic recordings; Orange County Crime Laboratory (OCCL) reports, including, latent print, latent DNA, officer processing and firearms examination reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Williams; criminal history records related to Williams; and other relevant reports and materials including audio recordings of the conducted neighborhood canvass.

After reviewing the investigatory materials, a summary of events was developed and is detailed in this letter. All times are approximate and derived from reports, OCSD computer automated dispatch logs, Body Worn Camera (BWC) video displayed times, and Patrol Vehicle System (PVS) video displayed times.

The OCDA conducted an independent and thorough investigation of the facts and circumstances of this incident and has reviewed all evidence and legal standards impartially. The scope and findings of this review are expressly limited to determining whether any criminal conduct occurred, and if the use of force by OCSD deputies or personnel, including Deputies Johnson and Jiron, was consistent with the law. The OCDA will not be addressing any possible issues of policy, training, tactics, or civil liability.

In a case where there is an officer-involved shooting incident and the OCDA files criminal charges against the individual shot by the police, it is the OCDA's policy not to release the final report regarding the officer-involved shooting incident until after the issue of guilt is decided in the underlying filed criminal case. This policy is in place to ensure that OCDA is not releasing any information that may be viewed as prejudicing the right of a defendant to receive a fair trial while his or her case is still pending.

INVESTIGATIVE METHODOLOGY

Among other duties, the OCDASAU is responsible for investigating officer-involved shootings within Orange County when someone has been injured or killed as a result of police gunfire. An OCDASAU Investigator is assigned as a case agent and is supported by other OCDASAU Investigators, as well as investigators from other OCDA units.

Six investigators are assigned to the OCDASAU on a full-time basis. There are additional OCDA Investigators assigned to other units in the office trained to assist when needed. On average, eight investigators respond to an incident within an hour of being called. The investigators assigned to respond to an incident perform a variety of investigative functions that include witness interviews, scene processing, evidence collection, and hospital investigative responsibilities as needed. The OCDASAU audio records all interviews, and the OCCL processes all physical evidence related to the investigation.

Deputy district attorneys from the Homicide, TARGET/Gangs, and Special Prosecutions Units review fatal and non-fatal officer-involved shootings and custodial death cases and determine whether criminal charges are appropriate. Thus, when the OCDASAU Investigator has concluded the investigation, the file is turned over to an experienced deputy district attorney for legal review. If necessary, the reviewing prosecutor will send the case back for further investigation.

Throughout the review process, the assigned prosecutor will consult with the Assistant District Attorney supervising the Special Prosecutions Unit of the OCDA, who will eventually review any legal conclusions and resulting correspondence. It is also common for the case to be reviewed by several other experienced prosecutors and their supervisors. Ultimately, the District Attorney personally reviews and approves all officer-involved shootings and custodial death letters.

An important part of the investigation of an incident such as this is attempting to obtain a statement from the involved deputies. In this matter, both OCSD deputies gave a voluntary statement to OCDA Investigators. Additionally, both deputies were wearing activated BWCs, which captured the incident and from which much of the factual summary was developed.

DISCLOSURE OF OFFICER-INVOLVED SHOOTING / USE OF FORCE / OR CUSTODIAL DEATH VIDEO & AUDIO EVIDENCE

The OCDA recognizes that releasing video and audio evidence of officer-involved shootings, use of force, and custodial death incidents can assist the public in understanding how and why these incidents occur, increase accountability, and build public trust in law enforcement. Consistent with the OCDA's written policy in connection with the release of video and audio evidence relating to officer-involved shootings, use of force, and custodial death incidents where it is legally appropriate to do so, the OCDA is releasing to the public video/audio evidence in connection with this case. The relevant video/audio evidence is available on the OCDA webpage at <http://orangecountyda.org/reports/videoandaudio/default.asp>.

FACTUAL SUMMARY

On August 20, 2023, shortly before noon, Jane Doe 1 and her sister, Jane Doe 2, were in their parents' third-floor apartment in the 21000 block of Osterman Road, in the City of Lake Forest. Also residing at that residence was their severely mentally disabled and their oldest brother, Williams.

Jane Doe 1, in an interview with OCSD Investigators, indicated that she was in her room when she noticed that the air conditioner was turned off. She said that as she went to turn the unit on, Williams suddenly rushed up to her and without saying anything to her, began "punching" her in the body. Jane Doe 1 began to scream and her mother came from the kitchen area and pushed Williams away from her.

Jane Doe 1, who had fallen to the floor, then saw Williams run towards her sister, Jane Doe 2, who was sitting in one of the bedrooms. She then heard Jane Doe 2 scream.

Their mother then ran towards the bedroom to help her sister. At that time, Jane Doe 1 took the opportunity to run out of the apartment.

Once outside, Jane Doe 1 had descended to the second floor when she noticed a trail of blood behind her and blood dripping from her. She then saw Williams exit the apartment and noticed a knife in his hand. She screamed and ran down to the first level and into the parking lot area looking for help.

Jane Doe 1 told investigators that Williams caught up with her in the parking lot area and stabbed her several more times. She ran again and noticed that there were several people in the parking lot. She saw Williams standing amongst them while staring at her. Jane Doe 1 then collapsed and Williams ran back up to their apartment.

At approximately 12:18:28 p.m., several 9-1-1 calls were made to the OCSD to report that a female subject had been stabbed at 21011 Osterman Road (Crestwood Apartments), Lake Forest. Additional information received indicated that the female who had been stabbed was being chased by a male subject, later identified as Williams and that she had collapsed outside of the apartment complex. Dispatchers were told that Williams was last seen running into a nearby apartment.

At approximately 12:20 p.m., OCSD Deputy Robert Beckley arrived on the scene and found Jane Doe 1 in the parking lot bleeding heavily from wounds to her abdomen, neck, and arm areas. She was conscious and told Deputy Beckley that Williams had stabbed her.

At approximately 12:20:07 p.m., OCSD Deputies Dante Jiron, Shane Johnson, and Katrina Fonseca responded to the location. Deputy Johnson and his trainee, Deputy Fonseca were in one marked police unit while Deputy Jiron was the sole occupant of another marked police unit. All the OCSD Deputies wore departmentally approved class B uniforms. Their uniforms consisted of a long-sleeved green shirt, green pants, and black boots. The shirts had "Orange County Sheriff" patches on each shoulder. The external ballistic vest was adorned with a gold OCSD badge on the upper front of the vest and "SHERIFF" in large gold letters on the back. All the deputies wore BWCs which were activated at the time of this incident.

While en route, Deputy Johnson relayed over the radio to responding deputies that his unit would be the primary unit handling the incident. In a voluntary interview with OCDASAU Investigators, Deputy Johnson indicated he made this decision due to his unit being a "training team." Deputy Johnson stated,

"My mindset always going to calls like these are just make the scene safe and get everyone safe and...kinda get everything, uh, under control. Um, get the...whatever victim needs medical aid. Transport her to the hospital. If there's a suspect involved, which there was, uh, get him detained safely so no one gets hurt."

Within a matter of minutes, both units arrived on the scene.

At approximately 12:24:32 p.m., Deputies Johnson and Fonseca met with Deputy Brandon Saunders in the north parking lot of the apartment complex. Deputy Saunders told them multiple witnesses saw Williams run into apartment A-305, located on the third floor.

At approximately 12:27:24 p.m., Deputy Johnson told Deputy Fonseca "Go get less lethal, go." Deputy Fonseca ran to their unit and retrieved a 40-millimeter less lethal launcher.

At approximately 12:28:05 p.m., Deputies Johnson, Fonseca, Jiron, and Saunders ran to the second-level breezeway of the apartment complex, directly below apartment A-305 where Williams was located. During this time another deputy with a less lethal shotgun arrived on the scene. Deputy Johnson told that deputy to go to the "backside" of the apartment complex. Meanwhile, Deputy Jiron was facing apartment A-305 pointing an M4 rifle in the direction of its front door while residents in the apartment directly under it were being evacuated.

At approximately 12:31:26 p.m., Deputy Saunders approached Deputy Johnson and stated, "There's another female inside, there's another female inside," referring to apartment A-305.

At approximately 12:31:37 p.m. and fearing that the female inside was in danger of being stabbed or potentially already injured, Deputies Johnson, Jiron, Saunders, and Fonseca ran up the stairs to apartment A-305 to force entry. Deputy Johnson said, "We needed to go inside and save, uh, render aid to that female before she bleeds down and dies. Cause I believe that if he was to stab that one female that's already outside the residence, possibly, he would do it to the other female inside."

Deputy Jiron, in a voluntary interview with OCDASAU investigators, stated, "Um, obviously, we, we believed that the suspect was in there with an additional person. And we determined we had *** circumstances to go into that apartment to preserve or to attempt to preserve any type of life that we could."

At approximately 12:31:51 p.m., Deputies Johnson and Jiron arrived at the front door of apartment A-305. Deputy Johnson, armed with his duty pistol at the low-ready position, approached the door while Deputy Jiron stood off to his right with the M4 rifle pointed at the door. Deputy Fonseca was behind Deputy Jiron with the 40 mm less-lethal launcher, as was Deputy Saunders with his K-9.

At approximately 12:32:00 p.m., Deputy Saunders yelled, "Sheriff's Department!"

At approximately 12:32:06 p.m., Deputy Johnson kicked the door in an attempt to enter. He kicked the door approximately four more times and was unable to open it.

At approximately 12:32:21 p.m., Deputy Johnson attempted to unlock and open the door again with the key and was successful. Deputy Jiron then immediately stepped into the doorway. Deputy Jiron told investigators, "That's when I saw the suspect standing there, with the two knives in his hands." Deputy Jiron shouted, "Sheriff's Department, drop the knife!" while Deputy Johnson yelled, "Hands, hands, drop it!" Deputy Jiron estimated Williams was approximately "15 – 20" feet away.

Deputy Jiron stated,

"He (Williams) was standing, uh, what-, when he was standing at the hallway he had one knife in his left hand. That knife, the blade was pointed down away from his thumb. Like, in a-*** stabbing motion. And in his right hand he had a knife with, *** the blade facing up, away from his thumb in a, appeared to be like, a slashing motion, and he had 'em about shoulder height. Um, as soon as he saw me and Deputy Johnson, he had like, he-, *** the best way to describe it, he was like, staring right through us as if, *** he was not in any state of mind to follow any type of commands from me or Deputy Johnson. Um, I wanna say he was kind of in like, a uh, almost like a, - ***, like a fighting stance where he had one foot placed in front of the other. As if he was ready to, to run or charge at us at any second."

Deputy Johnson told investigators,

"At that point, the second we open up the door, a male in the hallway, probably 15 feet away, I would guess 10 to 15, um, faced us holding two knives. One in his right hand, and one in his left hand and he used his right hand to cock back as if he was gonna chuck the knife at me. And that knife was a large kitchen knife. The blade was was...I would say, approximately eight inches to ten inches big. It was bigger than a normal knife."

At approximately 12:32:25 p.m., BWC video shows Williams raise his right arm as if he were going to throw the knife in his hand. Deputy Johnson, who was still in the doorway, fired his duty pistol 10 times. Deputy Johnson stated he fired, "to prevent him from throwing a knife at me and my partner, I, um, shot my Glock at him approximately eight to ten rounds...until he fell to the ground." Deputy Jiron, who was in the doorway but just outside the entrance, fired his rifle five times.

Deputy Jiron said,

"I was concerned that if we, or if me or Deputy Johnson um, entered that apartment or took any, *** tried to close the distance between us and the suspect, that he was gonna, he was gonna stab us or attempt to stab us. Um, and I also was concerned that if there was additional person in like, that, *** in one of the two bedrooms that were in that apartment, that if he was gonna run and potentially harm somebody else inside of that apartment."

At approximately 12:32:41 p.m., Deputies Jiron, Johnson, and Fonseca entered the apartment. Williams was on the floor, lying on his right side in the doorway of the east bedroom. As they approached Williams, they continuously ordered him to show his hands and place them behind his back; however, he did not comply with the commands.

At approximately 12:34:16 p.m., Deputy Matthew Moulson placed Williams in handcuffs. Deputies Jiron, Johnson, and Fonseca then conducted a safety sweep of the apartment and located Jane Doe 2 in the east bedroom restroom. She had multiple stab wounds and was deceased.

At approximately 12:35:00 p.m., deputies carried Williams out of the apartment and placed him on the walkway in front of the apartment. Deputy Saunders began providing first aid to Williams.

At approximately 12:45:08 p.m., Orange County Fire Authority (OCFA) Paramedics arrived on the scene with a stretcher.

At approximately 12:47 p.m., Williams was placed on the stretcher and taken to a rescue ambulance, where he was then transported Code-3 (lights and sirens) to Mission Hospital Regional Medical Center (MHRMC).

OCFA paramedics proceeded to treat Williams for his injuries and noted several apparent gunshot wounds in Williams' torso, legs, scrotum, and an unknown injury to his left hand. Williams was not conscious nor coherent and only responded to pain stimuli by opening his eyes. He remained unconscious during the entire time in the ambulance. Paramedics applied a non-rebreather mask on Williams to administer oxygen and an occlusive dressing on an apparent gunshot wound under Williams' right armpit to stop the bleeding. Additionally, paramedics applied a needle thoracostomy to alleviate pressure in Williams' chest cavity to assist him in breathing, and an intravenous (IV) line to administer saline. Paramedics did not administer any other medication to Williams.

At approximately 1:00 p.m., Williams arrived at the MHRMC, and his care was transferred to MHRMC staff. Williams' medical condition later improved and became stable and non-life threatening.

Williams was subsequently booked into the Orange County Jail (OCJ) on August 24, 2023.

OFFICER PROCESSING

On August 20, 2023, at approximately 4:39 p.m., an OCCL Forensic Specialist (FSP) processed and photographed OCSD Deputies Johnson and Jiron.

Deputy Johnson carried the listed equipment on his Sam Browne belt:

- Handgun holster on the right side
- Glock, Model 17, Gen5, 9mm semi-automatic handgun, serial #BTWR603 with a Surefire light attached to the frame rail. There was one cartridge, head stamped "9 MM LUGER F.C." in the chamber and seven cartridges, head stamped "9 MM LUGER F.C." seated in the 17-cartridge capacity magazine.
- Double magazine pouch containing two Glock, 9mm, 17-cartridge capacity magazines. Both magazines were loaded to capacity. All cartridges were head stamped "9MM LUGER F.C."
- Patrol Video System (PVS) microphone

Deputy Johnson carried the listed equipment on his external ballistic vest:

- Axon BWC
- Radio with lapel microphone and earpiece attached
- Flashlight in a holder
- Taser, serial #X1200ERCY, and one cartridge in the holster
- Utility pouch contained miscellaneous papers
- ASP collapsible baton in the holder
- "S. Johnson" stenciled on a patch, front right side.

Deputy Jiron carried the listed equipment on his Sam Browne belt:

- Handgun holster on the right side
- Smith & Wesson, Model M&P, 9mm semi-automatic handgun, serial #NLW0569 with a Surefire light attached to the frame rail and a Trijicon Modular Optic System on the slide. There was one cartridge, head stamped "9 MM LUGER F.C." in the chamber and 19 cartridges, head stamped "9 MM LUGER F.C." seated in the 17-cartridge capacity magazine. The magazine had an extender attached to it which contained two additional cartridges.
- Two single magazine pouches, containing two M&P, 9mm, 17-cartridge capacity magazines. Both magazines were loaded to 19. All cartridges were head-stamped "9 MM LUGER F.C." Each magazine had an extender attached to it that contained two additional cartridges.
- Single rifle magazine pouch containing one PMAG 30, 5.56 X 45, GEN M3, 30 cartridge capacity magazine. There were 30 cartridges seated in the magazine, head stamped "Speer 20 REM 223".
- Two single handcuff pouches containing handcuffs
- Silent key holder
- Baton ring

Deputy Jiron carried the listed equipment on his external ballistic vest:

- Axon BWC
- Radio with lapel microphone and earpiece attached
- Flashlight in a holder

- Taser, serial #X1200879A, and one cartridge in the holster
- Utility pouch with miscellaneous papers
- Monadnock baton in the holder
- "D. Jiron" stenciled on a patch, front right side
- PVS microphone
- Tourniquet

The FSP collected Deputy Johnson's handgun, magazines, and ammunition. She also collected Deputy Jiron's personally owned rifle from patrol unit #2660.

- Daniel Defense, Model DDM M4V, 5.56 semi-automatic rifle, serial# DDM4532366, with a Trijicon ACOG mounted to the slide. There was one cartridge, head stamped "SPEER 20 REM 223" in the chamber and 24 cartridges, head stamped "SPEER 20 REM 223" seated in the 30-cartridge capacity magazine.

The FSP took 201 digital color photographs of the officers and equipment.

EVIDENCE COLLECTED

An OCCL Forensic Scientist (FS) collected the following evidence from the OIS scene:

- EM 1 - Bullet fragment
- EM 5 - Black clothing
- EM 6 - Swab containing apparent blood
- EM 7 - Swab containing apparent blood
- EM 8 - Clothing (khaki pants and multi-colored dress)
- EM 9 - "LUGER FC 9MM" casing
- EM 10 - "LUGER FC 9MM" casing
- EM 11 - "LUGER FC 9MM" casing
- EM 12 - "223 REM SPEER 20" casing
- EM 13 - "LUGER FC 9MM" casing
- EM 14 - Clothing and two "223 REM SPEER 20" casings
- EM 15 - Two "223 REM SPEER 20" casings and one "LUGER FC 9MM" casing
- EM 16 - "LUGER FC 9MM" casing
- EM 17 - "LUGER FC 9MM" casing
- EM 18 - "LUGER FC 9MM" casing
- EM 19 - Two "LUGER FC 9MM" casings
- EM 24 - Black folding knife
- EM 25 - Bullet
- EM 26 - Silver chef's knife
- EM B4 - Bullet fragment inside Ferrero Rocher chocolate box
- EM U - Bullet
- EM V - Bullet fragment

An OCCL Forensic Scientist (FS) collected the following evidence from the hospital scene:

- OCCL Item 8 - Buccal sample from Ahmed Williams
- OCCL Item 9 - Bullet in plastic container collected at the hospital
- OCCL Item 28 - Clothing with apparent blood and plastic bag collected at the hospital

An OCCL FS took 546 digital color photographs of the OIS scene, the hospital scene, and the descendent. An OCCL FS took 42 digital color photographs of the knives collected under EM 24 and EM 26. On August 21, 2023, a Senior Forensic Scientist returned to the OIS scene and took 193 digital color photographs of the scene.

EVIDENCE ANALYSIS

Toxicological Examination

A sample of Williams's blood was collected at the hospital. The hospital laboratory examined the blood sample for alcohol and drugs. The results were negative for the presence of any alcohol or controlled substances.

FIREARMS EXAMINATION

A Glock model 17 Gen5, 9mm Luger caliber, serial #BTWR603, was collected from Johnson during officer processing. The pistol was examined by the OCCL and found to operate without malfunction.

A Daniel Defense model DDM V7 rifle, 5.56x45mm caliber, serial #DDM4532366, was collected from Jiron's patrol vehicle. The rifle was examined by the OCCL and found to operate without malfunction.

Glock

The Glock fired 10 cartridge cases labeled as being from (EM 9 - one), (EM 10 - one), (EM 11 - one), (EM 13 - one), (EM 15 - one), (EM 16 - one), (EM 17 - one), (EM 18 - one), (EM 19 - two), and three bullets labeled as being from the ceiling, EM 25 and EM U. They were microscopically compared to the test-fired cartridge cases from the Glock. It was determined that the Glock fired all of the identified cartridges.

Daniel Defense Rifle

The Daniel Defense rifle was determined to have fired the bullet fragment labeled as being from the Ferrer Rocher box (EM B4). The firing-related marks on the test-fired cartridge cases were not suitable for comparison purposes. The five cartridge cases labeled as being from (EM 12 - one), (EM 14 - two), and (EM 15 - two) were determined to have been cycled through the rifle.

WILLIAMS'S PRIOR CRIMINAL HISTORY

Williams does not have a criminal history.

WILLIAMS' POST-INCIDENT CONVICTION

On August 23, 2023, the Orange County District Attorney's Office filed a felony criminal complaint against Williams in Orange County Superior Court, case number 23HF1574. Williams was charged with one count of murder (Penal Code section 187(a), one count of attempted murder (Penal Code section 664(a)-187), and sentencing enhancements for the use of a deadly weapon (Penal Code section 12022(b)(1)) and personal infliction of great bodily injury upon another (Penal Code section 12022.7(a). On April 17, 2026, Williams pled guilty to one count of murder and one count of attempted murder and was sentenced to a total of 20 years in state prison.

STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a non-fatal shooting include attempted murder [Penal Code section 664-187]; attempted manslaughter [Penal Code section 664-192]; assault with a deadly weapon [Penal Code section 245]; and assault by a police officer [Penal Code section 149]. In order to convict an officer of any of these charges, however, it would be necessary to prove beyond a reasonable doubt that no legal justifications existed for the officer's actions. (*People v. Adrian* (1982) 135 Cal.App.3d 335, 340-342.) Several such justifications may apply in any given case and they are set forth in Penal Code sections 196, 197 and 835a.

California Penal Code section 196 provides that use of deadly force by a public officer is justifiable when done in compliance with California Penal Code section 835a. California Penal Code section 197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

California Penal Code section 835a allows a police officer to use reasonable force, when necessary, in the defense of human life. The decision to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall be taken into account when deputies are forced to make quick judgments about using force.

California Penal Code section 835a further states that a peace officer is justified in using deadly force when the officer reasonably believes that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person. Deadly force may also be used to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believed that person will cause death or serious bodily injury if not immediately apprehended.

Consistent with existing law, Penal Code section 835a maintains the principle that a police officer, acting in compliance under this section, who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested, nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Penal Code section 835a also requires that, prior to the use of deadly force, the officer make reasonable efforts to identify himself and warn that deadly force may be used, when feasible, unless the officer reasonably believes the person is already aware of those facts. In determining whether deadly force is necessary, officers shall evaluate the circumstances of each situation independently, and use other available resources and techniques if reasonably safe and feasible to do so.

In addition, Penal Code section 834a requires that if a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, that person must refrain from using force or any weapon to resist such arrest.

Similarly, the relevant criminal jury instruction as written by the Judicial Council of California and set forth in CALCRIM 3470 permits a person being assaulted to defend himself from attack if, as a reasonable person, he had grounds for believing and did believe that bodily injury was about to be inflicted upon him or upon another person. In doing so, such person may immediately use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to defend against that danger and to prevent the injury which appears to be imminent.

The law as detailed in CALCRIM 3470 and in well-settled case law therefore permits a person, if confronted by the appearance of danger which arouses in his/her mind, as a reasonable person, an honest fear and conviction that he/she or another person is about to suffer bodily injury, to act in self-defense or defense of others upon such appearances, and from such fear and honest convictions. The person's right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639, 641-642.)

Nevertheless, the above justifications must be interpreted in light of United States Supreme Court precedent that limits the right of a police officer to use deadly force. (*People v. Martin* (1985) 168 Cal.App.3d 1111, 1124.) Thus, in *Tennessee v. Garner* (1985) 471 U.S. 1, 3, the United States Supreme Court ruled that a police officer is entitled to use deadly force only when "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

This limitation was, however, clarified subsequently by the United States Supreme Court in the seminal case of *Graham v. Connor* (1989) 490 U.S. 386, wherein the Supreme Court explained that an officer's right to use force [*i.e.*, his/her weapon] is to be analyzed under the Fourth Amendment's "objective reasonableness" standard. The Supreme Court further stated that the determination of the reasonableness of an officer's use of force "must embody allowance for the fact that police deputies 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.” (*Id.* at 396-397.)

The United States Supreme Court’s analysis and teachings in *Graham* are very much applicable to the circumstances surrounding the interactions of Deputy Johnson and Deputy Jiron with Williams.

LEGAL ANALYSIS

The facts in this case are determined by the relevant evidence collected and witnesses present at the incident.

The issue is whether the conduct of Deputies Johnson and Jiron on August 20, 2023, was criminally culpable and without justification. As stated above, in order to charge Deputies Johnson and Jiron with a criminal violation, it is required that the prosecution be able to prove beyond a reasonable doubt that no legal justification existed for the deputies’ conduct. Therefore, to lawfully charge Deputies Johnson and Jiron with a crime, the prosecution must prove beyond a reasonable doubt that they did not act in lawful self-defense or defense of others. If the actions that day of the deputies were justifiable as lawful self-defense or defense of others, then criminal charges will not be warranted.

As the Court of Appeal held in 1998, it is well settled that

“unlike private citizens, police deputies act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because ‘the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.’ [Police deputies] are, in short, not similarly situated to the ordinary battery defendant and need not be treated the same. In these cases, then, ‘the [] police officer is in the exercise of the privilege of protecting the public peace and order and he is entitled to the even greater use of force than might be in the same circumstances required for self-defense.’”

(*Edson v. City of Anaheim* (1998) 63 Cal.App.4th 1269, 1273 (quoting *Graham v. Connor, supra*, 490 U.S. at 396 and *Wirsing v. Krzeminski* (1973) 61 Wis.2d 513, 522.)

Where potential dangerous, emergency conditions or other exigent circumstances exist, the California Court of Appeal has noted that the United States Supreme Court’s definition of reasonableness is comparatively generous to the police. (*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 528.) Quoting various United States Supreme Court and California appellate court precedent, the court in *Brown* noted that effectively,

“the Supreme Court intends to surround the police who make these on-the-spot choices in dangerous situations with a fairly wide zone of protection in

close cases. A police officer's use of deadly force is reasonable if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. Thus, an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack."

(*Brown v. Ransweiler*, *supra*, 171 Cal.App.4th at 528 (internal citations and quotations omitted).)

Additional analysis, pursuant to California Penal Code section 835a, permits deadly force when the officer reasonably believes it is necessary, based upon a totality of the circumstances, to defend themselves or others against an imminent threat of death or serious bodily injury.

In this incident, the evidence indicates that Deputies Johnson and Jiron reasonably believed that Williams posed a significant threat of death or serious physical injury to themselves and others. Both deputies were aware of the fact that Williams had stabbed his sister multiple times. They were also aware that another female was in the residence with Williams. This created, in the deputies' minds, exigent circumstances in which the life of a woman was in imminent danger. When they were able to make entry into the residence, BWC video shows Williams within approximately 15-20 feet of the deputies with knives in both of his hands. Both deputies described, and BWC video shows, Johnson in an aggressive stance with his right arm cocked in a throwing position. He was ordered to drop the knives, which he ignored. He was not only a threat to the deputies, but also a perceived threat to another potential victim. While this victim had already been murdered, the deputies did not know this at the time.

In order for Deputy Johnson and Deputy Jiron to be justly and lawfully charged and convicted with a crime in this incident, it is the OCDA's burden to prove beyond a reasonable doubt that they did not act in reasonable and justifiable self-defense or defense of another when they shot at Williams. The prosecution would be unable to carry this burden in this case. Substantial reliable evidence supports the conclusion that at the time of the shooting, each officer reasonably feared for his own life and the lives of others. Thus, a jury analyzing these facts would justly conclude that it was reasonable for Deputy Johnson and Deputy Jiron to believe that their lives and the lives of others were in danger.

CONCLUSION

Based upon a review of all of the evidence provided to and obtained by the OCDA, and based on the entirety of the facts contained in all the available reports and interviews reviewed, and pursuant to the applicable legal principles, it is our legal opinion that there is no evidence to prove criminal culpability on the part of Deputies Johnson and Jiron, and there is substantial evidence that their actions were reasonable and justified under the circumstances when they shot Williams on August 20, 2023.

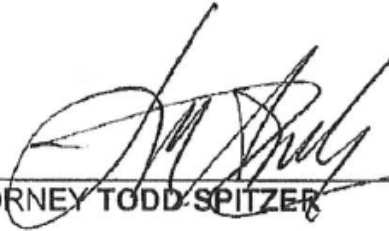
Accordingly, the OCDA is closing its inquiry into this incident.



READ AND REVIEWED BY **MARC ROZENBERG**
Senior Deputy District Attorney
Special Prosecutions Unit



READ AND REVIEWED BY **STEVEN SCHRIVER**
Assistant District Attorney
Special Prosecutions Unit



READ AND APPROVED BY DISTRICT ATTORNEY **TODD SPITZER**