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September 10, 2019

Today, the San Joaquin County District Attorney's Office (SJCDA) released its findings in the November 1, 2016 officer-involved shooting that resulted in the death of Keenan Bradley. It is the decision of the SJCDA that the use of deadly force by an off-duty San Joaquin County Sheriff's Deputy was justified under the circumstances.

This decision was made after SJCDA Office's Officer-Involved Critical Incident Review Committee reviewed the investigations by the San Joaquin County District Attorney's Bureau of Investigations, the Stockton Police Department, the San Joaquin County Sheriff-Coroner's Office, and the California Department of Justice.

The findings and conclusion of this investigation were completed on August 14, 2019 and has been memorialized in a report. Shortly after, this Office notified the Stockton Police Department and the San Joaquin County Sheriff's Office of the findings.

In addition, the family of Mr. Bradley was also notified and this Office requested a meeting with the family to present the findings of the report.

This morning, representatives of the SJCDA met with the family of Mr. Bradley to discuss the findings in the report.

The memorandum detailing the SJCDA's findings and conclusion follow below.

SAN JOAQUIN COUNTY DISTRICT ATTORNEY
MEMORANDUM OF
OFFICER-INVOLVED CRITICAL INCIDENT
OF NOVEMBER 1, 2016
AT 3525 W. BENJAMIN HOLT DR., STOCKTON, CA.



TORI VERBER SALAZAR, DISTRICT ATTORNEY
OFFICER INVOLVED CRITICAL INCIDENTS UNIT

AUGUST 14, 2019



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MEMORANDUM

TO: ERIC JONES, CHIEF
STOCKTON POLICE DEPARTMENT

PATRICK WITHROW, SHERIFF
SAN JOAQUIN COUNTY SHERIFF'S DEPARTMENT

FROM: SAN JOAQUIN COUNTY DISTRICT ATTORNEY

DATE: AUGUST 14, 2019

SUBJECT: INVESTIGATION OF THE FATAL SHOOTING OF
KEENAN BRADLEY (SPD DR # 16-41374).

Pursuant to the provisions of the San Joaquin County Officer-Involved Critical Incident Protocol, effective August 1, 1994, the responsibility of the Office of the District Attorney is to review the facts and determine what, if any, criminal charges should be filed whenever there is an officer-involved fatality or life-threatening incident.

This memorandum reviews the officer-involved shooting of Keenan Bradley on November 1, 2016. The investigation was jointly conducted by investigators from the San Joaquin County District Attorney's Investigation Unit, the Stockton Police Department, the San Joaquin County Sheriff-Coroner's Office, and the California Department of Justice.

INVESTIGATION SUMMARY

On November 1, 2016, at approximately 10:41 p.m., Stockton Police Officers responded to an off-duty law enforcement shooting at the Marina Village West Apartment Complex, 3525 W. Benjamin Holt Dr., Stockton, California.

Responding officers located Deputy Michael Knight of the San Joaquin County Sheriff's Office and Keenan Bradley (DOB, 10/11/95) in the parking lot of

the Marina Village West Apartment Complex. Mr. Bradley was suffering from two gunshot wounds. Citizens with medical training were attending to Mr. Bradley when paramedics arrived on-scene at 10:56 p.m. and took over life saving measures. Despite all efforts, Mr. Bradley was pronounced dead at 11:14 p.m. at the scene.

As provided by the Memorandum of Understanding for the San Joaquin County Officer-Involved Critical Incident Protocol (hereinafter referred to as "Protocol"), the Stockton Police Department invoked the Protocol. A multi-agency task force was created that included the San Joaquin County District Attorney's Office's Bureau of Investigations (hereinafter "BOI"), the Stockton Police Department (hereinafter referred to as "SPD"), the San Joaquin County Sheriff's Office (hereinafter "SJSO"), its Coroner's Division (hereinafter referred to as "Coroner"), and the California Department of Justice (hereinafter referred to as "DOJ").

FACTUAL SUMMARY

Off-duty San Joaquin County Sheriff's Deputy Michael Knight was returning home after his shift, and getting dinner at a fast food restaurant¹ when he was confronted by Mr. Bradley and an unknown male, both wearing masks. Mr. Bradley and the unknown male were pointing semi-automatic weapons at Deputy Knight's face. Deputy Knight, dropped to his back while drawing his off-duty service weapon. As he went backward, he fired seven rounds at both men. Mr. Bradley was struck twice by the gunfire and stumbled a few yards, and fell to the ground under the carport. The unknown male ran southbound and made good his escape. Several residents of the apartment complex reported hearing a car drive off at high speed. Some residents saw a small car, possibly a Japanese model car, drive away.

Deputy Knight secured a silver Sturm-Ruger 9 mm semi-automatic pistol that was still in Mr. Bradley's possession as he lay on the ground. Nearby, a mask lay. Deputy Knight used his cellular phone to call 9-1-1.² He identified himself as an off-duty officer and said that two men attempted to rob him.³ As he did this, residents came outside. Deputy Knight enlisted their help to give Mr. Bradley medical aid. Two residents with medical training assisted until paramedics arrived.⁴

¹ *The food and receipts were recovered at the scene.*

² *See below, Subsequent Investigation, Cellular Telephone Inspection.*

³ *Based on this information, the dispatcher radioed to other patrol units that two suspects attempted to rob the reporting party (i.e. Deputy Knight), and that one suspect fled was still outstanding.*

⁴ *The identities of these witnesses, Witness #4 and Witness #5, are listed in APPENDIX A: Civilian Witness Information which is being kept confidential.*



Photograph of scene of shooting. Mr. Bradley's firearm is at Marker #1 where it was placed by an on-scene Stockton Police Officer after taking it from Deputy Knight.



Photograph of Mr. Bradley's firearm

When Stockton Police arrived, Deputy Knight was in possession of Mr. Bradley's firearm. SPD Officer Captain Sears took the firearm from Deputy Knight and placed it on the ground.

Mr. Bradley did not reside at the Marina West Apartment Complex. The best available information indicated that he resided with his mother, approximately 8 miles south of the Marina Village West Apartment Complex.

The aforementioned unknown male has not been identified and remains a suspect of a criminal investigation by the Stockton Police Department.

WITNESS STATEMENTS

Investigators from the San Joaquin County District Attorney's Office and Stockton Police Department detectives jointly interviewed the involved officers, medical personnel, and civilian witnesses. Whenever possible, these interviews were recorded. The investigators also conducted a neighborhood canvas of residences in the area. Not every witness interviewed is summarized here. The individual witness synopses below are to assist the reader in supplementing the above Factual Summary. Civilian witnesses are identified in this memorandum as "Witness #" to protect their privacy rights. See, "Confidential Page APPENDIX A: Civilian Witness Information."

San Joaquin County Sheriff's Deputy Michael Knight

San Joaquin County Sherriff's Deputy Michael Knight was interviewed on November 2nd, 2016, in the early morning hours by investigators at the Stockton Police Department and stated the following:

Deputy Knight was a three-year deputy of the San Joaquin County Sherriff's Office. Beyond his regular patrol duties he is a Defensive Tactics Instructor. This evening Deputy Knight was off-duty and was not wearing his uniform; he was dressed in civilian clothing. He was armed with off-duty service weapon; a Glock 19 9mm semi-automatic pistol.

On this date, Deputy Knight lived at Marina Village West Apartments. He got off work at 10:00 p.m., went to "In-N-Out" for some dinner, and was heading home with his food and patrol gear.

Deputy Knight parked his vehicle and unloaded his gear, which was in an equipment bag. He was walking to his apartment with his gear and food when two

men wearing hooded sweatshirts, masks over their faces, and pointing semi-automatic guns at him, came from behind the garbage container at the end of the parking lot. He said both men were yelling at him but he could not tell what they were saying because the guns were only a few feet in front of his face, his focus was on the two guns, and he was in fear that he was about to be shot or executed.

Deputy Knight dropped what he was carrying and began falling backwards toward his backside while lifting up his sweatshirt, drawing his off-duty service weapon from his right hip, and began firing his weapon several times toward both men. One of the men ran southbound. The other man, identified later as Mr. Bradley, ran toward the carport, tripped, and fell to the ground. Deputy Knight said Mr. Bradley still had a gun in his hand and appeared to be pointing it in his direction and punching his fist with the gun toward him as if he was attempting to shoot him. He said he did not recall if he fired his service weapon again. Mr. Bradley stood up and began walking toward the parked cars. Deputy Knight began yelling at Mr. Bradley, identifying himself as an off-duty deputy, ordering him to stop, and to get on the ground. Mr. Bradley then fell to the ground. Deputy Knight moved in and secured the gun Mr. Bradley had been holding.

Deputy Knight retreated a short distance away and called 911 informing the dispatcher of an off-duty law enforcement shooting. While this was going on, Deputy Knight said he could hear a vehicle with a loud exhaust start up and then speed off. Some residents had come out of the apartments and Deputy Knight said he directed some of them to begin applying pressure to the wound.

Deputy Knight described Mr. Bradley and the other male as wearing similar masks. Deputy Knight said he has never been so scared than when the guns were pointed in his face. He believed it was his Defensive Tactics training that took over allowing him to defend himself. Deputy Knight felt that Mr. Bradley and the other man appeared shocked when he fell back and the gunfire began. Deputy Knight secured Mr. Bradley's weapon under his arm and later surrendered the gun to a Stockton Police Officer who placed the gun on the ground.

Witness # 1

Witness #1 was identified as a witness and contacted at scene by investigators. He was also interviewed on November 2, 2016, at 6:30 a.m. by investigators at San Joaquin County Sherriff's Office and stated the following:

Witness #1 was inside his apartment when he heard ten to twelve gunshots fired from nearby. The gunshots sounded like they were from two different guns.

After hearing the rounds, he said he could hear someone yelling, "Get on the ground! Get on the ground!" He told his family to stay down and looked outside the window. From his window he was able to see a person, identified as Deputy Knight, talking on a cell phone and identifying himself over the phone as an off-duty officer asking for back up. Upon hearing that, he decided to go outside and see if Deputy Knight needed help.

Witness # 1 walked over and asked Deputy Knight if he needed help. Witness #1 could see Deputy Knight with a black gun in one hand and another gun under his armpit while Deputy Knight held a cell phone in his left hand. Deputy Knight told him that he needed to secure Mr. Bradley and asked Witness #1 to pull Mr. Bradley out from under a car and to roll Mr. Bradley over. Witness #1 said after Mr. Bradley was rolled over, Deputy Knight asked him to apply pressure to the wound. Witness #1 could not see the wound but the sweatshirt appeared to be covered in blood. Witness # 1 used his knife to cut away the sweatshirt. Witness #1 then used the clothing to apply pressure to the wound. Witness #1 continued to apply pressure until someone else in the apartment complex that he believed might have had a medical background relieved him.

Witness #1 he overheard Deputy Knight on the phone saying that four men tried to rob him and that there has escaped. (At the scene, when interviewed by an officer, Witness #1 reported that he overheard Deputy Knight on the phone saying that two men attempted to rob him. This on scene statement is corroborated by the dispatch tele-printout that Deputy Knight reported that two men attempted to rob him.)

Witness # 1 did not know either Deputy Knight or Mr. Bradley.

Witness # 2

Witness #2 was identified as a witness and contacted at scene by investigators. She was interviewed on November 2, 2016, at 6:50 a.m. by investigators at San Joaquin County Sherriff's Office and stated the following:

Witness # 2 was inside her apartment watching television when she heard a commotion and then someone yelling, "Get down! Get down!" Soon after, she heard seven to eight gunshots and heard someone yell, "Lay on the ground! Lay on the ground!" Witness # 2 looked out the window and saw an officer, later identified as Deputy Knight, standing in the carport. Witness # 2 saw the Deputy Knight talking on his cell phone. She said she did not know this person but could hear him identifying himself as an off-duty Sheriff's Deputy. She also heard Deputy Knight

say that four men had attempted to rob him and that three had escaped. (The dispatch tele-printout notes that Deputy Knight reported that two men attempted to rob him.)

Witness # 2 heard her son, Witness #1, leaving the apartment but told him not to. The son nevertheless left the apartment and Witness # 2 followed him outside. Witness # 2's son asked Deputy Knight if he was alright and if he needed help. Deputy Knight immediately said yes, and her son ran over. Deputy Knight asked the son to pull Mr. Bradley out from the vehicle. Witness # 2 and her son pulled on Mr. Bradley's sweatshirt, and were able to get him out from underneath the vehicle. Mr. Bradley was then rolled onto his back.

Deputy Knight asked Witness # 2 and her son to find the wound and apply pressure. She said her son used a knife to cut away the sweatshirt and they both found the wound on Mr. Bradley's right side and began applying pressure. They continued to apply pressure and comfort Mr. Bradley until someone else showed up and took over medical aid.

Witness # 2 did not know either Deputy Knight or Mr. Bradley.

Witness # 3

Witness # 3 was first contacted when she approached a Stockton Police Department officer at the scene. Witness # 3 told the officer that Mr. Bradley was her son. Witness # 3 stated that she received a call from Mr. Bradley's cousin, Subject #1⁵, who was from Arkansas but was currently in Stockton. According to Witness # 3, Subject #1 told her that he and "some girls" were with Mr. Bradley at the apartment complex on Benjamin Holt Drive when an unknown subject accosted them at their car. As they got out of their vehicle, an unknown suspect said "Where you from?" and began to shoot at them. In the gunfire, Mr. Bradley was shot and Subject #1 left the area.

Later, still at the scene, Witness # 3 was asked to come down to speak with investigators at the Sherriff's Office. Upset, Witness #3 began yelling that Mr. Bradley had a job and that he would not try to rob anyone. She said she knew he had the mask but he did not have a gun. Witness # 3 did not wish to speak with law enforcement further and left the scene.

Later attempts to interview Witness #3 were met with failure.

⁵ Confidential Page APPENDIX A: Civilian Witness Information."

SUBSEQUENT INVESTIGATION

Video Documentation

Deputy Michael Knight's Body Worn Camera (BWC)

There is no video recording of the incident. Deputy Knight was off-duty and was not wearing a body worn camera.

SURVEILLANCE VIDEO

The apartment complex and surrounding businesses were canvassed for security cameras. No footage of the incident could be found.

Firearm Examination

DOJ criminalists arrived at the location of the shooting shortly after the event. DOJ criminalists documented the scene independently from SPD crime scene technicians. The scene was taped off and secured. Members of BOI, DOJ, and Field Evidence Technicians from SPD investigated the scene.

Deputy Michael Knight's Firearm

DOJ did an initial examination of Deputy Knight's weapon the night of investigation and later did a more thorough examination.

Deputy Knight's weapon was a Glock model 19 9mm semi-automatic pistol. There was one cartridge in the chamber and eight cartridges in the magazine. When fully loaded, this pistol has a capacity of sixteen cartridges (fifteen cartridges in the magazine plus one in the chamber). Based on the examination of the Glock, Deputy Knight could have fired seven rounds at the scene. At the scene, seven 9 mm casings (FC 9mm LUGER), consistent with the DOJ's inspection of the off-duty service weapon used, and the rounds fired.

A bullet retrieved from the body of Mr. Bradley was examined and compared to the test fires from the Glock pistol using a comparison microscope. No significant correspondence in microscopic details was observed. Consequently, the bullet cannot be identified or eliminated as having been fired from the Glock pistol.

Keenan Bradley's Firearm

Mr. Bradley was armed with a silver Sturm-Ruger 9 mm semi-automatic pistol. The Ruger pistol was loaded with 15 rounds in the magazine, but no round in the chamber. The Sturm-Ruger 9 mm semi-automatic pistol was also examined for DNA by DOJ criminalists. The Sturm-Ruger was found to be a stolen firearm out of Oregon.

DNA Examination

Mr. Bradley's DNA (blood) was located on the magazine of his Sturm-Ruger pistol. DNA was located on other areas of the pistol, however, DOJ concluded the DNA of too many different contributors was located to have further interpretation. DOJ attempted to analyze any DNA that might be on the cartridges (bullets) located in the pistol's magazine, however, there was an insufficient amount of DNA for testing or comparison.

In addition to the testing of Mr. Bradley's silver Sturm-Ruger 9 mm semi-automatic pistol and its cartridges, the mask was tested. SPD evidence technicians located a mask in between the cars where Mr. Bradley was felled. The mask was examined for DNA by DOJ criminalists. Mr. Bradley's DNA (blood) was located on the inside, right forehead area of the mask. The DOJ concluded the DNA of too many different contributors was on other areas of the mask to have further interpretation.



*Location where Mr. Bradley lay by the tree by Marker 18.
Mask located by parking chocks at Marker 19. (Above and below.)*



Cellular Telephone Inspection

A cellular phone (Apple iPhone, gray, model A1549) was located on Mr. Bradley in the front right pocket of his pants.

Pursuant to a search warrant, records were recovered that identified the cellular phone belonging to Mr. Bradley. Photographs viewed on the cellular phone contained pictures of Mr. Bradley holding a silver semi-automatic gun resembling the gun used against Deputy Knight.



Photograph recovered from Mr. Bradley's cell phone.

In addition to the photograph of Mr. Bradley holding a similar firearm to the one recovered at the scene, along with another picture showing Mr. Bradley wearing a mask that was similar to the recovered mask.



Photograph recovered from Mr. Bradley's cell phone.

Records were also recovered pursuant to a search warrant from Mr. Bradley's social media accounts. In an October 31, 2016 post by Mr. Bradley, Mr. Bradley posted that he was in South Stockton wearing his "Purge" mask, "*Omm im out south wit big cloud (emoji emoji emoji) wit my purge mask*".

"The Purge" is an American movie franchise consisting of four films that span from 2013 to 2018. The plot, outlined in the first movie released (2013), establishes that a 12-hour event known as "The Purge" has been legalized in the United States wherein all crime including murder becomes legal.⁶

⁶ <https://www.imdb.com/title/tt2184339/> In the movie, the antagonists wear masks similar to what was found at the scene and on Mr. Bradley's cellular phone.



Scene from "The Purge" (Universal Pictures, 2013.)

Deputy Knight's cellular telephone records were also secured by BOI investigators. An examination of those records found nothing of relevance other than Deputy Knight's call to 9-1-1.

Pathology

On November 3, 2016, Pathologist Arnold R. Josselson, on contract with the Sheriff-Coroner, conducted the autopsy of Mr. Bradley. Dr. Josselson's autopsy revealed that Mr. Bradley suffered two gunshot wounds⁷: 1) a perforating gunshot wound to the right chest and abdomen with passage through the liver and right lung; and, 2) a penetrating gunshot wound to the buttocks area on the right side and the bullet lodged in the hip area.

Toxicology results showed Mr. Bradley was positive for Cannabinoids or THC.

Dr. Josselson determined the cause of death to be a fatal perforating gunshot wound of right chest and abdomen with passage through liver and right lung.

Legal Analysis

Under Penal Code sections 197 and 198, homicide is justifiable and not unlawful when committed by a person who reasonably believed that he, or someone

⁷ *The order of the wounds here or in the autopsy report do not reflect the order in which Mr. Bradley was shot or struck. This normally is not possible to do and it was not done in this case.*

else, is in imminent danger of being killed, suffering great bodily injury, or to prevent a forcible and atrocious crime (*People v. Ceballos* (1974) 12 Cal.3d 470, 478). For a homicide to be in self-defense, the person must actually and reasonably believe in the need to defend with deadly force (*People v. Flannel* (1979) 25 Cal.3d 668, 674). If the belief both subjectively exists and is objectively reasonable, it constitutes “perfect self-defense” and the homicide is considered legally justified. (*In re Christian S.* (1994) 7 Cal.4th 768, 783).

Penal Code Section 197 states:

Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, or person against one manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in violent, riotous or tumultuous manner. To enter the habitation of another for the purpose of offering violence to any person therein; or
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline in further struggle before the homicide was committed.
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Homicide committed by a law enforcement officer is governed by Penal Code section 196 (*Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333). Penal Code section 196 states⁸:

⁸ See also, jury instruction CalCrim 507.

Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either-

1. In obedience to any judgment of a competent Court; or,
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
3. When necessarily committed in retaking felons who have been rescued or escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

The test of reasonableness is judged by an objective standard of “a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” (*Graham v. Conner* (1989) 490 U.S. 386, 396-397, see also, *Jeffers v. Gomez* (9th Cir. 2001) F.3d 895, 909, “broad discretion...must be afforded to police officers who face tense situations.”)

Penal Code section 835a also states that, “[a] peace officer 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 an officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or prevent escape or to overcome resistance.” As stated above, “if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary.” (*Garner, supra*, 471 U.S. at 11-12.)

The test for determining whether a homicide was justifiable under Penal Code section 196 is whether the circumstances “reasonably created a fear of death or serious bodily harm to the officer or to another.” (*Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334). Reasonableness must be considered in the context of the “dangerous and complex world” police officers face every day, because “what constitutes ‘reasonable’ action might seem quite different to someone facing a possible assailant than to analyzing the question at leisure.” (*Martinez, supra*, 47 Cal.App.4th at 343, quoting *Smith v. Freeland* (6th Cir. 1992) 954 F.2d 343, 347).

Application of Law

In analyzing the reasonableness of the decision by Deputy Knight to use deadly force, the totality of the circumstances, including the information that the individual officer possessed at the time of his decision, is examined. The “‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” (*Graham*, supra, 490 U.S. at 396.)

In the instant case, the following set of facts have been sufficiently established:

1) Deputy Knight’s use of lethal force was reasonable and necessarily committed a) to prevent an “atrocious crime” (*Ceballos*, supra, 12 Cal.3d at 478), that is, the robbery of himself, and, b) to prevent his immediate great bodily injury or death from being shot. (Penal Code sections 197; 196 (2).)

CONCLUSION

In applying the prevailing legal standards, and based upon the totality of the circumstances and in light of all of the evidence obtained from the multi-task force investigation, it is the opinion of the District Attorney that the lethal use of force by Deputy Knight on November 1, 2016, was justified, and that no criminal charges are warranted.

CONFIDENTIAL APPENDIX SECTION
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