



GEORGE GASCÓN
DISTRICT ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

May 13, 2014

Chief Gregory Suhr
Office of the Chief of Police
San Francisco Police Department
850 Bryant Street, Room 525
San Francisco, CA 94103

Re: Officer Involved Shooting on July 18, 2012 (Report No. 120566316)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its review of the July 18, 2012 shooting at the intersection of Washington Street and Davis Street involving San Francisco Police Officer Mary Godfrey (Star # 27). We have concluded that Officer Godfrey was acting lawfully in self-defense and defense of others when she shot Pralith Pralourng. Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters.

FACTUAL SUMMARY

According to the investigation, on July 18, 2012 at around 10:19 a.m., Officer Mary Godfrey was working patrol when she heard a radio call of a stabbing at Pier 17. She further heard on the radio that the suspect (later identified as Pralith Pralourng, age 32) was still armed with either a box-cutter or knife and was walking near Washington Street and Drumm Street with SFPD officers following him. Additionally, Officer Godfrey learned via radio that the stabbing victim (later identified as [REDACTED]) was being bandaged by Officer Edward Browne (Star # 1864) and needed an ambulance urgently ("Code 3"), so she figured "it was pretty bad." Officer Godfrey drove toward the location of Pralourng's travel.

When Officer Godfrey arrived on scene, she saw Officer Robert Merino (Star # 192) and Sergeant Ronald Liberta (Star # 682) trying to speak with Pralourng on the sidewalk. Officers Catherine Daly (Star # 342) and Kim Koltzoff (Star # 653) had also arrived and were standing nearby. Officer Godfrey exited her patrol car and joined the other officers as they attempted to speak with Pralourng. While standing next to Officer Merino, Officer Godfrey told Pralourng, "It's gonna be okay guy." She observed that Pralourng was holding in his left hand a box-cutter with an exposed and blood-stained blade. Realizing that there were many pedestrians close by, Officer Godfrey began clearing the scene by gesturing with her hands for people to leave the area immediately while telling them to "get out of here."

Sergeant Liberta approached Pralourng unarmed and showed him his hands, saying, "We don't want to hurt you." Sergeant Liberta asked Pralourng to put his weapon down and repeated to him, "No one's gonna hurt you." Pralourng said nothing and stared blankly at them. Pralourng then raised the box-cutter toward Sergeant Liberta. Sergeant Liberta stepped back and deployed his expandable baton, extending it to ward off Pralourng. Pralourng paused for a moment and then switched his focus to Officer Godfrey, who was standing nearby.

Pralourng advanced toward Officer Godfrey. Officer Godfrey raised her left hand, gestured for Pralourng to stop, and verbally told him to "Stop." She recognized that Pralourng was now focused directly on her and staring at her blankly. Pralourng then rushed toward Officer Godfrey with the box-cutter still raised in his left hand. Pralourng closed a distance of about 12 to 25 feet between them and came within five to eight feet of Officer Godfrey. Officer Godfrey stepped backward and pointed her gun at Pralourng, at which point Pralourng flinched and appeared to check himself to see if he had been shot. Officer Godfrey backed away and said, "Stop." She backed up a few more steps but was afraid of going any further because she did not know what was behind her and feared she would fall. Pralourng continued advancing toward Officer Godfrey, moving faster and raising his weapon toward her. Pralourng lunged at Officer Godfrey, making a slashing motion at her with the box-cutter. He then changed the way he held the box-cutter and began to make a stabbing motion as he lunged towards Officer Godfrey's neck and chest area. Fearing for her life and the lives of everyone around her, Officer Godfrey fired two shots at Pralourng from a distance of five to eight feet, hitting him in his upper left chest and upper abdomen.

Pralourng was transported to San Francisco General Hospital (SFGH) where he died approximately one hour later. The stabbing victim, [REDACTED], was also transferred to SFGH where he was treated for a slash wound approximately 2 inches long on his lower right arm.

CONCLUSION

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all 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 injury which appears to be imminent. *CALCRIM* 3470.

The facts in the present case indicate Officer Godfrey fired her weapon at Pralith Pralourng from a distance of about five to eight feet after Pralourng ignored her commands to "Stop" and continued to lunge at her with a box-cutter, first with a slashing motion and then a stabbing motion toward her neck and chest. Officer Godfrey stepped backwards away from Pralourng several times but was afraid of stepping back any further for fear of falling. Further, she had

reason to believe that Pralourng had already stabbed another victim, and that he did so with the same bloodied box-cutter he was wielding. When Officer Godfrey fired her gun, she reasonably believed that her life and the lives of the other officers and pedestrians in Pralourng's immediate area were endangered by him.

It is our conclusion that Officer Godfrey acted lawfully.

Very truly yours,



George Gascon
District Attorney

c: Lieutenant Tim Plyer
Officer Mary Godfrey