



GEORGE GASCÓN
DISTRICT ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

May 19, 2014

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

Re: Officer Involved Shooting on December 14, 2011 (Report No. 110999341)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its review of the December 14, 2011 shooting at Larkin Street and Fern Alley involving San Francisco Police Officer Thomas Minkel (Star #1451). We have concluded that Officer Minkel was acting lawfully in self-defense and in defense of others when he shot Steven Michael Young. 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, at about 1:25 p.m. on December 14, 2011, uniformed San Francisco Police Officers Thomas Minkel, Joseph Everson (Star #662) and Scott Luticken (Star #256) were on duty in a marked patrol car traveling northbound on Polk Street. Officer Minkel was driving the patrol car. The officers ran the license plate #4PZA072 on the black Chevrolet in front of them. The computer information showed that the Chevrolet had not been registered since 2009, but the officers saw a 2012 registration sticker on the plate. Because of the registration discrepancy, Officer Minkel decided to stop the Chevrolet, and he turned on the patrol car lights as the Chevrolet made a right turn off Polk Street and onto Bush Street.

About three quarters of the way up the block on Bush Street, the white male driver of the Chevrolet, later identified as Steven Michael Young, abruptly pulled to the right side of Bush Street, stopped the Chevrolet, jumped out and started running eastbound on Bush Street away from the patrol car. Officer Minkel stopped the patrol car, and he and Everson gave chase on foot. Young turned right at the first intersection onto Larkin Street and continued to run southbound on Larkin. Officer Luticken stayed with the Chevrolet as the female occupant, identified as [REDACTED], was still in the passenger seat.

As Officers Minkel and Everson gave chase to Young downhill on Larkin Street, they were about 20 feet behind Young when they saw him pivot to his right and point his right arm in their direction. Both officers heard a series of pops which sounded like a gun firing. Officer Minkel ducked believing Young had fired at him and Officer Everson. Officer Everson yelled "Shots fired." Fearing for his life and for the lives of Officer Everson and the numerous people in cars and walking on Larkin Street at that time of the day, Officer Minkel stopped running, pulled out his service weapon and fired two shots at Young. Young fell face down in the street and landed with both hands underneath him. Officers Minkel and Everson ran over to Young and saw what appeared to be a gunshot wound to the back of his head. The officers moved Young's body to look for the gun, and found a Beretta in Young's right hand with his finger on the trigger guard. Young's finger and body were twitching, so Officer Minkel removed the Beretta from Young's hand for safety. Emergency personnel arrived quickly and transported Young to San Francisco General Hospital/Mission Emergency. Young died of his gunshot wounds the next day.

The medical examiner's report stated that Young died from two gunshot wounds to the head which traveled back to front. The report also noted that Young had methamphetamine in his system at the time of his death. San Francisco Police Crime Scene Investigations located a total of eight casings on Larkin Street. Subsequent crime laboratory testing showed six of the casings were fired from Young's Beretta, and two of the casings were fired from Officer Minkel's service weapon. Gunshot residue was found on Young's right hand.

Young had a significant criminal history, including two separate first degree burglary convictions. At the time of the shooting Young was wanted on two warrants: an arrest warrant out of Burlingame for first degree burglary; and a parole violation warrant based on the Burlingame case. On the morning of the shooting, Young told Hagen that he was wanted by the police, and that his next conviction would be a third strike which would mean a life sentence. Young told Hagen that he did not want to go back to prison, that he would try to escape if the police found him, and that if they knew he had a gun they would shoot him. Hagen believed that Young was telling her that he would rather die than go back to prison.

CONCLUSION

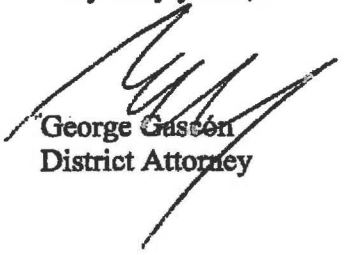
Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. The law permits the use of deadly force in self-defense or in defense of others if the person using the deadly force actually and reasonably believed he or others were in imminent 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 this case indicate Officer Minkel fired his weapon at Steven Michael Young from a distance of about 20 feet after Young fired six shots at Officers Minkel and Everson while fleeing from the officers down a busy street in the middle of the afternoon. Officer Minkel

reasonably believed that his life and the lives of Officer Everson and civilians in the area were in imminent danger of suffering bodily injury or death at the time he discharged his firearm.

It is our conclusion that Officer Minkel acted lawfully.

Very truly yours,



George Gaston
District Attorney

c: Lieutenant Tim Plyer
Officer Thomas Minkel