

REPORT ON THE OFFICER-INVOLVED SHOOTING OF
DAMIEN MURRAY ON SEPTEMBER 24, 2017



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INTRODUCTION

The San Francisco District Attorney's Office (SFDA) has completed its investigation of the officer-involved shooting that resulted in the death of Damien Murray in San Francisco on September 24, 2017. The SFDA's investigation was conducted by the office's Independent Investigations Bureau (IIB) and focused exclusively on determining whether any criminal charges related to the officers' conduct are warranted. IIB did not examine issues such as officers' compliance with the police department's policies or procedures or issues related to civil liability. This report should not be interpreted as expressing any opinion on non-criminal matters.

The investigation revealed that late at night on September 23, 2017, Mr. Murray, who was staying at the home of [REDACTED] and their [REDACTED], [REDACTED] pointed a gun at [REDACTED] and threatened to kill [REDACTED]. [REDACTED] called [REDACTED], who then called 911. When San Francisco Police Department (SFPD) officers arrived at the apartment building to investigate, Mr. Murray fired a gunshot through an upstairs window. The officers backed off, and hostage negotiators tried to get Mr. Murray to surrender and to prevent him from harming [REDACTED] or [REDACTED] young children. In the hours that followed, Mr. Murray, who had earlier consumed methamphetamine, held the family hostage in the home and engaged in erratic, threatening, and paranoid behavior, including pointing the gun at [REDACTED]. Negotiations lasted more than two hours and ended when Mr. Murray fired again and claimed he had shot [REDACTED] in the head.

A tactical team began a hostage rescue operation and found Mr. Murray had barricaded the front door and stairway leading to the second floor with furniture and other items. The hostage rescue team, including, in order of entry into the home, Officers Nicholas Suslow, Star #886, Jason Robinson, Star #1850, and Wilrolan Ravelo, Star #2464, climbed over the items Mr. Murray had used as a barricade. As Officer Suslow waited on the stairs for his teammates, he saw a bedroom door at the top of the stairs open, and [REDACTED] standing in the back of a small bedroom. [REDACTED] screamed for help, and Mr. Murray slammed the door shut. The officers advanced up the stairs to the bedroom where Mr. Murray was holding the children and their [REDACTED].

Officer Suslow entered the bedroom and issued commands to Mr. Murray. Officers Ravelo and Robinson entered immediately after Officer Suslow. Mr. Murray was on the bed with a gun. Mr. Murray kicked at the officers and, depending on witness accounts that varied slightly, either reached for his gun or brought it up towards the officers. Seconds after entering the bedroom, Officers Robinson and Ravelo responded to Mr. Murray's actions by firing their rifles at Mr. Murray, striking him five or six times. Mr. Murray received medical attention and was transported to the hospital, where he died from his injuries.

[REDACTED] whom, it turned out, Mr. Murray had not shot, and [REDACTED] children were uninjured.

As detailed below, the District Attorney declines to pursue criminal charges against the officers relating to this incident.

DESCRIPTION OF THE SCENE

This incident occurred at an apartment located on Salmon Street, a narrow street lined with small apartment buildings on each side. Just after midnight, lighting conditions were dark, with a single street lamp illuminating an adjacent parking area. Eight steps lead up from the street to the landing outside the entrance to the apartment. Once inside, another stairway leads to the

apartment's living area, including the bedroom in which the shooting occurred. That bedroom is small, with barely enough room for a bed.

FACTUAL SUMMARY

1. Events Earlier in the Evening

On September 23, 2017, at approximately 7:00 p.m., [REDACTED] Mr. Murray, and [REDACTED] [REDACTED]-year-old [REDACTED] and [REDACTED]-year-old [REDACTED] went to watch a movie. [REDACTED] and the children returned to [REDACTED]'s apartment after the movie ended. Mr. Murray arrived at [REDACTED]'s home approximately an hour later. He did not have a place to go, so [REDACTED] allowed him to stay the night.

Mr. Murray woke [REDACTED] up around 11:00 p.m. [REDACTED] got out of bed, and, without warning or prompting, he punched [REDACTED] in the lip and pointed a gun at [REDACTED]. Mr. Murray had had guns in the past, he had previously threatened [REDACTED] with knives and threatened to kill [REDACTED], the abuse had worsened in recent years, but he had not previously threatened [REDACTED] with a gun.

[REDACTED] called [REDACTED] older [REDACTED], [REDACTED] who was not at the home. [REDACTED] asked [REDACTED] to call the police because Mr. Murray had a gun. Mr. Murray saw [REDACTED] calling [REDACTED] and kept saying, "This is it," because he claimed [REDACTED] had kept pushing him to this. He said it did not matter if the police were coming because this was "the end" anyway.

[REDACTED] called 911 at 11:35 p.m. and reported that [REDACTED] and siblings needed help "right now." [REDACTED] reported [REDACTED] was "hysterical" and "screaming," asking [REDACTED] to come to the residence. [REDACTED] said [REDACTED] thought Mr. Murray might have a weapon, had had a weapon in the past, and had a [REDACTED]"

2. Officers' Initial Contact with Mr. Murray and First Gunshot

According to Computer Aided Dispatch (CAD) transcripts, officers received an initial report at 11:35 p.m. about a "DV" (domestic violence) situation in the home. At approximately 11:43 p.m., officers made contact with Mr. Murray and reported a "code-33" (emergency).

Officer Brendan Mannix, Star #1362, described the initial contact and how he "heard the sound of loud thumping and banging coming from inside the address and the sound of a [REDACTED]'s voice screaming loudly in distress."¹ As Mr. Murray opened and closed the front door, Officer Mannix heard a [REDACTED] voice scream, "Please Stop! Don't. Please stop! Don't do it!" He also heard two small children scream, "Stop it!" in a "drawn out, panicked voice." Mr. Murray calmly said something to the effect of, "Stop. I have a gun. I'll fucking shoot." In officer body-worn camera (BWC) footage, Mr. Murray can be heard saying he will "start shooting." Mr. Murray refused to surrender and told the officers to "back the fuck up." The officers retreated to safety in light of Mr. Murray's threats to open fire, as shouting emanated from the home.

As the officers were taking covered positions, BWC footage captured the sound of a gunshot followed by officers reporting "shots fired" from the second-floor window. Numerous officers later reported they heard Mr. Murray say the gunshot "was for the police." Tactical and hostage negotiation teams responded and took over management of the incident.

¹ From Officer Mannix's police report.

3. Hostage Negotiation and Threats by Mr. Murray

Hostage negotiators contacted Mr. Murray by phone and, for more than two hours, attempted to get him to release █████ and the children and surrender peacefully. While these negotiations were taking place, the Tactical Unit gained information from the negotiation team and other sources about the children inside the home and a detailed sketch of the floorplan of the home. The team learned that Mr. Murray had barricaded the front door and usually spent time in █████. █████'s bedroom or the living room. The Tactical Unit was also advised that Mr. Murray had placed a gun to the head of one of the hostages and made threats of violence.

The CAD contemporaneously tracked portions of telephone discussions between Mr. Murray and the hostage negotiation team led by Sergeant Thomas McWilliams, Star #1227:

- 12:24 a.m.: Mr. Murray said, "If I hear anyone coming into this house . . . I swear to God everyone[']s going to die." Mr. Murray asked for weed and a meth pipe.
- 12:29 a.m. – 12:33 a.m.: Mr. Murray said "that the lights that the [police] units were shining into his [apartment] were agitating the situation and that if the [police] units broke into this unit everyone was going to die." He then hung up. Once hostage negotiators reached him again, Mr. Murray was "screaming at the █████." The children were "crying and yelling stop." Mr. Murray wanted marijuana and meth.² Mr. Murray again hung up.
- 12:50 a.m. – 12:54 a.m.: Mr. Murray "wants [the family] to walk out together [with] him [and] does not want guns drawn." He said that if officers came in with guns drawn, he would shoot. The children could be heard "asking [Mr. Murray] to stop [and] telling him to breathe."
- 1:17 a.m.: Mr. Murray said "that he was going to come out possibly armed and this is going to be suicide by cop."
- 2:03 a.m.: Mr. Murray was "very unstable and has gun strapped to hand and may want blue suicide."³
- 2:24 a.m. – 2:27 a.m.: Mr. Murray "may appear in window [with] █████ or surrender." The "family is walking out arm in arm. . . . He may use family as shield." Mr. Murray "wants to walk out and" towards the ambulance.

Sergeant McWilliams reported later that the negotiation team "repeatedly attempted to offer medical and mental health services to" Mr. Murray but that the offer "fell on deaf ears as [he] continued to become more aggressive, irate and unstable when his demands for alcohol and

² █████ confirmed that Mr. Murray made these requests during the negotiation with police. Sergeant McWilliams also reported that Mr. Murray said he had been using meth "all day."

³ In █████ statement to investigators, however, █████ said Mr. Murray never taped the gun to his hand. Sergeant McWilliams reported Mr. Murray said that "he wanted to walk out and go out in 'blaze of glory.'" Sergeant McWilliams further reported Mr. Murray "stated that he wanted to be killed 'like cops killed other niggers.'"

narcotics were not immediately met with our approval.” Sergeant McWilliams later reported that Mr. Murray “constantly accused me of having [p]olice [o]fficers at his door, ready to break inside and kill him at a moment[’]s notice.” Mr. Murray said that “he was not going back to prison” and spoke “in an erratic, delusional and paranoid manner.”

█████ later said Mr. Murray ranted about his belief that the children were █████. He told the children that he was going to kill █████ and himself. █████’s younger █████ added that Mr. Murray repeatedly pointed a gun at █████ during the hostage situation. Mr. Murray told officers he would shoot “us” if the police came in.

4. Mr. Murray Fires Second Gunshot

At 2:51 a.m., Mr. Murray told Sergeant McWilliams, “I have a present for you,” and hung up on him again.⁴ Approximately two minutes later, a gunshot sounded from the home. Sergeant McWilliams called Mr. Murray, who said the shot was “for the police” and hung up. Sergeant McWilliams called Mr. Murray back. Mr. Murray answered and said, “[█████ is gone” and that “there are brains all over the place.” Sergeant McWilliams “could hear hysterical screaming in the background that sounded like it was coming from both [children],” but he did not hear █████. The children were repeatedly screaming, “█████ no, █████ no!” Mr. Murray said he was applying “mouth to mouth” to █████.

Despite what Mr. Murray told hostage negotiators, he did not hit █████ with the gunshot. █████ later said Mr. Murray fired at least two shots. One of the shots passed close by █████’s head, and █████ felt heat from the discharge. He also fired a shot into the bedroom where █████ and the children were. █████ thought he aimed for █████ and believed █████ was going to die. Officer Robinson said later that he heard two shots at this time, while other officer accounts describe a single gunshot. █████ stated that after Mr. Murray’s final gunshot, Mr. Murray called out to the police again and said █████ was alive. (We did not find other evidence of this statement by Mr. Murray.) Both █████’s young █████ and █████ told investigators they believed Mr. Murray was trying to kill their █████.

5. Officers Enter the Home

Because SFPD officers believed, based on hearing the gunshot and Mr. Murray’s claims, that Mr. Murray had just shot █████ they immediately initiated an emergency rescue operation to free █████ and the children from the second-floor bedroom. Officers Suslow, Ravelo, and Robinson, along with Sergeant Michael Hara, Star #1805, attempted to enter through the front door. Officer Ravelo used four breaching rounds from a modified shotgun to breach the door.⁵

⁴ Sergeant McWilliams reported this in his written incident report.

⁵ Officers Robinson, Ravelo, and Suslow had their cameras activated, but Officer Suslow’s fell off his uniform as they were breaching the entrance to the apartment and Officer Robinson’s does not capture the team’s entry or the shooting. Unless otherwise stated, these officers’ accounts are from their interview with investigators. They did not submit incident reports.

The entryway and stairwell to the home was barricaded with furniture and other household items Mr. Murray had thrown down the stairs.⁶



Figure 1 -- Ofc. Robinson climbing over furniture barricading the stairwell. Ofc. Ravelo's hand, holding a light-sound diversionary device (a "flashbang"), is visible on the left side of the photo. Source: Ofc. Ravelo's body-worn camera.

Officer Suslow entered the home first. Officer Suslow said he advanced partway up to where the stairway turns toward the landing and provided cover while the other officers climbed over the furniture and debris. Officer Suslow said he could see into the bedroom and saw the bedroom door open with a ██████ inside who was screaming, "Oh my god help me." He said the door slammed and then opened again. ██████ said, "Oh my God, he's gonna get us," or, "Hurry up, come get us." He said the door slammed shut once again. Officer Suslow also heard Mr. Murray making threats to shoot officers.

⁶ This is visible in BWC footage. ██████ said Mr. Murray barricaded the front entrance by throwing a dresser, a bench, and other furniture down the stairs.

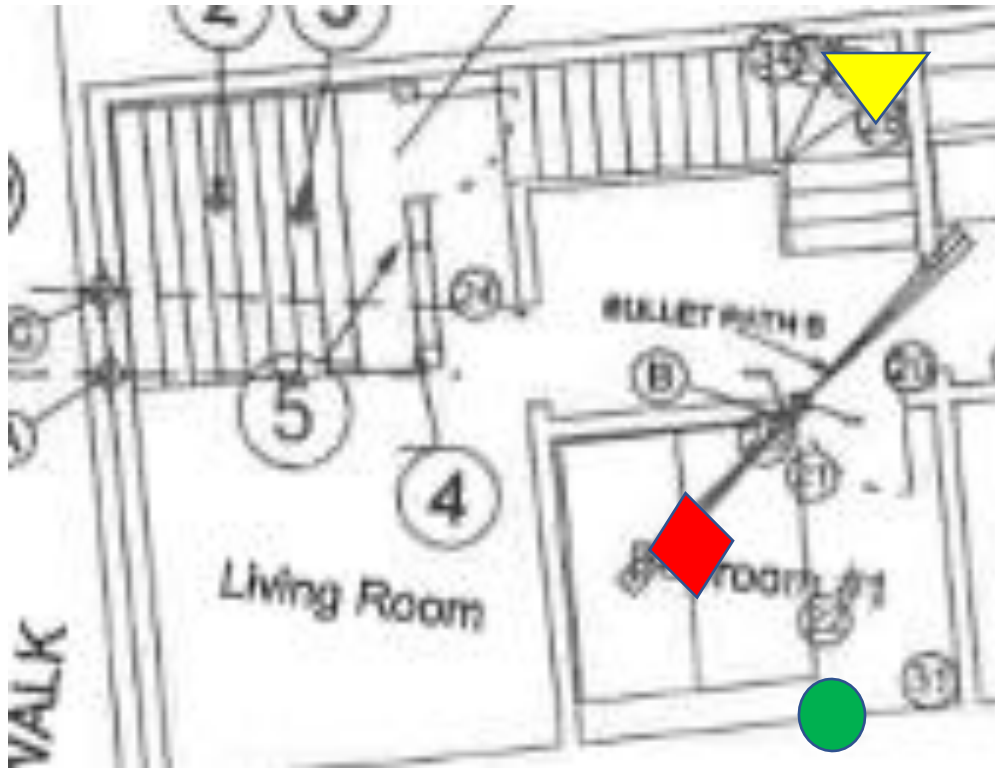


Figure 2 -- Diagram of apartment. Officers entered from the sidewalk on the left of the figure. **Ofc. Suslow (yellow triangle)** paused where the stairs turn at a 90-degree angle and saw **Mr. Murray (red diamond)** and **[redacted] (green oval)** in the bedroom from his position on the stairs. Locations are approximate. Source: CSI report (colored shapes added later for this Report).



Figure 3 -- The stairwell just beyond the makeshift furniture barricade. The arrow shows where approximately where Ofc. Suslow stood looking up (to the reader's right) at the bedroom door when it opened and closed. Source: Ofc. Ravelo's body-worn camera.

Officers Ravelo and Robinson and Sergeant Hara joined Officer Suslow and positioned themselves outside the bedroom door. Officers Robinson and Ravelo said they heard screaming from a young [REDACTED] as they prepared to enter. Officer Ravelo said he kicked the door open and tossed a flash bang into the bedroom to distract and disorient Mr. Murray. However, Mr. Murray quickly responded by kicking the door closed, causing the flash bang to roll into the hallway and go off next to the officers. The officers said they were unaffected by the light from the flash bang.

Officers Ravelo and Suslow then tried to open the door but encountered resistance because, as [REDACTED] and [REDACTED] later reported, Mr. Murray was holding the door closed with his foot. The officers were quickly able to push the door open and enter the room a few seconds after the flash bang went off.

6. Officers Ravelo and Robinson Shoot Mr. Murray in the Bedroom

Officer Suslow entered the bedroom first, followed by Officer Ravelo and then Officer Robinson. Sergeant Hara was not inside the bedroom when the shooting occurred.

When Officer Suslow entered, he saw an adult [REDACTED], later identified as [REDACTED] and two young children against a mattress propped up against a wall.⁷ Officer Suslow said Mr. Murray was lying with his back on the bed and holding a gun in his right hand on his chest. Officer Suslow said he yelled, “Gun. Show me your hands!” The audio on the BWCs was disabled. Officer Ravelo likewise said Officer Suslow issued verbal commands to drop the gun and show his hands, and [REDACTED] said an officer told Mr. Murray to drop the gun.

Officer Suslow said Mr. Murray let go of the gun, put his hands on the bed, reared up, and, with his right foot, kicked the front of Officer Suslow’s rifle, knocking him backwards and off balance. Officer Ravelo’s BWC footage shows Officer Suslow enter the bedroom and turn slightly to his left before turning back to face toward Mr. Murray’s position. Officer Suslow said he saw Mr. Murray turn and “chase” his handgun with his right hand as it was sliding off the left side of his body. Because Officer Ravelo was not yet in the bedroom and Officer Suslow did not have his BWC on him at this point, BWC footage does not capture Mr. Murray’s reaction to Officer Suslow entering the bedroom. Officer Suslow said he was going to shoot Mr. Murray, but he delayed firing because the hostages were so close. Officer Suslow said Mr. Murray kicked at Officer Ravelo, at which point Officer Suslow heard gunshots.

Officer Ravelo said he saw Mr. Murray turning toward his left side and coming up with a gun in his left hand, lunging towards the officers,⁸ though Mr. Murray did not say anything. Mr. Murray appeared “very aggressive” and had an angry demeanor. Officer Ravelo said Mr. Murray closed the distance between himself and Officer Ravelo – Mr. Murray was already close enough to reach the door with his foot – very quickly, and the entire interaction once Officer Ravelo was inside the room lasted approximately one second in duration. Again, BWC footage did not clearly capture this portion of the incident, apparently due to the positioning of the officers’ rifles in front of the cameras. Officer Ravelo said he believed Mr. Murray was going to kill him. Mr.

⁷ From Officer Suslow’s interview with investigators.

⁸ According to [REDACTED] Mr. Murray was right-handed.

Murray was “coming straight at” him, at very close proximity, so Officer Ravelo fired his weapon.

Like Officer Ravelo, Officer Robinson told investigators he saw Mr. Murray lunging forward toward the officers while holding a gun in his left hand. Mr. Murray rolled over in a “half sit-up position,” as though he was using both hands to bring the gun up. Mr. Murray came up far enough up from the bed to be facing Officer Robinson. Officer Robinson later said he believed Mr. Murray was going to shoot him or hurt the other officers. Officer Robinson fired his weapon without using the sight on his rifle, as Mr. Murray lunged forward. Officer Robinson saw that Mr. Murray had been hit by a round and heard Officer Ravelo shoot “right after, almost simultaneous.”

In identical written statements prepared before they were interviewed, Officers Ravelo and Robinson said, “We entered a bedroom where the hostages and the suspect were located. The suspect had a firearm and began moving it towards us in an aggressive manner. I believe the suspect intended to shoot us with his firearm. I fired my weapon at the suspect in order to end the threat.”⁹

Neither Officer Robinson nor Officer Ravelo could recall how many shots they fired, though Officer Robinson estimated he fired two or three shots. As discussed below, the two officers fired a combined five or six rounds but it could not be determined precisely how many rounds each officer fired. Forensic evidence combined with the officers’ statements as to how many rounds they had loaded into their weapons before the operation, however, indicates that Officer Robinson fired no more than three rounds and Officer Ravelo fired no more than four rounds.

In BWC footage, Officer Ravelo appeared to fire – there was a flash – approximately three seconds after entering the room. Officer Robinson said that after he and Officer Ravelo shot Mr. Murray, Mr. Murray fell back down on the bed and let go of the gun.

⁹ We discuss below the identical nature of the officers’ statements.



Figure 4 -- Ofc. Suslow entering the bedroom. Ofc. Suslow is facing Mr. Murray, who is out of view on a bed to the right of the doorway. A corner of the mattress is visible to the right of Ofc. Suslow's left leg.

█████ said Mr. Murray “started pulling the thing [slide on the gun], and that’s when they shot him.” █████ heard the officers shoot two or three times. █████’s younger █████ said Mr. Murray tried to put his gun to █████’s head again but that █████ (█████’s younger █████) grabbed his arm again. Then officers came in and shot Mr. Murray.¹⁰

7. Immediate Aftermath

█████ said, within seconds, officers took █████ and the two children out of the room.¹¹ Officers Suslow and Ravelo handcuffed Mr. Murray, and Officer Robinson stepped on the gun to secure it. (BWC footage shows Mr. Murray on the bed and officers securing him.) Within 60 seconds of the shooting, the BWC footage shows the officers pulling Mr. Murray to the floor and rendering medical aid, including applying pressure to wounds and tying a tourniquet.

Emergency medical personnel arrived within three minutes of officers handcuffing Mr. Murray and took over medical aid.

¹⁰ The chronology of █████ account and █████’s account is not entirely clear.

¹¹ Officer Suslow said he ushered the hostages out. █████ said approximately ten seconds after █████ was ushered out, █████ heard more bangs that sounded like gunshots. There is no other evidence suggesting officers shot Mr. Murray once the family was cleared from the room. Rather, as discussed below, BWC footage makes clear that no further shots were fired and officers quickly secured Mr. Murray after the shooting and rendered medical aid.

8. Medical Examiner's Report

Mr. Murray was transported to the San Francisco General Hospital and was pronounced dead at 4:59 a.m. The Medical Examiner conducted an autopsy and determined that Mr. Murray died of multiple gunshot wounds. He sustained a gunshot to the left side of his chest, two to his left arm, one to his left hip, and two to the left side of his back. The Medical Examiner noted the gunshots to his back and hip were fatal. These six entry wounds came from either five or six rounds.

The Medical Examiner also reported that toxicology tests determined Mr. Murray had methamphetamine [REDACTED] in his body at the time of his death.

9. Crime Scene Investigation and Forensic Report

SFPD's Crime Scene Investigation (CSI) Unit processed the scene and secured evidence. CSI recovered a Walther model PPK/S .380 caliber pistol in the bedroom. A fired .380 auto cartridge was found resting on the floor, and two other expended .380 auto cartridges were recovered. Additional unfired .380 auto cartridges were also recovered. Four spent .223 cartridge cases from the officers' rifles were recovered. The magazine from Officer Ravelo's rifle was recovered with 25 cartridges inside, and his rifle had one in the chamber, while Officer Robinson's magazine had 26, plus one cartridge in the chamber.¹²

CSI investigators observed bullet defects in the doorjamb of the entry from the hallway into the bedroom. The defect was such that it appeared the bullet traveled from inside the bedroom toward the hallway.¹³ CSI's report also noted two other defects in the living room wall, indicating two rounds traveled from inside the apartment toward the street where the patrol officers initially encountered Mr. Murray. One of the rounds went through the building across the street and was recovered.

DNA testing comparing Mr. Murray's DNA sample to the DNA found on the gun listed the possibility of the source coming from a random person other than Mr. Murray as statistically improbable.¹⁴

¹² Each officer had stated in his respective interview that he did not load the magazine to its full 30-round capacity (plus one in the chamber) but could not specify how many bullets were loaded into the magazine.

¹³ It cannot be established when this bullet hole was created. There is not indication, however, that guns had been fired in the home on any previous occasions.

¹⁴ The FBI established protocols for DNA investigation reporting does not allow for basing an absolute identification on DNA but instead is qualified on the probability of another person having a matching DNA profile. The Crime Lab reported that the "estimated probabilities of selecting a random unrelated individual" other than Mr. Murray to match the DNA obtained from the gun are approximately 1 in 330 nonillion for a US Caucasian, 1 in 1.39 nonillion for an African American, 1 in 24.1 nonillion for a US Hispanic, and 1 in 484 octillion for a US Asian. A nonillion is 1 followed by 30 zeros, and an octillion is 1 followed by 27 zeros.



Figure 6 -- Walther PPK/S pistol found in the bedroom. Source: SFPD Crime Scene Unit photo.

LEGAL STANDARD

The question presented is whether the officers committed a crime by shooting Mr. Murray. Possible criminal charges against an officer involved in a fatal shooting include murder and voluntary manslaughter. A prosecutor must be satisfied the evidence will show beyond a reasonable doubt that no legal justifications existed for an officer's actions. When an act is legally justified, a person is not criminally liable even though the act would otherwise constitute a crime. Here, both involved officers asserted they acted in self-defense or defense of others when they shot Mr. Murray.

California law permits any individual to use deadly force "[w]hen resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person." Cal. Pen. Code § 197; *see also Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333. Specifically, self-defense or defense of others serves as a complete defense to murder and voluntary manslaughter so long as the person (1) subjectively believed in the need to resort to force in order to avert a threat of imminent and great bodily injury, and (2) the person's perceptions and actions were objectively reasonable under the circumstances. *See People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *People v. Viramontes* (2001) 93 Cal. App.4th 1256, 1262.

The subjective prong of the self-defense standard examines the person's belief in the need to use force. The objective component of the self-defense inquiry asks what a reasonable person would have done in their position. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-83. The reasonable person is an abstract individual of ordinary mental and physical capacity who is as prudent and careful as any situation would require him or her to be. *People v. Jefferson* (2004) 119 Cal.App.4th 508, 519. In making the determination as to whether an officer's conduct was objectively reasonable, one must consider all the "facts and circumstances . . . in determining whether the defendant acted in a manner in which a reasonable man would act in protecting his own life or bodily safety." *People v. Humphrey* (1996) 13 Cal.4th at 1083. Self-defense law "grants a reasonable margin within which one may err on the side of his own safety, and so long as he is found to have done so reasonably, no abuse of the right of self-defense should be found to have occurred." *People v. Ross* (2007) 155 Cal.App.4th 1033, 1057. California law requires the prosecution to carry the legal burden of proving beyond a reasonable doubt that the officers' uses of deadly force were not in defense of themselves or of others.

LEGAL ANALYSIS

We examine both the officers' subjective belief in the need to use deadly force and whether those beliefs and actions were objectively reasonable under the circumstances.

Subjective belief

In their interviews with investigators, Officers Ravelo and Robinson explained they each believed Mr. Murray was going to shoot him. Officer Ravelo said Mr. Murray appeared angry and aggressive and was lunging directly at him when he fired. Officer Ravelo said he believed Mr. Murray was going to kill him. Officer Robinson said Mr. Murray lunged forward as he brought the gun up, causing him to believe Mr. Murray was going to shoot him.

At the beginning of their interviews, Officers Ravelo and Robinson each submitted a brief written statement that was read into the record. These statements, discussed above, were identical in substance, format, and word choice and even had the same typographical error, despite the officers' differing roles and perspectives. However, these summaries did not weigh materially into our decision because the officers gave distinct and detailed accounts of the incident in response to questions during their interviews. Officer Ravelo said later that he and Officer Robinson did not prepare these written statements together and that he did not receive assistance on his statement from anyone other than his attorney.¹⁵

As discussed below, the objective circumstances corroborate the officers' statements that they believed Mr. Murray posed an imminent threat of death or serious bodily injury to themselves and the hostages.

Objective reasonableness

The evidence demonstrates that when the officers entered the bedroom, they faced a dangerous hostage situation involving an armed suspect. Officers Ravelo and Robinson were aware Mr. Murray had threatened to kill ██████████ and the police and had fired his gun at least twice.

¹⁵ Officer Ravelo was asked whether he received assistance from anyone other than his attorney, and he answered in the negative and therefore did not confirm or disclaim having received assistance of counsel. Such information would likely be protected by the attorney-client privilege.

Immediately before the officers used deadly force, Mr. Murray ignored commands to surrender and was, according to the officers, either reaching for his gun or raising it toward the officers. As ██████ told investigators, Mr. Murray did not drop the gun despite commands from the officers and was instead pulling the gun's slide when officers shot him. Indeed, ██████ noted that ██████ did not believe the incident could have been resolved any other way.

Ultimately, whether Mr. Murray was reaching for or pointing his weapon, the legal conclusion is the same: In either scenario, the objective circumstances are such that it cannot be established that the use of deadly force was unreasonable. Nor do we suggest the officers' statements are contradictory of one another, as it is plausible that what Officer Suslow described occurred immediately before what the other officers described.

Nor does the fact that, by the time the officers entered the bedroom, they saw that ██████ was not dead, as Mr. Murray had claimed, change our analysis in light of the threat to the hostages and evidence that Mr. Murray was pointing or preparing to point his weapon at the officers immediately before they shot him and had fired multiple times.

CONCLUSION

For the reasons discussed above, the District Attorney's Office declines to file criminal charges in the officer-involved shooting of Mr. Murray.