



SAN FRANCISCO DISTRICT ATTORNEY



**REPORT ON THE INVESTIGATION INTO THE
OFFICER-INVOLVED SHOOTING OF MARC CHILD ON
JUNE 22, 2023**

INDEPENDENT INVESTIGATION BUREAU, October 21, 2024



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Background

The San Francisco District Attorney's Office (SFDA) investigates, independently evaluates, and reviews all officer involved shooting (OIS) incidents resulting in serious injury or death as well as any instance where the death of an individual occurs while in the custody of any peace officer in the City and County of San Francisco. This responsibility was assigned to the SFDA in conjunction with the San Francisco Police Department (SFPD) and is codified in the Memorandum of Understanding.¹

The Independent Investigation Bureau (IIB) is an independent unit within the SFDA comprised of District Attorney Investigators (DAI) with decades of experience as law enforcement officers, Assistant District Attorneys (ADA), and specialized legal assistants. The IIB investigates covered incidents wholly independent from SFPD and other outside law enforcement agencies and reports its findings directly to the elected District Attorney.

The investigation and review conducted by the IIB solely addresses whether any officers involved committed any crimes against any person against whom force was used or who died while in custody. As part of that investigation and review, the SFDA does not consider or offer opinions on issues of civil liability for any involved officers, police tactics, or police department policies and procedures.

The role of the IIB is to ensure the residents of the City and County of San Francisco that the investigation and review of qualifying events are conducted in a fair and objective manner that will serve the interests of justice to the community, the officers involved, the injured persons and their families.

The SFDA understands how these events affect the community at large and believes the loss of life during an event involving any police or peace officer leaves everyone affected with extreme grief, questions, and concerns. It is the intention of the SFDA to do what can be done to explain what took place in the hope that the truth about the events will assist with the healing process.

Privacy Statement

This report includes redactions of the names and other identifying information of witnesses. Public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as the readability of this report, the witnesses will be indexed as follows:

- Victim 1 (V-1)- Mother of Marc Child, deceased.
- Victim 2 (V-2)- Father of Marc Child, 911 caller, and only surviving civilian witness.

Introduction

On June 22, 2023, San Francisco Police Department (SFPD) Officer Edward Villanueva (Villanueva) as a solo officer, responded to a dispatched 9-1-1 call for service regarding an

¹ Memorandum of Understanding, eff. April 2019.



assault in progress and a possible completed assault or murder inside of a home in San Francisco's Outer Richmond neighborhood. Villanueva arrived and entered the home, at the request of the bleeding elderly man (V-2) he met outside, to investigate the reported assault. From outside the home and once he entered, Villanueva heard the sounds of possibly an assault in progress. Once Villanueva entered, he encountered Marc Child (Child) armed with a knife on the second floor in the hallway. Villanueva quickly retreated and pushed the elderly victim (V-2) out of the house and down a flight of stairs in front of him. But Child pursued the two men to the downstairs entry way where Villanueva, while still protecting the elderly victim (V-2) and from only a few feet away, shot and killed Child who still held the knife.

Additional police searched the home and found an elderly female victim (V- 1, Child's mother), and a small dog. Both the woman and the dog were dead and lay in a large amount of blood on the bathroom floor located on the second floor of the home. Both V-1 and the dog died from sharp force injuries inflicted by Child and blood loss.

The San Francisco District Attorney's IIB responded to the event, viewed the scene, and reviewed the entire investigative file as well as all evidence obtained from the scene of the event. This report is the final step in the IIB's review of the fatal OIS of Marc Child and is limited to the determination of whether criminal charges should be brought against any involved officer, specifically Villanueva. Upon thorough examination and a comprehensive review of the incident, the SFDA concludes no criminal charges will be filed because the evidence is insufficient to prove that Villanueva committed any crime, and the OIS was legally justified.

Caution: The images and information contained in this report may be graphic and disturbing to some viewers. Therefore, viewer discretion is advised, especially for young children and individuals with sensitivity to violence, drug use, and blood.

Summary of Incident

On June 22, 2023, at 2:40 a.m., V-2 called 911 and told the SFPD dispatcher that his "wife is bleeding, [that] blood was everywhere," and that his son (Child) had possibly "killed" his wife, V-1. The call was abruptly disconnected after V-2 stated, "Let go, Marc!" At 2:41 a.m., emergency operators called V-2 back. V-2 could be heard saying his son was "on top" of him and "was on drugs" before this call was also disconnected. SFPD units responded with emergency lights and sirens to the home on the 700 block of 31st Avenue, a two-story Marina style home on a residential street in San Francisco's Richmond neighborhood. (Figure 1.)

At 2:43 a.m., Villanueva as a solo officer was the first officer to arrive to the home. Villanueva immediately saw an elderly white man, V-2, who stood in the open front doorway of the home in a t-shirt, shorts, and without shoes. V-2 was bleeding, in obvious distress, and appeared disoriented. Villanueva had already activated his body worn camera (BWC) as he tried to communicate with the man and determine what had occurred.

The following events and images were taken wholly from the BWC footage of Villanueva's camera with time stamps:²

² Time stamps provided are from the displayed counter for the BWC and do not necessarily coincide with the time of day.



Villanueva exited his patrol car and loudly asked V-2 to tell him what was going on and if there was someone inside the home with a weapon. (1:02) V-2 replied, “He has the walking sticks,” referring to someone other than himself. V-2 appeared to be dazed as Villanueva tried to convince V-2 to come towards him. V-2 moved towards the home’s entrance with a portable phone in his hand and told Villanueva to come inside the home. (Figure 2.) Even in the partial darkness, V-2 visibly appeared disoriented with fresh injuries to his head and blood on his face. (Figure 3). Villanueva entered the ground floor via the front door of the home’s entryway and tried to gather information about what had happened while also repeatedly glancing up the darkened narrow steep stairway that led up to the second floor. (1:24) Indiscernible noise from a location other than where Villanueva stood in the home was audible on the BWC footage. Villanueva removed his firearm from its holster and with his flashlight went up the stairway to look for V-2’s potential assailant (Child) and additional victims. Villanueva asked V-2 to stay downstairs, but V-2 followed Villanueva up the stairs. (1:27)



Figure 1- Daytime photo of home on 31st Avenue, San Francisco, California



Figure 2- Image of V-2 as he stood in doorway of home. Villanueva’s shadow is to the left in the image



Figure 3- Close up image of V-2 when he met with Villanueva

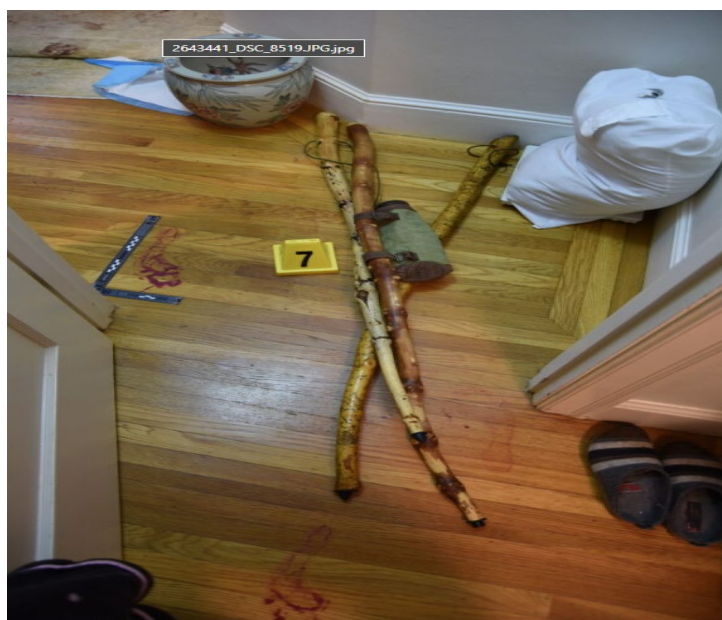


Figure 4- Image of walking sticks identified by crime scene investigations unit (CSIU) and discovered used to bludgeon V-2, and bloody footprints in second floor hallway

Villanueva walked up the narrow, darkened stairwell to the second floor of the house, which opened to a landing that was partially lit from another room's interior light and immediately saw Child standing in the hallway. (1:34) Villanueva was unaware that a mortally injured female victim (Child's mother, V-1) lay in the bathroom down that same hall, but radioed that he saw, "blood in the hallway" and had contacted a potential suspect. Villanueva also announced his



presence (“Hey! Police!”) as his BWC captured Child’s voice shouting, “Come on, bitches!” While Child faced Villanueva, who had his firearm drawn, Child kept his left hand hidden behind the hall bathroom’s doorway, showed only his right hand, and refused to comply with any of Villanueva’s commands to show his concealed left hand. (Figure 6.) (1:39)

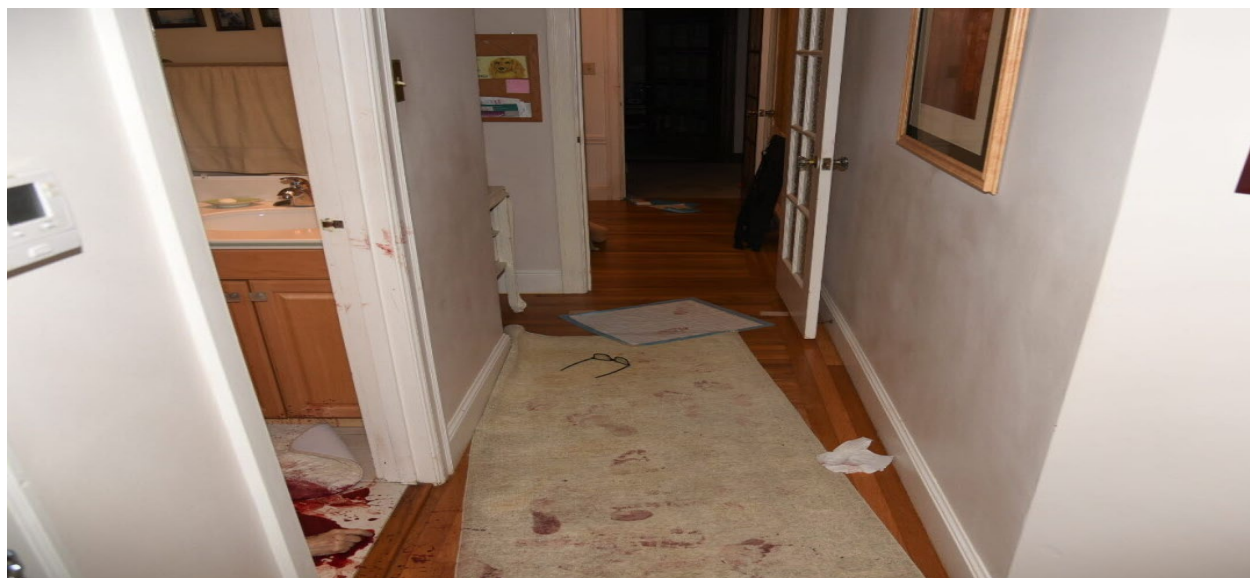


Figure 5- View of second floor hallway towards second story landing (stairs) with blood and bloody footprints on floor/carpet, and V-1’s hand visible on the bathroom floor



Figure 6- Image of Child as he stood in the hallway, left hand hidden

From the location, near the bathroom where his dead/dying mother lay (V-1), Child beckoned Villanueva and then slowly exposed his left hand as Villanueva pointed his firearm at him.



Visible in Child's left hand was a large knife with what appeared to be blood on the blade. (Figure 7.) (1:49)



Figure 7- Marc Child with blood-stained knife in his left hand

Villanueva saw the knife and yelled at Child to “Put the knife down!” and to “Get down!” Child, who directly faced the officer, was visibly covered in blood on his hands, feet, and clothing. Child ignored Villanueva's commands, told the officer he was not scared, and advanced towards Villanueva and V-2, who stood right behind Villanueva. Child switched the knife from his left hand to his right hand as he moved closer to Villanueva (1:51) and then attempted to conceal the knife behind his back. (Figures 7- 9.) (1:56)



Figure 8- Image of Child with knife in right hand as he moved towards Villanueva



Figure 9- Image of Child, knife concealed behind his back as he advanced towards Villanueva

As Child got closer to Villanueva, Villanueva radioed to responding backup officers, who were on their way, for less-lethal force options and that Child was armed with a “222” (police code for knife). Simultaneously, Villanueva quickly retreated down the stairs and ushered the elderly male victim (V-2) with him towards the front door on the first floor, to exit the home. (Figure 10.) (2:00)



Figure 10- Image of V-2 near the front doorway in front of Villanueva's hand as they ran to front door



But Child, still armed with the knife, chased Villanueva and V-2 down the stairs as he shouted belligerent comments. (2:05) (Figure 11.)



Figure 11- Image of Child as he descended the stairs and reached the first-floor landing.

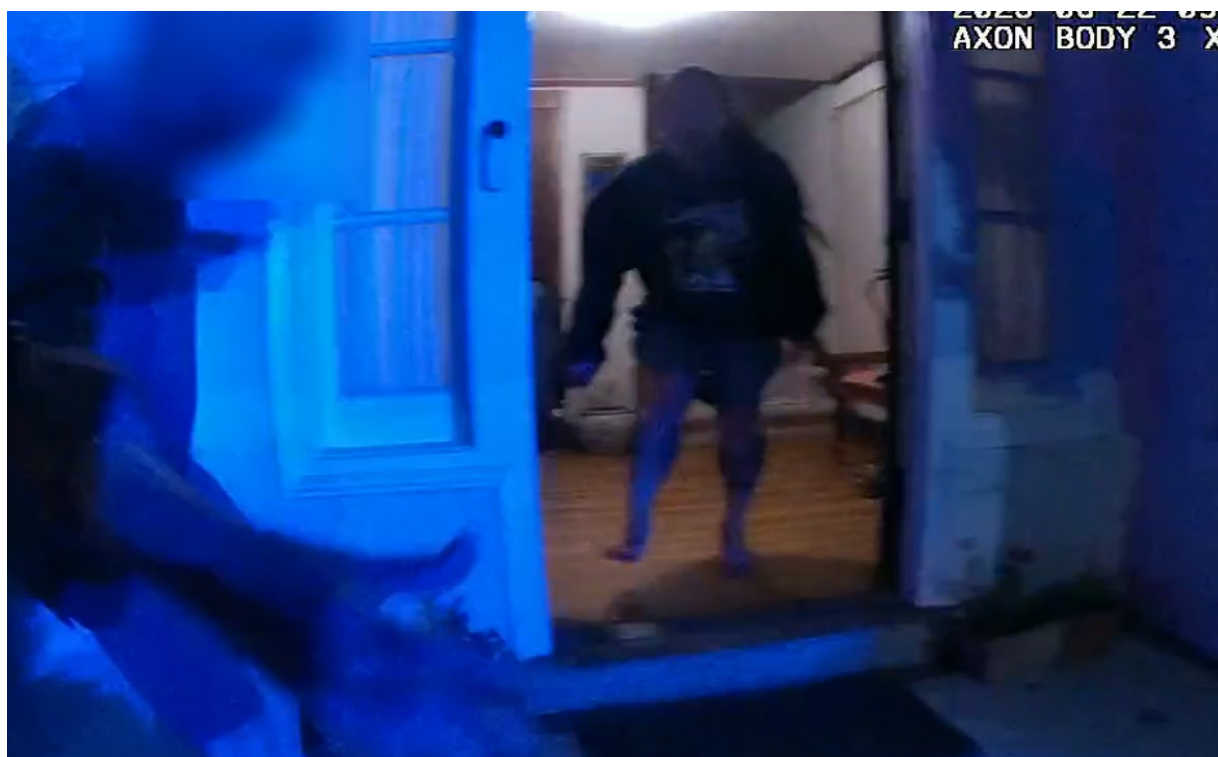


Figure 12- Image of Child as he approached Villanueva and V-2 seen on the left side in the image.



Child continued to advance on Villanueva and V-2 with the knife despite Villanueva's repeated commands to "Stop... get back, get back!" (2:09)



Figure 13- Image of Child now at the threshold of the open front door and impacted by the shot fired by Villanueva. V-2 is to the left of the frame pulled by his right arm by Villanueva's left hand as Villanueva fired his firearm in his right hand



Figure 14- Image of Child doubled over, from a shot fired by Villanueva as Villanueva held V-2



Once Villanueva and V-2 got to the front doorway, Villanueva realized that V-2 had moved in front of him and was closer to Child, who had reached the ground floor still armed with the knife. Villanueva continued with his commands and shouted at Child to “Get back!” without success. Child, still advanced and armed with the knife in his right hand, continued to taunt Villanueva (or V-2) by shouting “[you][sic] running... like a bitch!” (Figures 11-12.) With his left hand on V-2 to move him away from Child, Villanueva turned and fired two shots at the advancing Child who doubled over and then eventually fell to the ground from the impact of one of the bullets. (2:11) (Figure 14.)

Only one minute and nine seconds had elapsed from the time Villanueva arrived at the home and met V-2, to when Villanueva shot Child. From the moment that Villanueva encountered Child at the top of the stairs on the second floor of the home, exited, and then turned and shot Child, only 35 seconds elapsed.

Additional officers arrived, radioed that shots were fired, that the suspect “was down,” and requested medical assistance for Child who was still moving. But because the knife Child held was not visible, Villanueva cautioned the responding officers they could not safely approach to render aid. Officers then yelled instructions from outside the front door to the mortally injured Child to cooperate and surrender the knife so that they could aid him. When the knife was determined outside Child’s reach, officers approached to render aid.



Figure 15- Image of Child wounded in the entryway and officers outside of the home

Officers then moved through the home to find other victims who might need aid, but by 2:48 a.m., an officer radioed that there was another person (V-1) “down” in the bathroom. V-1, Child’s elderly mother (age 76) and a family dog, “Buddy”, were found dead in the hallway bathroom mere feet from where Villanueva first encountered Child. Both V-1 and the dog lay in blood and incurred what appeared to be multiple types of sharp instrument force trauma (stab wounds). (Figure 16.)



SFFD Medics #77 arrived and transported Child to San Francisco General Hospital (SFGH) for emergency care where he was pronounced deceased. The Office of the Chief Medical Examiner (OCME) investigators later took custody of Child's body from the hospital once he was declared deceased. The OCME also took the deceased elderly female (V-1) from the scene. San Francisco Animal Care and Control arrived and took custody of the deceased dog.



Figure 16- Image of hallway bathroom where deceased V-1 and dog were found

Investigation

On June 22, 2023, at 4:10 a.m. the San Francisco District Attorney IIB investigation team ("IIB") was notified of an OIS event and at 5:50 a.m. responded to the 700 Block of 31st Avenue. When the IIB arrived, the incident scene was well controlled and guarded by SFPD officers who had blocked off the area with crime scene tape. IIB met with SFPD's Investigative Services Detail (ISD) team. A preliminary briefing was conducted to share the known details of the incident and to inform the IIB of what investigative steps SFPD had taken. IIB Investigators observed the scene and key items of evidence and participated in a "walk-through" of the interior and exterior crime scene. The SFPD's Crime Scene Investigations Unit (CSIU), already on scene, collected and photographed items of evidence to be preserved as well as the outside and inside of the home.

Villanueva as the involved officer in the incident was sequestered and not on scene, but later provided a voluntary statement to IIB investigators.



Statements were also taken from the lone civilian percipient witness (V-2). The IIB also reviewed BWC footage that captured the officer involved shooting (OIS) as well as the aftermath documented by responding officers' BWC footage.

The IIB investigation into the death of Marc Child was comprehensive, thorough, objective, and independent. Due to the nature of the incident's location and time of occurrence, there were few witnesses to interview who had personal knowledge of the critical events. Nevertheless, all available witnesses were interviewed, and the incident scene was processed for evidence. The entire investigation was conducted over weeks and months following the incident and included work performed by personnel from the OCME, SFPD, and SFPD CSI Unit.

Evidence Reviewed

- The incident scene located at 717 31st Avenue, San Francisco, CA 94121
- SFPD-Internal Services Detail Investigative case file
- Emergency Call (9-1-1) audio recordings
- Computer Aided Dispatch (CAD) Records and logs of the incident
- Criminal history information for Marc Child
- Interviews of all civilian witness involved (V-2) and the involved officer
- Criminal Scene Investigations photographs of incident scene, involved officer, and weapons
- Body worn camera footage of incident from all responding officers
- Office of the Chief Medical Examiner medical reports (OCME) and autopsy reports
- Laboratory analysis summary report (toxicology) for Marc Child and V-1, dated August 3, 2023, and July 18, 2023, respectively
- Interviews with family members of decedent Marc Child

Incident Scene Description

There is one incident scene for this incident. The home located at 717 31st Avenue, San Francisco, CA 94121, is depicted below. The home has a covered alcove leading into the first-floor entryway of a two-story residence with a stairway and stairway landing that leads to the second-floor observable from the entryway. (Figures 1 and 17.) The second story bedrooms for the family as well as a bathroom are located on the second floor of the home.

The encounter began with Villanueva who arrived solo to contact Witness/Victim-2 who stood in the entryway of the home with the door open. The OIS occurred near and in the same entryway on the first-floor landing which interior-side consist of hardwood flooring and exterior-side consists of stucco walls, a tiled step, an entryway mat, and entry door. The home is a multi-story, single family home on a residential street. There was no interior or exterior camera surveillance footage from the home.

Because the OIS occurred in the early morning hours in a residential neighborhood, there were no witnesses other than V-2 and the responding police. The elapsed time between the first 9-1-1 call for help placed by V-2 and the OIS was approximately less than nine minutes, with police on scene within four minutes after the first 9-1-1 call. The entire incident took place within the home occupied only by V-1, V-2, Child, and the two family dogs.

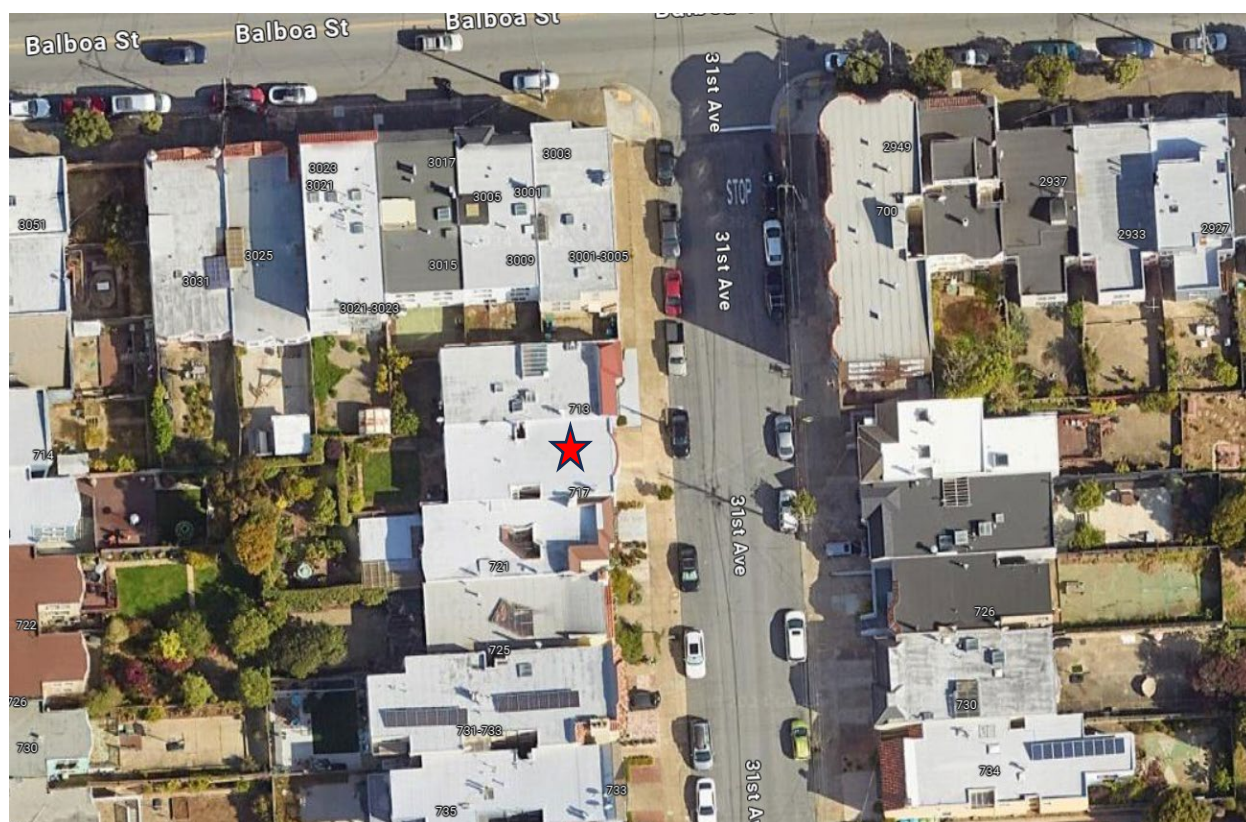


Figure 17- Google overhead image of residence where OIS occurred denoted with a red star

Incident Scene Evidence Recovery

The evidence at the incident scene was processed by criminalists from the San Francisco Police Department's Crime Scene Investigations Unit (CSIU) as well as responding officers. All evidence recovery, scene documentation, and photographs were completed by the CSIU. A total of 31 items of evidence were recovered and booked in conjunction with this investigation.

CSIU noted in their report the presence of copious amounts of blood on the second story of the home that consisted of bloody footprints, blood on objects (bed, comforter) and blood transfers on door jambs and walls in the hallway leading to the master bedroom where Child's parents slept, inside Child's room, and other rooms including the bathroom where V-1 and the dog were found. All items and locations were photographed and booked into evidence and when possible, preserved for DNA testing.

Weapons and Other Objects

The recovered knife held by Child, pictured below, was a "buck knife" type with a lock pointed blade which allowed the blade and knife handle to provide a linear configuration once the knife was opened and locked, like a fixed blade knife. The knife measured approximately eight inches in total length and was noted to have blood evidence on it. (Figure 18.)

V-2 told the 9-1-1 operator and responding officers that Child was "using drugs," which was corroborated with the discovery of what appeared to be a white powder, later determined to be



cocaine, and a device (rolled bill) used to ingest the drug along with an identification card with the name “Marc Child” clearly displayed on it. (Figure 19.)



Figure 18- CSIU photograph of Child’s knife with blood evidence

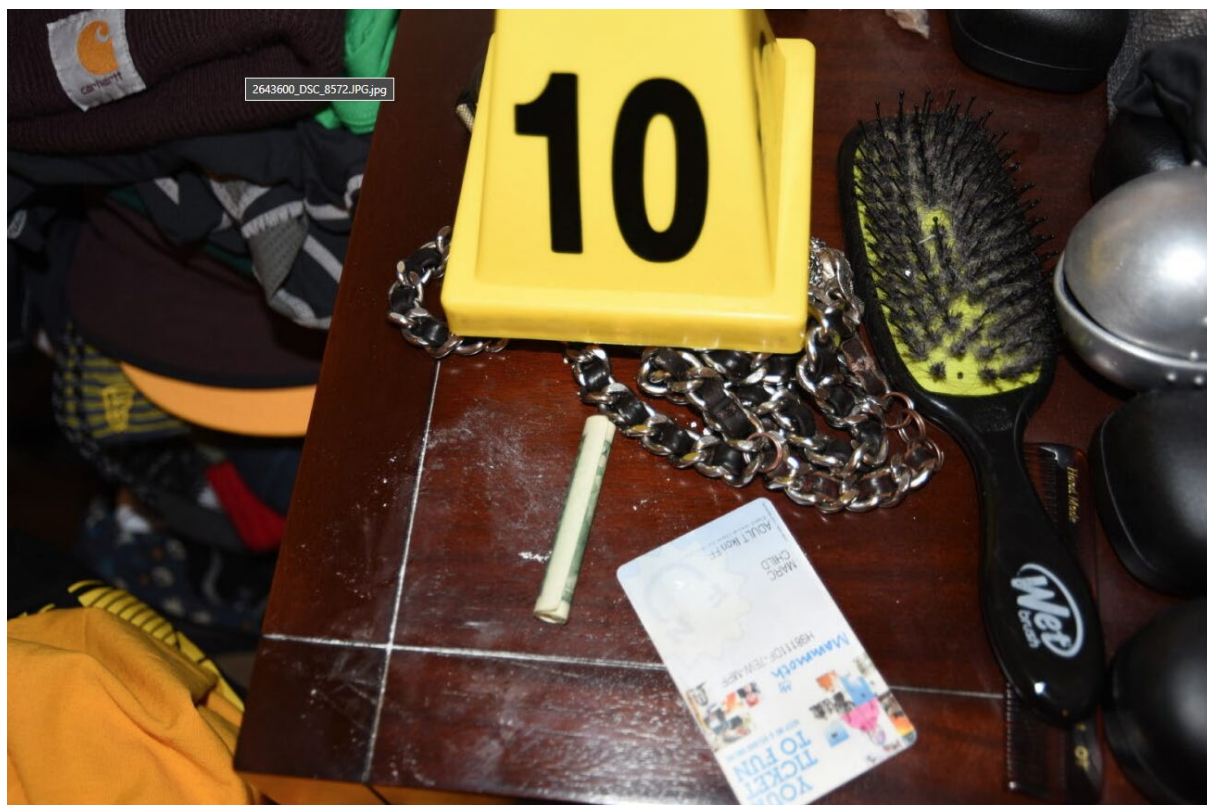


Figure 19- Photo taken of Child’s bedroom dresser and what appears to be cocaine residue and a rolled dollar bill with which to ingest the drug with CSIU Evidence Marker #10



Firearms and Ballistics Evidence

Only Villanueva's service firearm was collected by the CSIU and processed to determine rounds fired. A total of two cartridge casings were recovered from the curb line in front of 717 31st Avenue, and the sidewalk in front of the same location. Based on analysis of the evidence, the distance between Villanueva and Child when Villanueva discharged his firearm was estimated to have been less than six feet.

It was determined that Child was struck by a single mushroomed, jacketed bullet removed from Child's chest at autopsy. The bullet was placed into evidence by the medical examiner for later examination by CSIU investigators.

Body Worn Camera Footage

Body-worn cameras worn and activated by all responding officers captured the key incidents and the OIS event. Each camera captured different parts of the events from the perspective of the wearing officer while only Villanueva's camera captured the events prior to the OIS and the OIS itself.

The most relevant footage available captured Villanueva's arrival as first on scene, as his BWC was already activated, and his initial effort to try to communicate with V-2. Villanueva's camera also captured V-2's disorientation and fresh injuries as well as Villanueva's initial ascent up to the second floor where he encountered Child. The footage then captured audio with Villanueva as he spoke to dispatch about the "RP (V-2) bleeding from the face," the "blood in the hallway" and then the shouted commands to Child to show his hands, to get down (on the ground), and to put the visible knife down. The same footage then captured Villanueva as he retreated down the stairs with Child in pursuit. Footage also captured the moment Villanueva turned to face Child as Child had closed the distance, reached the first-floor landing, and neared V-2 who stood near the front door's threshold. Finally, the footage captured the moment Villanueva fired his weapon and the near simultaneous physical reaction from Child who was stopped at the front door's threshold, as he doubled over and then fell to the floor where he lay until police deemed it safe to approach him and render aid.

Other BWC footage from responding officers was also reviewed but all other footage captured only the events after the shooting.

Investigators determined that no civilian video footage, surveillance footage, security footage, or digital in-car video footage for the incident exists.

Photographs

On June 22, 2023, at 04:48 a.m., CSIU members arrived at the location and photographed the inside and the outside areas of the home, which included where V-1 and the deceased dog lay in the interior of the home and all observed blood, as well as the other rooms of the home where various items of evidence including what investigators determined was cocaine (with evidence of recent use), inside the bedroom occupied by Child. (Figure 19.) Long walking sticks were also identified once V-2 told police that Child used the sticks to beat him and V-1. (Figure 4.)



Communications

IIB investigators obtained a copy of the SFPD Computer Aided Dispatch (CAD) audio call and printout associated with this incident, as well as a copy of the 9-1-1 calls placed by V-2. Audio police transmissions were also obtained as part of the investigation. The CAD report documented the time stamps for the 9-1-1 call, the relay to officers, and officer communications once on scene.

Autopsies, Post-Mortem Examinations, and Toxicology Results

V-1

V-1, identified as the 76-year-old wife of V-2 and mother of Child, was found on the floor in the bathroom on the second floor of the home where the OIS occurred. The victim lay in a right lateral (right side of the body) position and was clad in a night shirt and underwear which were down around her thighs. A significant amount of blood was found in the immediate area where she lay along with a small brown dog who was also deceased. An electrocardiogram pad was noted on the victim's arm, consistent with a recent medical assessment performed by on-scene paramedics. Seven deep lacerations (stab wounds) of varying length and depth as well as contusions (bruises) were noted on the V-1's face and neck, and buttocks.

The OCME locate four stab wounds on the victim's neck that ranged from five to six inches in depth with one wound towards the back of the head. Injury, hemorrhaging, and clotted blood were observed around the victim's head and in the subscapular (area of the back and shoulder blade) tissue. V-1's cervical vertebrae (vertebrae starting at the base of the skull) also had evidence of injury from a sharp instrument. One stab wound was observed on the victim's face near her ear canal and was approximately 6 inches in length. Additional stab wounds, or sharp-force injuries were observed on the victim's left shoulder.

The OCME determined the cause of V-1's death to be from multiple sharp force injuries and the manner was one of homicide. No illicit drugs were found in any post-mortem samples submitted for V-1.

“Buddy” the Dog

A post-mortem examination by Shari B. O'Neill, Doctor of Veterinary Medicine, on June 23, 2023, was performed on the dog discovered deceased next to V-1. The dog was a 15-year-old male Dachshund mix. Multiple wounds were noted with extensive trauma to major blood vessels and the musculature on the dog's right neck that penetrated to the anterior (front) side of the dog and measured approximately three inches. Evidence of trauma by a sharp penetrating weapon and extreme blood loss from the injuries inflicted was determined the most likely cause of death.

Marc Child

Marc Child, age 37, received emergency medical care at the scene from police and medics for the gunshot wound inflicted by Villanueva. He was subsequently transported by SFFD Medic 77 to San Francisco General Hospital (SFGH) for emergency medical treatment. Child did not survive his injury and was pronounced deceased at 5:48 a.m. on June 22, 2023. His body was then transported to the Office of the Chief Medical Examiner (OCME) where an autopsy was performed by the OCME.



An ante-mortem (AM) blood draw and post-mortem toxicology study of Child's blood taken at the hospital, revealed the presence of Cocaine (27 ng/mL), Ketamine (>5000 ng/ml), deschloroketamine (ketamine analog) (150 ng/mL), Xanax (alprazolam) (<5.0 ng/ml), and their respective metabolites. A metabolite is created when a drug is processed and broken down by human body systems in preparation for elimination. Metabolites can serve as evidence of the ingestion of a drug and allow confirmation of the presence (or absence) of drugs including controlled substances. The concentration of the metabolite can assist in the determination of recency, frequency, and quantity of use.³ The presence of the metabolites for cocaine (benzoylecgonine), Xanax (alpha-hydroxy alprazolam) and ketamine (norketamine), all further confirm that Child used cocaine, Xanax, and ketamine prior to his death. (Figure 20.)

The OCME listed Child's attributed cause of death to the gunshot wound inflicted and the manner of death was also one of homicide.

Forensic Toxicology

IIB investigators interviewed the San Francisco OCME's Chief Forensic Toxicologist, Dr. Luke Rodda, to determine the potential forensic explanations that could be offered regarding the blood analyses for Decedent Child and the drugs and metabolites present in the blood sample taken from him.

Dr. Rodda commented that the toxicology in this matter was "significant" given the concentration of ketamine in the ante (before) death whole blood sample taken from Child at SFGH.⁴ Dr. Rodda described the ketamine concentration as "considerably high" in its amount. Dr. Rodda informed investigators that ketamine can be prescribed but the concentration present in Child's blood indicated a likelihood that Child was abusing the drug. The presence of the designer version of ketamine (deschloroketamine) was also indicative that the drug was purchased without a prescription, i.e. on the street, as the deschloroketamine analog⁵ is illicitly manufactured for recreational use.

Dr. Rodda went on to say that the cocaine and cocaine metabolite present, while having a relatively short half-life⁶ of 30 minutes to an hour, because of concentration and potency, also indicated relatively recent use. Dr. Rodda described some of cocaine's effects on the user may include euphoria, psychosis, excitement, energy, and aggression. Aggression and other side effects may further be observed if the user is experiencing withdrawal from the drug or abusing the drug in high amounts.

Dr. Rodda explained that the presence of ketamine and cocaine with their respective metabolites was likely due to recreational use by Child in quantities that indicated Child had also likely developed a tolerance to the drugs. The ketamine concentrations which Dr. Rodda described as "considerably high" also allowed Dr. Rodda to form an opinion that the drugs likely influenced

³ Source: <https://www.ncbi.nlm.nih.gov/books/NBK557523>.

⁴ Ante-mortem blood is active and flowing blood taken from a living patient.

⁵ An analog is a chemical compound that has a structure like another drug, but differs in certain components, such as functional groups of substructures. These 'copycat' drugs are also called "designer drugs" because they are created to mimic another drug and are often those that are illicit. (source: <https://www.bocsci.com/resources/what-are-drug-analogues.html>.)

⁶ "half-life" is the term used to describe the time it takes for the concentration of that substance to be decrease by half.



Child’s behavior. Dr. Rodda opined that the ratio of both ketamine, its metabolite (norketamine) was “quite high” and indicated use likely within a few (“couple”) hours before death. The ketamine levels were reportedly higher than the designer version, but according to Dr. Rodda, both ketamine and deschloroketamine are expected to work similarly on the user. Both ketamine and its analog he reported, can cause hallucinations and dissociative behavior, and the user who is under the influence of the drug(s) will likely be described as “not in touch” with reality.

The concentration of Xanax (alprazolam) Dr. Rodda opined were in “therapeutic concentrations” but overall was “dwarfed” by the presence of ketamine, the ketamine analogs, and cocaine. Dr. Rodda offered that the midazolam present was most likely administered at the hospital or by medics to sedate Child and appeared to be a therapeutic dose as well.

In summary, with the mixture and concentrations of different drugs present in Child’s blood drawn when he was still alive, Dr. Rodda opined the drugs were active in Child’s system and influenced his likely significantly influenced his behavior. Each of the illicit drugs found in Child’s blood would have considerable effects on his emotions, mental state and processing, and motor function. Synergistically, Dr. Rodda explained that the mixture of cocaine, ketamine, and ketamine analog (deschloroketamine) would worsen any of the behaviors associated with the respective use of drugs individual. And because the drugs were likely present in higher concentrations at the time of the incident with his parents, the blood sample yield would explain the violence Child perpetrated against his parents and the family dog.


City and County of San Francisco	 FORENSIC LABORATORY DIVISION	Office of the Chief Medical Examiner			
REPORT OF FORENSIC TOXICOLOGY ANALYSES					
Name:	CHILD, Marc	SFOCME Case No.:	2023-0901		
Submitter:	Hart, Amy P., MD	Initial Submission Date & Time:	06/26/2023 1203 hrs		
Sub. Ref. No.:	N/A	Date of Report:	08/03/2023		
SPECIMENS ACCESSIONED					
SPECIMEN TYPE	SPECIMEN ID	VOL (mL)	COLLECTED	DESCRIPTOR(S)	PROTOCOLS
Blood (Peripheral)	382298	4	06/22/2023 1519 hrs	Watery.	GCET
Vitreous Humor	382299	4	06/22/2023 1519 hrs		GCET
Urine (Foley)	382300	10	06/22/2023 1519 hrs		
Gastric Contents	382366	1	06/23/2023 1000 hrs		
Blood (AM)	L4311	2	06/22/2023 0446 hrs	Lavender top.	GCET, LCQB ^{1,2} , LCQC, REF(NMS_2415B)
Plasma/Serum (AM)	L4312	2	06/22/2023 0446 hrs	Clear red top.	
ANALYTICAL RESULTS					
SPECIMEN TYPE	SPECIMEN ID	COMPONENTS DETECTED		PROTOCOL PERFORMED	
Blood (AM)	L4311	No Volatiles Detected		GCET/GCET	
Blood (Peripheral)	382298	No Volatiles Detected		GCET/GCET	
Vitreous Humor	382299	No Volatiles Detected		GCET/GCET	
Blood (AM)	L4311	Cocaine	27 ±6	ng/mL	LCQB, LCQB
Blood (AM)	L4311	Benzoylcegonine	920 ±200	ng/mL	LCQB
Blood (AM)	L4311	Alprazolam	57 ±14	ng/mL	LCQB, LCQB
Blood (AM)	L4311	alpha-Hydroxy Alprazolam	< 5.0	ng/mL	LCQB
Blood (AM)	L4311	Midazolam	38 ±7	ng/mL	LCQB, LCQB
Blood (AM)	L4311	alpha-Hydroxy Midazolam	3.8 ±0.8	ng/mL	LCQB, LCQB
Blood (AM)	L4311	Ketamine ³	> 5,000	ng/mL	LCQB
Blood (AM)	L4311	Norketamine	230 ±53	ng/mL	LCQB, LCQB
Blood (AM)	L4311	Deschloroketamine	150 ±66	ng/mL	LCQB

Figure 20- Image of toxicology analyses report for Child’s ante-mortem (AM) blood sample



Involved Police Officers

Edward Villanueva was the only officer who discharged a firearm as he was the first officer to arrive and encounter Child. He was not injured and provided a voluntary statement with his attorney present for the criminal investigation which is summarized in this report.

Interview of V-2, Father of Marc Child

V-2 was interviewed on two occasions during this investigation. The following statement is a summary of the two interviews.

On June 22 and June 28, 2023, V-2, age 83, was interviewed by investigators while hospitalized for his injuries from the attack by Child. V-2 told investigators his son, Child, used “walking sticks” to “beat [his wife] (V-1) to death” and the dog initially, but then told police he believed Child used a knife that he kept in his room to kill V-1. V-2 provided permission to investigators to search his home for other weapons and evidence related to the attack by his son. V-2 asked if the investigators knew the condition of Child. The investigators told him that they had not received an update. V-2 then spontaneously stated, referencing Child: “I hope he’s dead.”

V-2’s sister and brother-in-law traveled from another state to support V-2 and were also present for the second and more complete interview during which V-2 relayed the following:

V-1 and V-2, Child’s parents, allowed Child to move back into the house six months prior to the June 22, 2023, incident. Child was living in a hotel that the couple paid for but was evicted due to his drug use. V-2 had concerns for his and V-1’s safety, but he relented and let V-1 allow their son back into the home due to V-1’s “motherly love” for Child. V-2 acknowledged he regretted letting Child back in the home and had even told Child to get out several times since, but Child remained. Child had recently kicked V-1 in the leg (thigh area) which required an emergency room visit for treatment. V-2 told investigators that Child’s behavior had grown progressively worse and more violent in the past few months due to his continued drug use which recently included Adderall along with cocaine. Both V-1 and V-2 had told Child no drugs were allowed in the home which he ignored. Child also took money from V-1 and V-2’s bank account without permission and was estimated by V-2 to have spent over \$200,000 during the last two years on drugs. Child would also demand money from V-1 and V-2 to buy drugs which would then turn into arguments when they refused. V-2 told investigators Child was especially antagonistic with V-1 and would start arguments by bullying and baiting V-1 into them. Child had also hit Buddy, the family dog, before. V-2 told investigators a source of Child’s anger was that he blamed V-2 for his arrest in San Francisco in 2021 after he had attacked V-1 and V-2, was arrested and forcibly restrained by a San Francisco Superior Court Order to stay away from V-1 and V-2.

V-2 told investigators that Child used illegal and legal drugs since at least 2017 and was hospitalized in a “psych unit” in Los Angeles for cocaine and alcohol use after police were called to report Child was out on a street with a gun and was “behaving erratically.” While in Los Angeles, Child would call V-2 at odd hours and tell him that demons were out to get him (V-2). Child was also previously investigated in the Los Angeles area in 2016 for domestic violence and a gun charge and then again in Santa Ana in 2019. Around Christmas 2020, Child attacked V-1 and V-2 in their home after which they obtained a restraining order to prevent Child from coming near them. Although V-2 was afraid of Child, he told investigators he was more afraid Child would hurt his wife, V-1.



On the night of the fatal attack, V-2 told investigators that sometime after 2:00 a.m. when he returned to bed after using the bathroom, Child came into his bedroom and “jammed” wooden hiking sticks into V-2’s head and ribs and caused V-2 to fall to the ground. Child had grabbed V-2 at the same time and told him that he “loved” him and V-1. V-2 said he could “see the evil in his [Child’s] eyes” and that he feared Child. V-1 had also gotten up to use the bathroom around the same time, but she did not return to the bedroom. V-2 then heard his wife, V-1, screaming. V-2 believed that Child retrieved a knife and killed her. It was then that V-2 called 9-1-1 and made his way downstairs, but believed Child followed him down the stairs. V-2 told investigators that Child had been snorting cocaine during the early morning hours of June 22, and before he came into V-1 and V-2’s bedroom.

V-2 told investigators he was aware that Child kept a folding black buck-type knife in his bedroom. He estimated the blade to be four inches with an overall length of seven inches. Child had several guns at some point, but V-2 told investigators he took possession of Child’s firearms awhile back because of Child’s “trouble with 5150.”⁷

On the night of the incident, V-2 was able to call and speak to 9-1-1 and to get outside the home where he met with Villanueva. The officer guided V-2 out of the alcove area. V-2 told investigators that Villanueva told Child, “Drop the knife, drop the knife!” two to three times, before he fired two shots. V-2 offered: “I fully support what the officer did. He had no choice. The officer could have been stabbed... Marc (Child) is extremely strong.” V-2 also remarked that he was unable to access his handgun, as he could not immediately get up after Child struck him with the walking sticks. V-2 told investigators that had he been able to reach his gun he would have shot and killed his son himself to save V-1.

Statement of Officer Edward Villanueva

Villanueva agreed to provide a voluntary statement and was interviewed on June 23, 2023, with his attorney Christopher Shea present, by SFPD and IIB investigators.

Villanueva, a police officer with SFPD since 2016, told investigators that he is a patrol officer assigned to Richmond Station on the midnight shift. His standard equipment consists of normal duty gear and a Sig Sauer P226, .40-caliber, Department issued pistol.

At 2:40 a.m. on June 22, 2023, Villanueva told investigators he received a dispatched call to his patrol beat at 717 31st Avenue, Richmond District. The dispatcher relayed that the caller’s wife was bleeding, and that the caller’s son attacked the wife with a stick. Villanueva received updates that the caller was in a struggle with the son who was high on drugs and that the call was disconnected. Villanueva decided to respond “Code 3” with lights and siren.

Villanueva told investigators that when he arrived at the home, he saw an older man (V-2) in the doorway at the residence. He tried to speak with the man (V-2), but the man only responded that his son (Child) was armed with a stick. Villanueva could see that V-2 had a head injury and blood on the right side of his face. Villanueva tried to get more information and listened for updates on the radio to determine where Child was and if he was armed. Villanueva was worried Child would come down the stairs but also heard what he believed to be an “active assault...

⁷ Welfare and Institution Code section 5150; Involuntary Treatment, Detention of Mentally Disordered Persons Evaluation and Treatment; provides for temporary custodial detention, of up to 72 hours, after demonstration of probable cause by a peace officer or person in charge of a facility designated by the county for evaluation, treatment, and others similarly employed, persons identified to be a potential threat to themselves or to the safety of others.



attack” and loud noises like stomping coming from upstairs. Villanueva made the decision to go up the stairs to stop the assault. Villanueva drew his firearm, announced “Police,” in a loud voice and proceeded upstairs. He told V-2 to stay downstairs.

Villanueva told investigators when he got to the top of the small stairway, he looked down the hallway to the right and saw a man, later identified as Child, standing in the hallway, next to an open bathroom door. Villanueva said that he was “taken aback” by Child and described him as a “pretty big guy... [with an] athletic” build and a demeanor that was “threatening.” Villanueva commented Child didn’t appear to be scared that Villanueva had his firearm pointed at him and that based on his demeanor was likely not going to comply with any commands. Child instead had a “crazy look” and was shouting to no one in particular, “I’m over here, bitches!” Villanueva gave Child multiple commands to show his hands, but Child did not comply and instead concealed his left hand in a doorway. It was then that Villanueva knew that Child was not going to “go with the program... and comply.”

Villanueva stated that Child eventually showed his left hand and revealed that he was armed with what Villanueva described as a “five or four-inch” open-blade knife. Child subsequently moved the knife to his right hand and held it near his right waist and hip area. Villanueva immediately notified dispatch that the suspect was armed with a knife and requested a less-lethal (Extended Range Impact Weapon) backup to assist him. Villanueva again commanded Child to drop the knife, but Child did not. Villanueva stated he then saw V-2 coming up the stairs in his peripheral vision and was worried because he had an armed subject in front of him and a slower elderly person behind him in a narrow stairway. Villanueva explained that Child then advanced towards him, at which point Villanueva decided to quickly retreat down the stairs. Villanueva’s intention was to “create distance... time, [to] allow other officers with [less-lethal weapons] to respond” and that he did not want to “have to shoot this guy that’s coming at me.” Villanueva also ushered V-2 toward the front door, as he retreated, while Child yelled, “Why you [sic] running away, bitch?” and followed them.

Villanueva told investigators that he and V-2 quickly ran out of the front doorway, with Villanueva pulling V-2 out of the alcove as they ran. Villanueva explained to investigators his inner thoughts and weighing of options because he was concerned that V-2 would fall but Villanueva could not “leave him [V-2] there... (to) get stabbed.” Villanueva also worried that he would be stabbed by Child who had quickly closed the distance between them. Now outside, Villanueva explained that he guided V-2 behind him, and held his duty handgun towards Child, who had closed the distance between them. Villanueva described Child’s appearance as if he was “on something... possessed almost.” Villanueva stated that Child “looked scary to me... serious... very threatening.” And when Child was within five feet of V-2 and Villanueva, he believed that he or V-2 would be stabbed unless he stopped Child. Villanueva explained: “In defense of my life... the victim’s life, I shot him [Child]. I shot twice.”

Villanueva explained to investigators that he used his gun because he had no other force options available. Villanueva stated that he was faced with a man with a knife that chased him and decreased the distance he was trying to put between them.⁸ Villanueva further explained his thoughts and how at the time while thinking about his options, he also knew that Child had just violently assaulted two people in the home (V-1 and V-2) and still had apparent intent to harm him and V-2. Villanueva told investigators that Child was within five feet when he made the

⁸ SFPD officers are not equipped with tasers also known as conducted energy devices.



decision to fire his gun. Villanueva saw Child react to the gunshots, stop his “forward movement” almost immediately, and fall backwards. Villanueva observed that Child still had the knife as he lay on the ground during which time he called out to Child to allow the officers on scene to help him. Only when he was convinced that Child was no longer a threat (no longer had the knife), were the officers able to give him first aid.

Villanueva told investigators that he believed either he, or V-2, would have been stabbed if he failed to take quick and decisive action to fire his gun at Child and stop the threat.

Marc Child - Background



Figure 21- Child's California Driver's License photo

Marc Child was 37 years old, stood approximately six feet tall and weighed 200 pounds at the time of the incident. Child resided at 717 31st Avenue, San Francisco, CA, 94121 with V-1 and V-2. Child had prior arrests in Los Angeles and San Francisco from 2009 to 2020 for domestic-related offenses (battery), driving under the influence causing bodily injury, and leaving the scene of an accident (hit and run).

Notably, on January 8, 2021, Child was arrested for False Imprisonment- Cal. Penal Code §236, Elder Abuse- Cal. Penal Code §368(B)(1), and Battery- Cal. Penal Code §242 by the San Francisco Police Department. He was detained and released. V-2 was the named victim in this matter and 81 at the time, but V-1 was also a victim, albeit unnamed in the incident's charging documents. (Superior Court No. 21000300). At that time, Child had six guns registered to him. V-1 and V-2 told police and the Court that Child used drugs such as cocaine, Adderall, and Xanax, would become violent when on drugs, and that they were both afraid of him. Both V-1 and V-2 had visible injuries from the 2021 incident. Drugs were also found in Child's possession and control, including a rolled bill and an “unknown crushed white powder residue.” V-1 told the 9-1-1 operator in the January 2021 call for help that she was “afraid that [Child] may grab a knife.”

On September 24, 2021, and February 12, 2022, Child was again arrested. Child was arrested for Violation(s) of a Court Order-Cal. Penal Code §166(A)(4) by the San Francisco Police Department. Child was then placed by the San Francisco Superior Court into a mental health diversion program March 30, 2022, in connection with the January and September 2021 and,



and February 2022 arrests and was to be monitored mostly out of custody. V-1 and V-2 were the named victims in these matters but sought dismissal of the actions and to have the protective order that was in place for them and would expire in 2025, rescinded. (Superior Court Case Nos. 22001501 and 20119572).

On May 12, 2023, Child petitioned the Court to terminate his diversion and to dismiss the cases with a finding that he had completed the court ordered program. The Court did as he requested and terminated the order that would have protected Child's parents (V-1 and V-2) until 2025 on June 2, 2023.⁹

Applicable Legal Standards

Per the California Commission on Peace Officer Standards and Training (P.O.S.T.) Use of Force Guidelines (2021), and Cal. Penal Code §835, a use of force by a police officer must be for a lawful objective. The authority to use force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity, and for the sanctity of every human life. Officers may use force, which includes deadly force, to meet legitimate law enforcement objectives including:

- I. To effect a lawful arrest, detention, or search;
- II. To overcome resistance or to prevent escape;
- III. To prevent the commission of a public offense;
- IV. In defense of others or in self-defense;
- V. To gain compliance with a lawful order;
- VI. To prevent harm to the officer or another person during intervention in a suicide or other attempt to self-inflict injury.

Justifiable Homicide Based on an Officer's Reasonable Belief that the Use of Deadly Force Is Necessary

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide charge, and if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal. App.5th 732, 744.)

Penal Code sections 196 et. seq. sets forth the law of self-defense in homicide cases. Specifically, Penal Code section 197 lists the circumstances where homicide is justifiable, which includes self-defense or the defense of others. (Pen. Code, § 197, subd (1).) Self-defense arises when a person actually and reasonably believed in the necessity of defending against imminent danger of death or great bodily injury. (*People v. Randle* (2005) 35 Cal.4th 987, 994.) There is both a subjective and objective component to a self-defense claim. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1082.)

The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.) The objective element also requires that the person's belief be objectively reasonable. In assessing the objective element, the trier of fact must consider what would appear to be necessary to a reasonable person in a similar situation with similar

⁹ Of note, the temporary Emergency Protective Order issued on 1/12/2021 was ordered terminated by the court on 10/19/2021.



knowledge by assuming the point of view of a reasonable person in the position of the accused. (*People v. Brady* (2018) 22 Cal.App.5th 1008, 1014, citing *People v. Humphrey*, supra, 13 Cal.4th at pp. 1082-1083.)

When considering the objective reasonableness of a person's belief, it is worth noting that reasonableness is assessed in terms of a person of ordinary and normal mental and physical capacity. A person's individual background is not the standpoint from where reasonableness is considered. (*People v. Brady*, supra, 22 Cal.App.5th at pp. 1014-1015.) However, a jury may take into account the knowledge that a person had which might increase his or her ability to accurately predict the risk of impending violence. (*Id.* at p. 1017.) For example, knowledge of another person's prior threatening or violent conduct or reputation for dangerousness may provide evidence to support reasonable belief in imminent harm. (*People v. Bates* (2019) 35 Cal.App.5th 1, 9-10.)

Another aspect of self-defense is the assessment of whether danger was imminent. Mere fear that a danger will become imminent is not sufficient. (*People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305.) Fear of future harm, regardless of how great the fear or the likelihood of the harm, will not suffice. (*In re Christian S.* (1994) 7 Cal.4th 768, 783.) Imminent peril has been defined as appearing to a person as "immediate and present and not prospective or even in the near future. An imminent peril is one, that from appearances, must instantly be dealt with." (*People v. Lopez*, supra, 199 Cal.App.4th at p. 1306, quoting *People v. Aris* (1989) 215 Cal.App.3d 1178, 1187.)

The amount of force used by a person is also something that must be found to be reasonable by the trier of fact. "[O]nly that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified." (*People v. Hardin* (2000) 85 Cal.App.4th 625, 629, quoting *People v. Clark* (1982) 130 Cal.App.3d 371, 380.) In a related vein, "deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury." (*Id.* at pp. 629-630.) Even if an individual was in actual and reasonable belief of imminent danger, the use of force may not exceed what is reasonably necessary to repel the attack. (*Ibid.*)

Penal Code section 196 provides a justification for homicide committed by a peace officer when the use of force complies with Penal Code section 835a. Effective January 1, 2022, Penal Code section 835a was amended to further refine when an officer's deadly use of force is justified. Under section 835a, subdivision (a)(2), peace officers may lawfully use deadly force "only when necessary, in defense of human life." To determine whether deadly force is necessary, "officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." (Pen. Code, § 835a, subd. (a)(2).) Tactical conduct and decisions preceding the use of deadly force are relevant, as part of the totality of circumstances, when determining whether the use of deadly force was reasonable. (*Hayes v. County of San Diego* (2013) 57 Cal.4th 622, 637-639; *Koussaya v. City of Stockton* (2020) 54 Cal.App.5th 909, 935.)

When an officer's use of force is evaluated, it must be considered "from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force." (Pen. Code, § 835a, subd. (a)(4).)



An officer may use deadly force only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary when: (1) defending against an imminent threat of death or great bodily injury to the officer or another person or (2) to apprehend a fleeing person who has committed a felony that threatened or resulted in death or great bodily injury and the officer reasonably believes the person will cause death or great bodily injury if not immediately apprehended. (Pen. Code, § 835a, subs. (c)(1)(A), (B))

A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or to another person. Totality of the circumstances means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code, § 835a, subd. (e))

“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 v. Connor* (1989) 490 U.S. 386, 396.) “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.” (Id. at pp. 396-397.) “[T]he question is whether the officers’ actions were ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (Id. at p. 397.)

When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.) It is not a criminal defendant’s burden to prove that force was necessary or reasonable, but the People’s burden to prove beyond a reasonable doubt that the person charged with the homicide-related crime did not have an actual or reasonable belief in the need for self-defense or the defense of others. (*People v. Frye* (1992) 7 Cal.App.4th 1148, 1158; *People v. Banks* (1976) 67 Cal.App.3d 379)

Legal Analysis

The SFDA has completed an independent investigation and review of the facts and circumstances that led to the death of Marc Child. This analysis is informed by the comprehensive evaluation of all the available evidence provided to the SFDA by the SFPD and the SFDA’s own investigative review, which includes in this matter the police reports, emergency communications and documents, witness statements, forensic evidence, OCME’s reports, body-worn camera footage, and later-obtained documents such as criminal history information.

The singular issue presented by this OIS is whether Officer Villanueva acted lawfully, in self-defense or defense of another, when he fired his firearm at Marc Child, or if that same action created a basis to criminally prosecute the officer for killing Marc Child. A detailed analysis of the evidence surrounding the OIS shows overwhelmingly that Villanueva reasonably believed the use of deadly force was necessary to defend against the imminent threat of death or great bodily injury that Child posed to him and the lone elderly victim that survived, V-2. Therefore, the shooting was justified, and a criminal prosecution is unsupported by the evidence.

This determination is fortified by the statement Villanueva provided to investigators about his thoughts, feelings, and concerns when he entered the home on 31st Avenue that early morning of



June 22, 2023. Villanueva explained to investigators his reasoning for entering the home (to investigate the assault of V-2) and the possible ongoing assault of someone else on the second floor. Villanueva also explained how his thought process changed once he encountered Marc Child and his fear that Child meant either him or V-2 great bodily harm or death. The video footage clearly showed that Child was armed with a deadly instrument (knife), that he was prepared to use as he switched the knife from his left hand to his right. The video footage also showed Child had already in fact used the knife in some manner given the exposed blade had blood on it, along with the blood that was apparent on the rug, walls, and door jams of the home. Villanueva commanded Child to surrender the knife and submit to the officer while he pointed his firearm at Child. But Child was unafraid and instead of complying with the commands, advanced on the officer, and thereby increased Villanueva's fear that use of his firearm would be necessary to save his own life and that of V-2. The danger Child presented was gleaned by the officer even without complete knowledge that Child's mother (V-1) lay in a pool of blood next to a small dog, both of whom had been fatally assaulted by Child perhaps just minutes before the officer arrived. Therefore, the evidence supports Villanueva's claim that he only discharged his firearm in the belief that it was immediately necessary to do so in self-defense or defense of another.

The physical evidence on scene also supports the fact that not only had Child brutally killed his mother and the small family dog with a knife, but that he had assaulted his father with walking sticks. And the knife that Child used to kill his mother was likely the same knife he initially concealed but then brandished at Villanueva who confronted him in the hallway at gun point. And although Villanueva did not know that Child had used any controlled substances or had committed prior violence while under the influence of drugs, the cocaine found on scene gave circumstantial support as the potential cause of the behavior exhibited by Child. Both V-2 and Villanueva observed and described Child's demeanor in a similar way. Child was described by V-2 as appearing to have "evil in his eyes" at 2:00 a.m., and then by Villanueva as appearing to be "on something... possessed almost."

Under these circumstances, Villanueva reasonably believed that Child meant him or V-2 great bodily harm or even death. Villanueva was entitled to 'stand his ground' as the law does not require that officers retreat from deadly encounters with civilians. Villanueva would have been permitted by law and justified if he chose to shoot Child in the hallway as Child advanced on him with the knife. Instead, Villanueva chose to retreat to gain both distance and time to de-escalate, and to protect the elderly survivor. Villanueva even had the presence of mind to radio for other officers to bring less-lethal weaponry to be able to confront Child with less than deadly force. The fact that Child rapidly descended the stairs with the knife and advanced on Villanueva and V-2 took away the benefit that distance and time can create for police in deadly encounters. But Child pursued the officer and caused the escalation and imminence of the potentially deadly threat, leaving Villanueva little choice but to fire his weapon in self-defense and defense of the elderly surviving victim.

Villanueva reasonably believed that lethal force was necessary in the documented tense, uncertain, and rapidly evolving circumstances that created the imminent lethal threat presented by Child. The entire incident was captured credibly by fact of the real-time BWC footage which aptly demonstrated Child's ability and inarguable intention to use deadly force against his father (V-2) and Villanueva. Fortunately, Villanueva deprived Child of the opportunity to inflict more harm against anyone.



Conclusion

The evidence shows beyond a reasonable doubt that Officer Villanueva acted with intent to defend himself and V-2 from what he reasonably believed to be imminent death or great bodily injury as the knife-wielding Child chased him and V-2 down a flight of stairs. Further, the totality of the evidence gleaned from all the circumstances present or that existed, including the circumstances of which Villanueva was not aware, that Child used a knife and killed his mother and the family dog, all amply support Villanueva's belief that the need to use lethal force was both subjectively and objectively reasonable and necessary. Because the shooting of Child was justified by self-defense and the need to defend another, criminal charges are unwarranted against the officer and no further action will be taken in this matter.