



# SAN FRANCISCO DISTRICT ATTORNEY



## REPORT ON THE INVESTIGATION INTO THE OFFICER-INVOLVED SHOOTING OF ZHANYUAN YANG ON JUNE 22, 2023

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INDEPENDENT INVESTIGATION BUREAU, April 30, 2025





# TABLE OF CONTENTS

BACKGROUND.....	3
PRIVACY STATEMENT .....	3
INTRODUCTION .....	4
SUMMARY OF INCIDENT .....	4
INVESTIGATION .....	10
Evidence Reviewed .....	10
Incident Scene Description .....	11
Incident Scene Evidence Recovery .....	13
Autopsy .....	20
Zhanyuan Yang – Background .....	22
Interviews of Involved Officers .....	22
Interviews of Civilian Witnesses .....	26
Applicable Legal Sections .....	29
LEGAL ANALYSIS .....	32
CONCLUSION .....	33



## 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.<sup>1</sup>

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 independently 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 and any family members of the Decedent. The 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:

- Witness 1 (W-1), J.O.
- Witness 2 (W-2), D.A.
- Witness 3 (W-3), A.C.
- Witness 4 (W-4), N.H.
- Witness 5 (W-5), V.W.
- Witness 6 (W-6), X.C.
- Witness 7 (W-7), Z.C.
- Witness 8 (W-8), Y.L.



# Introduction

On October 9, 2023, San Francisco Police Department (SFPD) Sergeant Troy Carrasco responded to the Visa Office of the Consulate General of the People's Republic of China ("Consulate") located at 1450 Laguna Street located in San Francisco, California. Carrasco was responding to a call for service and a 9-1-1 caller's emergency report that a car had crashed into the Consulate building and that the driver was armed with a gun.

Carrasco was the first officer to arrive and immediately observed a car had been driven into the lobby of the Consulate through the Geary Street entrance doors. Carrasco recognized the emergency, unholstered his gun, and ran into the building where he saw security guards actively struggling to contain an adult Asian man, later identified as Zhanyuan Yang, against an interior wall. On entry, Carrasco smelled and was affected by airborne pepper spray released by the guards during their efforts to subdue Yang. Carrasco did not know that Yang had a knife in his hand when he joined the guard's effort to control Yang. Carrasco had re-holstered his gun to better grab at Yang, but Yang pulled his arm out of Carrasco's hold and near simultaneously, moved his right arm towards Carrasco in a stabbing motion with what Carrasco saw was a knife in Yang's right hand. Yang, possibly vision impaired from the pepper spray, continued to make wild stabbing motions with the knife towards the nearby guard and Carrasco. Carrasco saw Yang succeeded in stabbing one of the guards with the knife at which point in fear of being stabbed, the safety of the guard and others, Carrasco quickly backed away from Yang, re-removed his firearm and shot Yang.

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 Zhanyuan Yang and is limited to the determination of whether criminal charges should be brought against officer Carrasco. 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 Carrasco 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, discretion is advised, especially for young children and individuals with sensitivity to violence, weapons, and blood.***

## Summary of Incident

On October 9, 2023, at 3:08 PM, police received a call for 9-1-1 emergency services and a report of that a driver had crashed a car into the Consulate building located on Laguna Street at Geary Boulevard and was armed with a gun. The 911-caller described the driver as a male, of unknown race, in his 30's (age), with black hair. This man would be later identified as Zhanyuan Yang.

Consulate security guards had pepper sprayed Yang and tried to control him. Carrasco, a solo officer, heard the priority 9-1-1 call and responded with emergency lights and sirens.<sup>2</sup> The

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<sup>1</sup> Memorandum of Understanding, eff. April 2019.

<sup>2</sup> A priority call (Code 3) is an emergency call that requires a rapid response because there may be an immediate threat to life or a substantial risk of major property loss or damage. Police respond to a priority call using their vehicle's lights and sirens (<https://www.sf.gov/data/response-time-priority-calls>).



following events and images were mostly taken from Carrasco's body worn camera (BWC) which was activated and recorded both video and audio of the events once Carrasco arrived.<sup>3</sup>

As Carrasco ran into the Consulate, BWC revealed a chaotic scene of people outside of the Consulate and on Geary pointing and screaming, the security guards struggling with an adult male (Yang), a cloud of pepper spray (as evidenced by Carrasco's physical reaction) in the lobby of the building, and a car crashed into the lobby that had destroyed or damaged machines, chairs, and the doors to the Consulate lobby. The chaotic circumstances challenged the ability of the guards to communicate with Carrasco, and to convey to him meaningfully that Yang was in fact armed with at least one knife.



Figure 1- Carrasco's BWC perspective of damage to the front entrance of the Consulate at 3:12:42 p.m.



Figure 2- Carrasco's view as he entered the lobby and saw Yang's car inside at 3:12:43 p.m.





As Carrasco ran into the building, he saw security guards using chairs and metal poles to defend themselves against Yang who was in a corner of the lobby against a wall. The guards had tried to barricade Yang against the wall and a copy machine. A late model blue Honda driven by Yang into the lobby area was visible along with shattered metal detector machines and a damaged seating area in the path the car traveled. A wall in the lobby was also freshly damaged by the crash which caused dozens of people who were in the lobby to run to escape the path of Yang's vehicle.<sup>4</sup>



Figure 3- BWC showed the interior of the Consulate, and the blue Honda Yang drove into the lobby.



Figure 4- Yang as captured by Carrasco's BWC. No weapon was visible, and Yang had his left hand over his eyes possibly in response to the pepper spray. A fresh and dripping pepper spray stain was visible on the wall next to Yang in the red circle.

<sup>4</sup> Civilian obtained video documented the moments after the car entered the building.



The smell of pepper spray was in the air as Carrasco tried to determine what had happened. In the chaos, the guards told investigators they tried to tell Carrasco that Yang had a weapon. Carrasco focused on Yang based on the scene and the guards' behavior as they tried to get Yang under control. Yang faced against a wall with evidence of fresh pepper spray discharge (a yellow dripping stain) and was visibly agitated and disoriented from the pepper spray which allowed Carrasco to approach to try and subdue him. Carrasco coughed audibly on video as he reacted to the airborne pepper spray.

Carrasco reached for Yang with both hands while he yelled to ask the guards if Yang had a gun as the emergency call had relayed. Carrasco was able to get hands on Yang to push him forcefully face first against the copy machine and wall, but Yang pushed away from the wall and resisted Carrasco's commands to submit with equal force. Carrasco maintained as much control of Yang as he could and remained near Yang with his hands on Yang as a Consulate guard came to assist and pushed Yang back, face-first towards the wall. But Yang had a knife in his right hand which remained free as Carrasco and the guard pushed on Yang's upper torso to keep him against the wall.



Figure 5- BWC Footage of Carrasco's (ungloved) hands, in the foreground, held Yang (in blue shirt) while the Consulate security guard (with blue gloves) also tried to hold Yang against the wall face first. The knife in the red circle with the blade exposed and perpendicular to the ground visible in Yang's right hand.

With his left arm covering his eyes, Yang swung his right arm wildly towards his right side and towards Carrasco as Carrasco struggled to get both of Yang's arms under control. The knife



became visible as Yang swung his free right arm back and forth near Carrasco. Because Yang had a knife, Carrasco had to gain distance from Yang to avoid being stabbed and momentarily released his hold on Yang who then jabbed the knife towards Carrasco and the guard three times. Yang succeeded in stabbing the guard who was trying to help Carrasco subdue Yang. With the guard bleeding and Yang uncontrolled, it was at that moment that Carrasco quickly unholstered his gun, backed up and shot Yang. Yang then dropped to the ground.



Figure 6- BWC footage of Yang after Carrasco released his hold on him. Yang continued to swing the knife wildly while covering his eyes.







Figure 7- BWC footage captured the reaction of the Consulate guard after Yang stabbed him while Yang continued to cover his eyes and had the knife in his right hand at 3:13:03 p.m.



Figure 8- Additional BWC video footage and still images from responding SFPD Officer O'Keefe's BWC showed Yang (yellow arrow) after he stabbed the guard (blue arrow) and actively tried to stab Carrasco (red arrow), in the moments before Carrasco shot Yang. The knife was still in Yang's right hand with the blade pointed outward as Carrasco reached toward his hip for his firearm at 3:13:02 p.m.



Figure 9 (below)- BWC captured the moment Carrasco, hands and gun visible in the foreground, shot Yang at 3:13:03 p.m.

According to all available records only one minute and seven seconds elapsed from when Carrasco arrived outside the Consulate to the moment when he fired his gun at Yang. From the BWC footage



time stamp, less than two seconds elapsed from the moment the knife became visible in Yang's right hand, Yang stabbed the guard, and then Carrasco shot Yang.

## Investigation

The day of the incident, the San Francisco District Attorney IIB investigation team ("IIB") was notified of an officer involved shooting and responded to the location of the incident at the Consulate building. When the IIB arrived, the incident scene was 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 to begin the investigation into what took place.

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 to preserve the crime scene. IIB investigators observed the scene, key items of evidence, and participated in a "walk-through" of the interior and exterior crime scene. The SFPD Crime Scene Investigations Unit (CSIU) was already on scene identifying and collecting items of evidence, as well as taking photos of the entire scene.

Due to his involvement, Carrasco was not on scene but later provided a voluntary statement to investigators with his attorney present.

Investigators interviewed security guards and all cooperative civilian witnesses. The IIB also reviewed BWC, civilian, and surveillance footage made available that captured the incident as well as the aftermath documented by later responding officers BWC footage.

The IIB investigation into the officer-involved shooting of Yang was comprehensive, thorough, objective, and independent. The entire investigation was conducted over weeks and months following the incident and included work performed by personnel from the Office of the Chief Medical Examiner (OCME), SFPD, and SFPD CSIU.

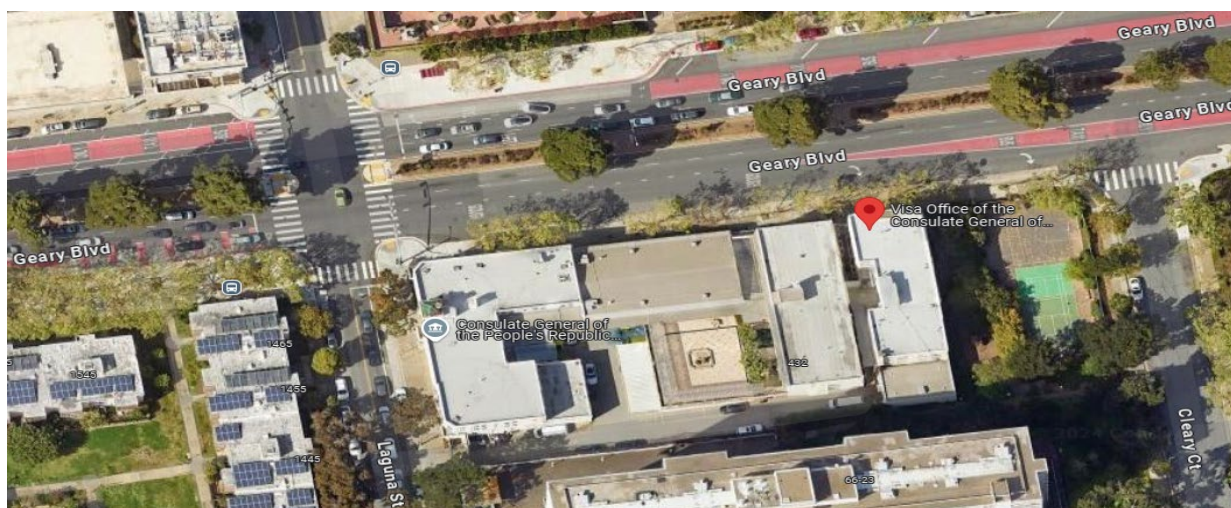
## Evidence Reviewed

- The incident scene located at 1450 Laguna Street, San Francisco, California, Visa Office Consulate General of the People's Republic of China (Consulate)
- SFPD-Internal Services Division Investigative case file
- Emergency Call (9-1-1) audio recordings
- Computer Aided Dispatch (CAD) Records and logs of the incident
- Criminal history information for Yang
- Body worn camera (BWC) footage of incident from all responding officers
- Civilian video
- Office of the Chief Medical Examiner medical reports (OCME) and autopsy reports
- Laboratory analysis summary report (toxicology) for Yang
- Medical Records
- Interviews of civilian witnesses
- Interview with the involved officer
- Crime Scene Investigations Unit photographs of incident scene
- Interviews with family members of decedent
- Search Warrant service of Yang's residence and cellphone data



## Incident Scene Description

There is one incident scene associated with this OIS: 1450 Laguna Street, San Francisco, CA 94115—the Chinese Consulate depicted below (Figure 10). The building is a multi-story office building connected to other multi-story buildings that serve as residences and official space. The Consulate had entry doors on Laguna Street which runs north and south and Geary Boulevard which runs east and west. Geary Boulevard is a heavily traveled multi-lane street controlled by traffic lights. The incident occurred during daylight and mostly inside of the lobby of the Consulate. The lobby area was furnished with multiple connected chairs for visa applicants to wait to be called to customer windows attached to the administrative offices. The lobby was well lit. There were interior cameras in the lobby and outside the building, but the Deputy Director of the Consulate declined to provide surveillance footage for the lobby and visa area of the Consulate to investigators. Nevertheless, investigators determined that no other civilian camera footage, non-Consulate security footage, or any digital in-car video footage for the incident existed.



Figures 10- Aerial view of the Consulate and the marked location of the Geary side front door entrance of the Consulate where Yang drove his car courtesy of Google Maps.

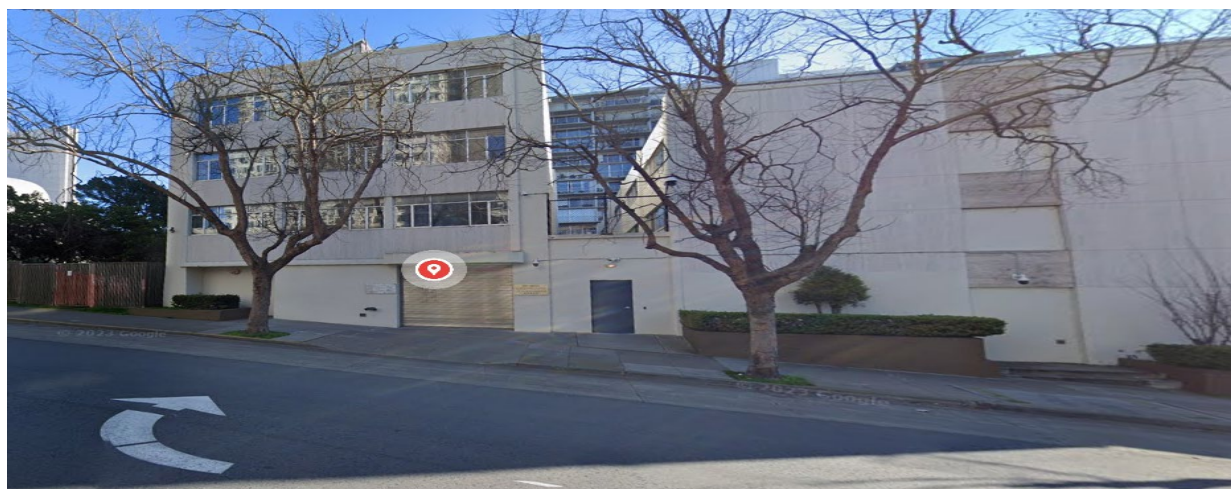


Figure 11- A photo dated January 2023 and courtesy of Google Maps shows the entrance point in the red circle and where Yang drove through from Geary Street.





Figure 12- Image of the outside portion of the Geary side entrance to the Consulate that predates the incident taken April 2018 courtesy of Google Maps



Figure 13- BWC image of the same entrance location after Yang drove the Honda into the lobby of the Consulate at 3:12:42 p.m.



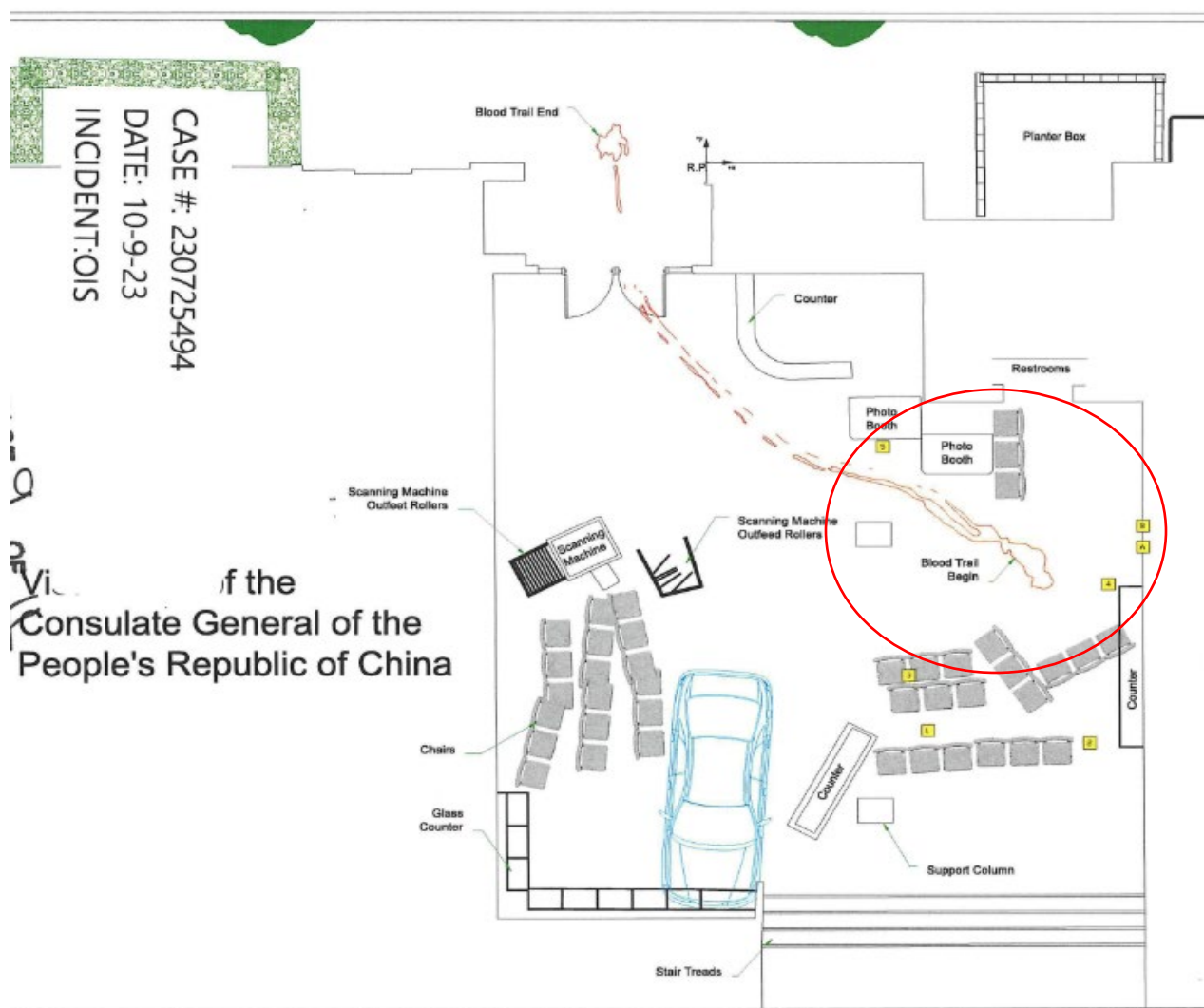


Figure 14- SFPD CSIU rendering of the interior of the Consulate and crash scene. The blue car depicted shows where Yang's car crashed and came to a complete stop. Inside the red circle is where the struggle took place, and the OIS occurred. Yellow evidence marker #5 (Yang's knife) is depicted next to the photo booths. A blood trail is depicted in orange. Yellow evidence markers #1 and #2 mark where casings were located at the bottom right seating area. Yellow markers A and B along the wall showed where pepper spray residue was found.

## 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 taken by the CSIU.

Key to the investigation which CSIU documented in their report was the presence of a knife, and a loaded crossbow found in the crashed blue Honda in the lobby. All items and locations were photographed, booked into evidence and when possible, preserved for DNA testing.



Figure 15- CSIU photo of the interior portion of the rear passenger area of Yang's car with the crossbow discovered by investigators



Figure 16- CSIU photo of the loaded crossbow seized by investigators from the rear passenger side of Yang's car and held by an SFPD officer who stood next to fresh blood evidence on the Consulate lobby floor.



Figure 17- CSIU photo of Yang's operative cellphone in the blue Honda (Yang's car) with an open map image of the area of the incident.

### **Firearms and Ballistics Evidence**

Carrasco's service firearm was collected by the CSIU and processed to determine the number of rounds fired. A total of two cartridge casings from Carrasco service weapon were recovered from the Consulate lobby. Based on analysis of the firearm cartridge evidence and BWC footage, the distance between Carrasco and Yang when Carrasco twice discharged his firearm was estimated to be less than six feet.

### **Injuries**

A Consulate security guard (W-1) suffered a stab wound, inflicted by Yang, to his right hand.

### **Body Worn Camera, Surveillance, and Civilian Footage**

Body-worn cameras (BWC) 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 but only Carrasco's camera captured the events prior to the OIS and then the OIS. Freeze frame images from the video footage were used solely for their corroborative value of the incident.

Carrasco's already-activated BWC captured his arrival as first on scene to encounter Yang. The same BWC footage also captured audio of Carrasco yelling to Yang to get on the ground and his demand of the Consulate guards to tell him if Yang had a gun. The same footage captured Yang repeatedly attempt to stab Carrasco as Carrasco tried to hold Yang in place. BWC footage captured the moment Yang's knife became visible and he stabbed the Consulate guard and Carrasco's





reaction to those actions as he drew his firearm. Finally, the footage captured the moment Carrasco discharged his firearm twice at Yang. Other police BWC footage also captured Yang attempting to stab Carrasco and Carrasco discharging his firearm. Finally, the BWC footage captured Yang who 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 as officers arrived.

Investigators reviewed available civilian video footage of the events prior to Carrasco's arrival that showed numerous people who ran out of and away from the consulate when Yang drove into the lobby. Some civilian video also captured Yang as he stood outside of the blue car he had crashed into the lobby.

The Deputy Director of the Consulate declined to provide surveillance footage for the lobby and visa area of the Consulate to investigators. Nevertheless, investigators determined that no other civilian camera footage, non-Consulate security footage, or any digital in-car video footage for the incident existed.

## Photographs

CSIU members arrived at the location and photographed the inside and the outside areas of the building), the interior of the lobby and where the car came to rest, what appeared to be fresh blood on the floor where Yang fell after being shot), and the interior and exterior of the blue Honda Yang drove through the Consulate entrance.



Figure 18- Post incident footage of the outside of the Chinese Consulate Visa Office door looking south from Geary Boulevard



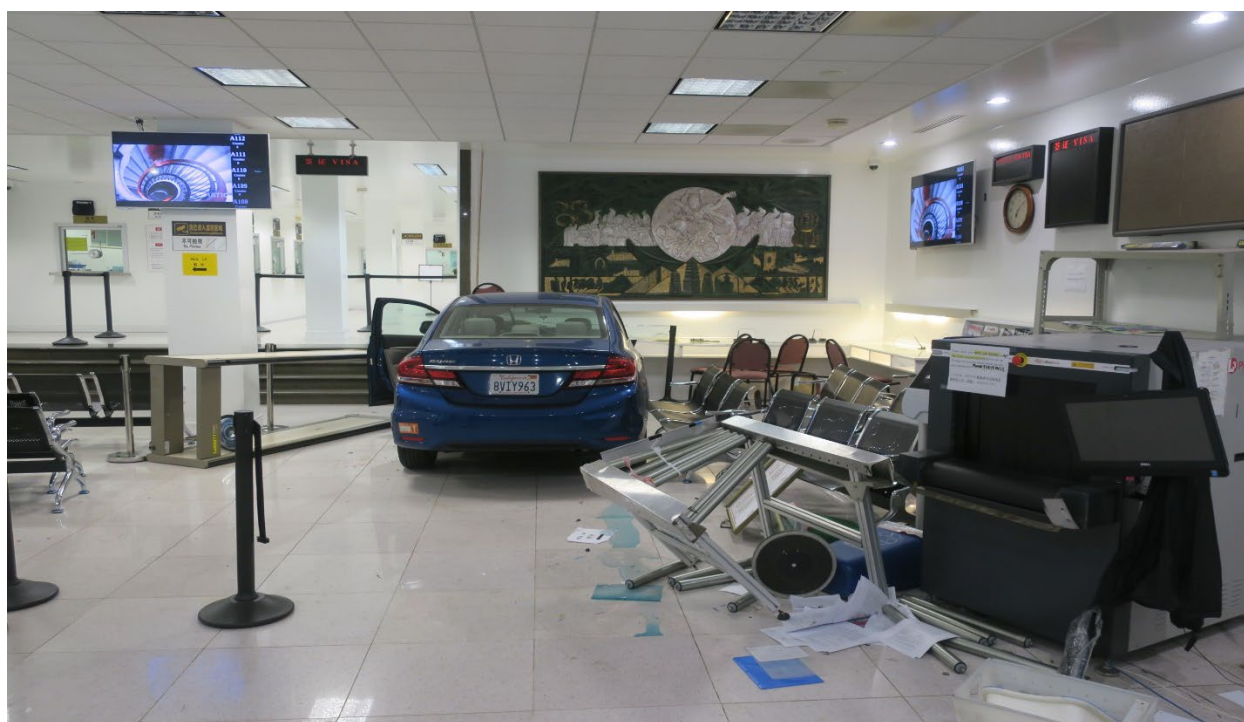


Figure 19- CSIU post-incident photo of the interior lobby area and Yang's blue Honda where it came to rest.



Figure 20- CSIU photo of fresh blood trail from area where Yang was shot by Carrasco and fell afterwards in the Consulate lobby.



Figure 21-CSIU Photo of the fresh blood trail leading from where Yang fell after he was shot by Carrasco and where the knife that Yang held landed (red circle) near photo booths inside the Consulate lobby area.



Figure 22- CSIU photo of the exterior of Yang's blue Honda and where it came to rest in the Consulate lobby.





Inside the Honda, investigators found various items of evidence including a loaded operable crossbow and a cellphone that was powered up and active. Yang's cellphone display remained unlocked and open for searching police to see. The cellphone display showed Yang's active location inside the Consulate and an open map of the area where the Consulate was located. Where Yang's knife fell near photo booths was found and photographed as were the two ejected casings from Carrasco's firearm.

### **Weapons and Other Objects**

Yang's recovered pocketknife had a locking blade and was eight inches in total length. What appeared to be blood evidence was observable on the blade. Investigators searched the car Yang drove and located a black and camouflage-colored rifle styled crossbow with a scope attached and arrow, from the rear driver side passenger seat. The crossbow was determined to be operable. The cellphone investigators located in the front console area of Yang's vehicle was also photographed as it was found.



Figure 23- CSIU photo of the knife Yang possessed with apparent blood evidence and black hairs, the incident number and date



Figures 24- CSIU photo of the operable cross bow and arrow retrieved by investigators from the rear passenger portion of Yang's car



## Communications

A copy of the SFPD Computer Aided Dispatch (CAD) audio call and generated printout associated with this incident were obtained as well as copies of the multiple 9-1-1 calls placed by civilians who witnessed the event.<sup>5</sup> Audio police transmissions were also obtained as part of the investigation. The CAD report documented the time stamps for the 9-1-1 call to police, the relay to officers, Carrasco's response as a solo officer, and officer communications once on scene. All time and date stamps corresponded with video obtained and reviewed, and witness accounts.

## Autopsy

Dr. Christopher Liverman of the San Francisco Office of the Chief Medical Examiner (OCME) performed the autopsy of Yang on October 10, 2023, at the San Francisco Medical Examiner's Office located at 1 Newhall Street, in San Francisco.

Dr. Liverman determined Yang's cause of death was the gunshot wound to his chest and the manner one of homicide due to being shot by Carrasco. The examination revealed in addition to evidence that emergency medical care had been provided to try to save his life. A fresh cut to Yang's left ring finger below the second knuckle with some bruising was documented, as was Yang's black shirt he wore on the day of the incident which showed a single bullet hole near the left chest pocket. A mushroomed projectile was found in the left chest cavity along with evidence of excess blood in the area. At autopsy, it was determined that Yang was struck by a single, jacketed bullet that was removed from Yang's chest. The recovered bullet was placed into evidence by the OCME for later examination by CSIU investigators.



Figure 25-OCME photo of mushroomed projectile removed from Yang's left chest cavity.

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<sup>5</sup> Investigators to date have been contacted by very few of the percipient witnesses to this event.





The OCME also prepared a report of the forensic toxicology analysis performed on October 10, 2023, by Dr. Liverman who conducted a postmortem toxicology study of Yang's blood and urine samples. Both the blood and urine toxicology study revealed Yang was negative for any intoxicating substances.

OCME investigators documented the discovery of a dark grey folding knife amongst Yang's received belongings.

### Search Warrant Service

Search warrants for Yang's residence and cellphone were obtained. During the search of Yang's residence investigators located and seized books *On Guerrilla Warfare*, by Mao Zedong, and *Political Murder: From Tyrannicide to Terrorism* by Franklin Lewis Ford. Officers also located five checks made out for Yang's monthly rent to the apartment's landlord through February 2024. Five airsoft handguns and three airsoft rifles that closely resembled real firearms were found as well as five rounds of live ammunition. Of note, airsoft guns may be modified into lethal firearms. Investigators also located



Figures 26A and 26B (above)- Photos from two angles of an airsoft rifle seized by SFPD from Yang's residence after the search warrant was executed.

Figure 27-Photos of airsoft pistols found in Yang's apartment also after the search warrant was executed.





Yang's cellphone data was downloaded and reviewed. Forensic analysis revealed that Yang searched the internet for a book entitled *On Guerrilla Warfare*, by Mao Zedong. Cellphone data records also showed Yang called his mother on October 9th, 2023. When investigators spoke to Yang's mother, she confirmed that she had spoken with her son but had no insight into what may have motivated Yang. No additional information was discovered from the search warrant service to assist investigators with establishing a motive for Yang's actions on the incident date.

## Zhanyuan Yang – Background



Figure 28-Yang's DMV photo taken May 18, 2017.

Yang's Department of Motor Vehicles record described him as an Asian, male, 31 years old, 5'11, 218 pounds in an application for California Driver License. Investigators determined Yang had no criminal record.

## Involved Police Officers

### Statement by Troy Carrasco

Troy Carrasco (Carrasco) provided a voluntary statement to IIB investigators on October 11<sup>th</sup>, 2023, with his attorney present. The following excerpts are from that statement as well as summarized in this section.

Carrasco, a veteran SFPD officer for 24 years as of the date of the incident, held the rank of Sergeant on the date of the incident. Carrasco was an experienced plainclothes undercover officer, narcotics and firearms investigator, and a narcotics instructor. Assigned to Northern Station and an overtime detail to deter auto burglaries, Carrasco returned from lunch at Northern Station when he heard the call for service over the radio that involved the Consulate and Yang. Carrasco told investigators:

“...This call for service came out of a car into [sic] a building, the Chinese Consulate, and a man with a gun. I'll go to that, I'm right here. I'm only—I'm less than a mile away and then there was a second caller, and it was the same thing, a man with a gun into the Chinese Consulate, drove into the building. And I'm envisioning he hit the side of the building. The second caller though, the Dispatcher, for whatever reason just had a different tone in her voice when she dispatched it. So, I got a car, and I was the first one off the lot and I went Code 3 (lights and sirens) down Steiner, hit Geary, Geary down through the tunnel and up



across Webster. It took me less than a minute I think to get there. As I came up to the intersection of Laguna, I didn't see anything. There was nothing. There was no car into the building. It was weird. So, I was in the number two lane and I proceeded eastbound just slow, kind of looking. There's nothing. Then there were [sic] a group of people east of the consulate on the sidewalk and I could see one guy standing there in a group of maybe, I don't know, twenty people, and he was pointing towards the building, and it was the weirdest thing because there's nothing there. So, I went further east and...as it came into my vision, I could see that it was just wiped out. So, I kept going and as I moved eastbound, I went southbound tactically towards the building at the doorway because it was blown open and then all of a sudden, I caught the image of the car stuffed all the way into the building. So...I pulled up, came to a stop, and as I opened my door, I looked down the block to see if [officers] [were] coming and there was nobody coming and I just remember shit [sic], I have to go in, you know. So, I got out of the car, and I could hear all this noise and I'm just thinking [there is] a guy [in there] with a gun."

Carrasco, although solo, decided to go into the Consulate because the call for service referenced a person inside armed with a gun, multiple victims might be in distress, and time was of the essence. Carrasco described to investigators what he saw and heard when he approached the Consulate's demolished door:

"I took my gun out I think, as I hit the sidewalk... All I could hear was all the noise and the screaming and the banging that was going on inside. I couldn't see anything as I was walking in. All I saw was this car all the way stuffed into the room. So, I made entry, and I think I kept my gun down low and I took a left and all I saw was chaos, four or five people throwing things, screaming and pushing things. It was pretty, uh, it became [sic] obvious quickly that [Yang] all the way against the wall was—was the focus of everybody else's attention and they were—and I thought I saw something being thrown at [Yang]. It just was crazy. And I moved forward towards [Yang] and I just got this wave of pepper spray, it was like this whole room was just filled with [pepper spray]. And I see [Yang] against the wall. His right shoulder and side of his body was against the wall. He's facing—I think there's somebody standing over... to his left or up against the wall and it's like they have these little like sets of chairs, like they're pushing them towards him and then he's pushing them away. And it's just chaos. I see something in his hand. It's in his right. He's against the wall and it's black. And my brain tells me right away, it's not a gun, right? [Maybe] it's pepper spray. This whole room is filled with pepper spray, it's a can of pepper spray."

Carrasco believed Yang was only armed with pepper spray, given the fact it was in the air and decided to deescalate by holstering his firearm. Carrasco also described the sensation of the pepper spray and told investigators that his eyes started to burn on contact and how it affected his vision by partially blinding him. Nevertheless, Carrasco decided to try to go hands on to grab Yang to get him under control. Carrasco told investigators:

"As I grab [sic] [Yang] and step in, I feel him start to turn towards me and he pulls—so, he's going to pull his right side towards me and he's pulling his left arm out of my control. And I don't have a grip because he's just soaked in what I thought was blood. And then I see come into view up at about his head-shoulder area, a knife. I see the blade of a knife. And, um, everything just slows down and I actually think that it's a dark gray blade or gray blade...And then I realize it's a knife and this guy is pushing, opening up and coming



towards me. So, I pushed him as hard as I could against the wall, and I started to go back. I backpedaled and took out my gun as he came around [with the knife] and I fired.”

Carrasco elaborated his thoughts when he saw that Yang was holding a knife:

“When I went in and grabbed [Yang], so now I’m literally standing at his left shoulder and as I grab his—his left wrist with my—left hand and started to grab—put my right hand on him that is when he started to turn towards me and then that’s when I saw the knife[.] This guy [Yang] was determined. He would have stabbed me. He would have stabbed anybody he had the opportunity to stab. He had more than—based on what I saw and what I was hearing he had every opportunity to drop that knife. This guy was—this guy was determined... [.]”

Carrasco also described his mindset when he entered the Consulate. He stated:

“My brain was telling me that this could be an active shooter was...that was when the terror and the fear really, really, I mean it started to set in that this is—this is—this shit’s real and I have to—I have to go in there...people would have died.”

Carrasco told investigators given the threat Yang presented he had no choice but to shoot and stated:

“I wish it wasn’t me. But I’m sad, I’m really sad [about the shooting]. I was hoping to go my whole career without something like this [an OIS]. I’ve been in situations where I think I’ve gone above and beyond so that [an OIS] wouldn’t happen and I’m just sad.”

## **WITNESS OFFICERS:**

### **Statement by Brett Hernandez**

Brett Hernandez (Hernandez) provided a voluntary statement to investigators on October 11<sup>th</sup>, 2023, with his attorney present.

Hernandez, employed by SFPD for approximately seven years as of the date of the incident, was a patrol officer assigned to Northern Station. Hernandez heard there was a call for service of a person, “... [who drove] a car through the Chinese Consulate, [was] armed with a firearm, and fighting with security.” Hernandez and his partner responded to the call with only that limited information.

Hernandez told investigators that he exited the police car and took out his gun because of the nature of the call and the likelihood an individual who drove a car into a building might also kill or commit great bodily injury to others. On entry to the Consulate, Hernandez told investigator he saw Carrasco fighting with Yang. He also immediately smelled and felt the pepper spray in the air. Hernandez could see that Carrasco held Yang by the left shoulder but did not have complete control of Yang. He also saw that Yang held a knife in his right hand. Hernandez paused when he saw the knife. Hernandez told investigators his partner rushed to help Carrasco who simultaneously fell back just as Hernandez heard a gunshot. Yang then with the knife still in his hand fell to the ground. Officers then rushed to provide CPR to Yang.

Hernandez elaborated on the factors that led him to conclude Yang was a deadly threat:





“[Yang] was actively trying to get to the security guard. He had the knife raised up above the shoulder near his head level and the blade of the knife exposed and he seemed to be moving toward the direction of the security guard who was in the corner...I believed [Yang] was going to stab the security guard...[.]”

### **Statement by Jesse O’Keefe**

Jesse O’Keefe (O’Keefe) provided a voluntary statement to investigators on October 11<sup>th</sup>, 2023, with his attorney present.

O’Keefe, employed by SFPD for approximately seven years as of the date of the incident, was a patrol officer assigned to Northern Station. O’Keefe told investigators before Carrasco left to respond to the emergency, O’Keefe asked Carrasco if he was going to the call for service which Carrasco described to him as, “a gun call, at the Chinese Consulate, someone drove through the entrance.” O’Keefe then told investigators:

“We respond Code 3 to the [Consulate]. As we’re getting there, [Carrasco] just parked so I parked a little bit behind him. I reached—grabbed the rifle, Carrasco exits his car—starts going into the building. So, I grabbed the rifle, we’re two seconds behind him. As we enter the building, the doors were open. I saw a blue car in—inside the building straight ahead of me. Then we heard a commotion to our left, so we believed that’s where he was, so I turned the corner left and I saw [Carrasco] going hands-on with the guy. My partner stopped behind [Carrasco] probably five feet, so I wrapped around him on the right. At this moment I’m thinking he’s resisting. I didn’t see any weapon yet, so I grabbed his shoulder to take him down, so I was behind him grabbing his shoulder to do like a leg sweep on him to take him down to the ground. As I grabbed the shoulder, I saw he had a knife in his right hand, overhand motion, I also saw the security guard in the corner, backed into a corner... So, the hand is like a downward motion with—with the blade pointed downwards and then the knife was black in color. So, I saw that. So, while I was holding, then I saw [Carrasco] kind of push off of him and back up. I was still holding him, heard two gunshots, let go of him. He falls to the ground still holding the knife. I point my rifle at him, tell him to drop the knife. He’s not moving so then I go and hit the knife out of his hand, put him in cuffs, [sic] flip him over. I see one gunshot wound on I believe his left side underneath his arm, so I started applying pressure there and then we started CPR on him.”

O’Keefe elaborated on what he believed would have happened if Yang was not stopped:

“[Yang] would have potentially stabbed the security guard or turned on us. And I was very close to [Yang] and had no clue he had a knife. So, if I had known that, I would have stayed away and probably had to shoot him from further back but I did not know he had a knife...He definitely had the means with the knife, the opportunity, and the ability to stab us...Any knife can be lethal depending on where you stab someone...and the way he was holding it is a downward motion which if he’s going to stab someone it’s going to be in the upper extremities.”

O’Keefe explained what was different about this call for service and the location the call emanated from:

“Because this was an active situation and there was potentially multiple victims inside and a person with a gun...Typically when the Consulate calls it’s someone threatened to do



something and you make phone calls or 'hey, we got burglarized,' it's a cold report—there's no suspect on the scene. This one, suspects on the scene, we're being told he has a gun, and he's actively resisting security guards inside the premise, so we need to make sure no one gets hurt... get him in cuffs and handle it."

## Interviews of Civilian Witnesses

Civilian witnesses to the incident as well as Yang's family were interviewed during this investigation. The following statements represent summaries of the interviews.

- Witness 1 (W-1), J.O.
- Witness 2 (W-2), D.A.
- Witness 3 (W-3), A.C.
- Witness 4 (W-4), N.H.
- Witness 5 (W-5), V.W.
- Witness 6 (W-6), X.C.
- Witness 7 (W-7), Z.C.
- Witness 8 (W-8), Y.L.

### **W-1 J.O.**

W-1, a security guard who worked at the Chinese Consulate on the day of the incident, reported while inside working, he heard a loud noise and then the sound of screeching tires. He looked in the direction of the sound and saw a car crashed in the lobby area of the consulate. W-1 walked up to the car as the driver, Yang, exited the driver's side of the vehicle. W-1 realized that Yang was a threat and placed Yang in a headlock to hold him down. W-1 then saw Yang held a knife in each hand and let go of Yang. Yang then walked towards the rear passenger side of the car and opened the door. W-1 saw a large crossbow and multiple arrows in Yang's rear passenger seat. W-1 stood behind Yang and put his hand on the crossbow to stop Yang from grabbing the crossbow. Yang then stabbed W-1's right hand (between the middle and index finger).

Yang then walked towards the Consulate lobby's visa windows and wanted to enter the door that leads to the administrative offices of the consulate. W-1 was able to pepper spray Yang in the eyes. Yang then walked back towards the lower level of the lobby. W-2 (another guard) also pepper sprayed Yang as both security guards surrounded Yang with chairs to restrict his access to the area.

Carrasco was the first to arrive and joined the guards in their effort to restrain Yang. But Yang punched W-1 on the head and continued to try to get past the security guards and now Carrasco by swinging his knife blindly. W-1 heard Carrasco identify himself as police and tell Yang to drop the knife. W-1 believed Yang was trying to stab anyone around him. Carrasco and the security guards used their hands to stop Yang but struggled to control him against a nearby wall. W-1 fell during the struggle and then heard gunshots.

W-1 told investigators he believed Yang was a deadly threat to anyone inside the Consulate that day and that Carrasco saved their lives.

### **W-2 D.A.**

W-2, also a security guard at the Consulate, told investigators he heard a loud noise and then realized a car had crashed inside the lobby. W-2 knew Yang was not a drunk driver when he saw Yang exit the car with a knife in each hand. W-2 saw Yang opened the driver side rear passenger door of the car at which point W-2 told civilians to exit the building because an armed person was inside. W-2 also directed an unknown civilian to call for police.



W-2 told investigators he saw a loaded and cocked crossbow and possibly a gun in the rear passenger area. W-2 told the other security guards about the gun. W-2 heard Yang say, "I'm against the CCP (Chinese Communist Party)" and "I'm looking for the big guy in the consulate!" W-2 told Yang, "Calm down, calm down, calm down! Hold your knife! Let's go home safe today!" but Yang tried grabbing the crossbow again. W-2 pushed chairs towards Yang to keep him from accessing the crossbow and to contain him. W-2 wanted to approach Yang, but he did not feel it was safe to do so. W-2 feared for his life because Yang was fighting with the guards had weapons and was a danger to everyone in the lobby. W-2 told investigators he saw that the crossbow was cocked and ready to fire.

### **W-3 A.C.**

W-3 was in the lobby and seated near the area where Yang's car stopped after the crash. W-3 heard a what sounded like a car collision. W-3 turned to her left to see the source of the noise and saw a blue car driving towards her. The car crashed into other objects and then slowed down as W-3 stood because the car continued driving towards her. W-3 moved out of the way and realized the crash was not an accident.

W-3's boyfriend, (W-4), believed there may be a bomb in the vehicle. W-3 saw Yang exit the blue car and observed he was bleeding from one side of his forehead. W-3 heard Yang's voice but could not make out any words. W-3 saw a bald security guard (W-1) holding a crowd control stanchion in the air defensively against Yang. W-3 described Yang as aggressive and fighting the security guards. W-3 did not see a weapon in Yang's hands but overheard someone say there was a rifle in the back of the vehicle. W-3 ran out of the building in fear for her life and was outside when she saw a police officer run into the building with his unholstered gun. Another officer arrived seconds later. W-3 told investigators she heard two gunshots but did not witness the shooting.

### **W-4 N.H.**

W-4 was sitting next to W-3 as they waited for passport assistance, when Yang drove and crashed his car into the building. W-4 saw Yang exit his car and noted that Yang did not appear disoriented but was erratic and agitated. Yang reached for an unknown object in the back seat of his car as a security guard tackled Yang. W-4 ran out of the building but walked back inside to help the security guards stop Yang. W-4 saw Yang holding one knife in each hand as he said, "I'm a Chinese national! I don't want to hurt you guys!" The security guard pinned Yang against the car but Yang still held the knives up in the air. Multiple people yelled, "Drop the knives! Drop the knives!" Yang was able to escape the hold and ran towards the visa windows. W-4 believed Yang was trying to attack the employees behind the windows.

W-4 saw the security guard pepper spray Yang after which Yang ran. The security guard pepper sprayed Yang a second time and barricaded Yang with chairs. W-4 told investigators he grabbed one of the crowd control stanchions and was able to hit Yang's left hand which caused him to drop the knife. W-4 then hit Yang's right hand to cause him to release the second knife, but the knife did not fall out. The security guards continued using chairs to barricade Yang against the wall.

W-4 saw Carrasco arrive and run in as they (security and the civilian witness) told Carrasco that Yang had a knife. Carrasco tried to subdue Yang and W-4 lost sight of them at which point W-4 heard two gunshots.





W-4 told investigators that he did not believe that Carrasco saw either knife during his initial approach because Yang had his hands concealed to protect the knife he held. W-4 also did not believe Carrasco heard them say Yang had a knife because the incident was chaotic and loud.

W-4 stated he thought Carrasco saved their lives. W-4 believes Carrasco would have been stabbed if he had not shot Yang. W-4 also believed Yang was going to shoot them after intentionally crashing into the consulate. It was only when the incident was over that W-4 learned the weapon in Yang's car was a crossbow and not a gun.

#### **W-5 V.W.**

W-5 was seated in the customer glass windows area when he heard what sounded like a car crash. W-5 saw Yang driving towards him and that Yang "[wasn't] stopping... [and was] like full on gassing it." W-5 believed Yang would next shoot people because the crash appeared intentional. W-5 ran out of the Consulate and did not look back towards Yang or the car.

#### **W-6 X.C.**

Chen stated she was standing in front of Window #9 with her husband when she heard a loud sound. Chen turned and saw a car crash into the Chinese Consulate. The security guard pulled Yang out of the vehicle. The security guard told Yang to, "Stop!" multiple times. Chen believes she saw Yang holding a knife at the time the security guard held Yang beside the vehicle. Chen believed Yang was going to possibly kill someone. Chen ran out of the building with her husband. Chen did not see inside of Yang's vehicle.

#### **W-7 Z.C.**

Cheng advised he was standing in front of Window #9 of the Chinese consulate when he heard a loud noise coming from outside. Cheng looked towards the direction the noise was coming from and saw a car crash into the Chinese Consulate lobby. The Chinese Consulate security guard took Yang out of the car and told him, "Stay here!" Cheng heard Yang tell the security guard that he needed to go back into his car and grab his keys, but Yang kept reaching into the back seat of the vehicle. Cheng explained he expected the driver of the car to stay in the driver seat after a collision but instead, Yang began reaching into the rear seat of his vehicle. The security guards told Yang to stop reaching into the vehicle. Cheng grabbed his wife's hand and they both ran out of the building. While running out of the building, Cheng saw the bottom (grip) of what he thought was a rifle inside Yang's vehicle. Cheng recognized the bottom as a rifle because he owns firearms. Cheng stated he believed a possible shooting might occur and he feared losing his life and his wife's.

#### **W-8 Y.L.**

Investigators contacted Yang's mother who resides in China. Yang's mother was shocked to hear what her son had done. Yang's mother told investigators that she sent Yang to study in the U.S. and last visited him in 2016. She reported she had spoken to Yang on the date of the incident around 7:00 p.m., her local time zone. She commented she did not notice anything different about Yang and there was no argument during their conversation. Yang's mother advised she financially



supported Yang since he arrived in the United States but, Yang's visa had expired, and Yang's father had stopped assisting financially to encourage Yang to get a job.

Yang's mother also told investigators she was unaware of any motives for the attack on the Consulate and did not know if Yang was upset at the Chinese government or why. Yang's mother was also unaware that her son had not paid his rent and was behind on his payments.

## Applicable Legal Sections

Per the California Commission on Peace Officer Standards and Training Use of Force Guidelines (2021), a use of force 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 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.

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) And while all murders and manslaughters are homicides, not all homicides are murders or manslaughters. Both murder and manslaughter may be justified or excused and the resultant killing lawful.

### Self-Defense and 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 offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal. App.5th 732, 744.) 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.)

Penal Code sections 196 *et. seq.* sets forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (*Cf.* Pen. Code, § 197 [listing circumstances where homicide committed by "any person" is justifiable, which includes self-defense or the defense of others].) 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.) This is known as the “subjective component.” (*Humphrey*, *supra*, 13 Cal.4th at p. 1082.)

The objective element also requires that the person’s belief be objectively reasonable. In assessing the objective component, the trier of fact must consider what would appear to be necessary to a reasonable person in a similar situation with similar 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 consider 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.)

Penal Code section 196 also 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.)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary”: (1) “to defend against an imminent threat of death or serious bodily injury to the officer or to another person”; or (2) to apprehend a fleeing person who has committed a felony “that threatened or resulted in death or serious bodily injury,” and the officer “reasonably believes that the person will cause death or serious bodily injury” if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force “only, when necessary, in defense of human life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

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); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “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”].)





Another aspect of self-defense is the assessment of whether danger was imminent. 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. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].) 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.)

“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)(3).) De-escalation methods, tactics, the availability of less lethal force, and department policies may be used when evaluating the conduct of the officer. However, 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); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“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”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal.App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

### **Burden of Proof**

A prosecutor bears the burden of proving a criminal defendant’s guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L. Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 [“A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt,” quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)



Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant's burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual (subjective) or reasonable (objective) belief in the need for self-defense or the defense of others.

## Legal Analysis

The SFDA has completed an investigation and review of the facts and circumstances that led to the death of Zhanyuan Yang. This analysis is informed by the comprehensive evaluation of all of the available evidence provided to the SFDA-IIB by the SFPD and the SFDA-IIB's own investigative review which includes in this matter all incident reports, civilian and police officer witness statements, forensic evidence collected, the medical examiner's reports, body worn camera and civilian camera footage, as well as later obtained documents such as a criminal history information, and the receipts, information and materials obtained, and seized as the result of a lawfully executed and served search warrant.

The singular issue presented by this OIS is whether Officer Carrasco acted lawfully, in self-defense or defense of another, when he fired his firearm at Yang, or if that same action creates a basis to criminally prosecute the officer for killing Yang. A detailed analysis of the evidence surrounding the OIS shows overwhelmingly that Carrasco reasonably believed the use of deadly force was necessary to defend against the imminent threat of death or great bodily injury that Yang presented to everyone inside the Chinese Consulate that day. Therefore, from a comprehensive review of the materials and documents in this matter it appears the shooting of Yang was justified and that there is no evidence that Officer Carrasco acted unlawfully.

The determination that Officer Carrasco acted lawfully when he fired his firearm is supported by the statement that officer Carrasco gave in the hours after the incident and his real-time observations mostly captured by his BWC. Officer Carrasco also expressed to investigators his thoughts, feelings, and concerns when he entered the Chinese Consulate and made his initial observations of the damage to the entryway caused by Yang when he drove his car into the Chinese consulate lobby. Officer Carrasco explained that he considered this was likely to be a deadly encounter because of the initial reports that Yang had a gun, and the possibility that Yang was an "active shooter."<sup>6</sup> That Yang possessed a knife and not a gun when Carrasco attempted to go "hands on" and subdue him, did not change the danger of the encounter especially when viewed with Yang's movements and aggressive efforts to stab anyone close to him. Indeed, Yang succeeded in seriously injuring one of the security guards and demonstrated willingness to hurt others. Carrasco assessed the danger Yang presented in the fractionalized seconds before he shot Yang all of which supported his belief that Yang represented a deadly threat to himself as well as anyone who was in arm's length of the knife Yang wielded wildly.

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<sup>6</sup> The Federal Bureau of Investigation (FBI) defines an active shooter as "one or more individuals actively engaged in killing or attempting to kill people in a populated area." The Federal Emergency Management Agency (FEMA) adds that the killing or attempted killing may occur in a confined space and that active shooters typically use firearms and have no pattern to their selection of victims.



## Conclusion

The evidence in this incident shows beyond a reasonable doubt that Officer Carrasco acted with lethal intent only to defend himself, the consulate security staff, and all civilians present from the imminent deadly threat that the knife-wielding Yang presented. From the totality of the circumstances present which included the fact that Yang drove his car into a waiting room lobby where many innocent civilians sat just seconds before, had multiple weapons available, stabbed a security guard, and was actively violently resisting Carrasco's efforts to subdue him all amply support Carrasco's objectively and subjectively reasonable beliefs that culminated with him backing up and shooting Yang to end the threat that Yang posed. Because the shooting of Yang was justified by both self-defense and defense of others, criminal charges are unwarranted against the officer and no further action will be taken in this matter.