



## PUBLIC RELEASE MEMORANDUM

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Date: July 24, 2024

Subject: Non-Fatal Officer-Involved Shooting

Involved Officers: Deputy Cameron Stanley  
San Bernardino County Sheriff's Department

Involved Subject/DOB: Todderick Randall  
05/29/1984

Subject's Residence: Victorville

Incident Date/Time: August 19, 2022, 12:10 p.m.

Incident Location: WinCo Foods Supermarket, Victorville

Case Agent/Agency: Detective Malcolm Page  
San Bernardino County Sheriff's Department

Agency Report Number: DR# 172209645  
H# 2022-103

DA STAR Number: 2023-00-0051166

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**PREAMBLE**

This was a non-fatal officer-involved shooting by deputies from the San Bernardino County Sheriff's Department. The shooting was investigated by the San Bernardino County Sheriff's Department. This factual summary is based on a thorough review of all the investigative reports, photographs, video, and audio recordings submitted by the San Bernardino County Sheriff's Department.

**FACTUAL SUMMARY**

Todderick Randall walked into a crowded WinCo Foods Supermarket in Victorville just before noon on August 19, 2022. While Randall made his way through the store, a man shopping with his child noticed that Randall carried what looked like a knife<sup>1</sup> in his hand. The customer alerted Witness #1, an employee of WinCo Foods, and suggested she contact security.

Witness #1 contacted Lead Clerk, Witness #2, and told him about Randall. Witness #2 began walking around the store in search of Randall. Meanwhile, Randall went to the liquor aisle, selecting a premade margarita bottle from the shelf. Randall held a Husky brand, folding lock-back utility knife in his right hand. The knife had a pointed end and appeared to be locked open and ready for use. Randall opened the margarita bottle and began consuming the beverage while pacing back and forth and stumbling in the aisle. As Randall paced the liquor aisle, he held the utility knife in his right hand and the bottle in his left, taking long drinks from the bottle.

While walking past the liquor aisle, Witness #2 spotted Randall. Witness #2 stopped at the end of the aisle and looked at Randall. Witness #2 saw that Randall had a pointed object in his hand, which he believed was a box cutter. Witness #2 watched but did not approach Randall. Witness #2 noted that Randall was making "weird gestures" and was drinking straight from a large bottle of premade margarita. Witness #2 believed Randall was possibly under the influence of alcohol or narcotics and noted that Randall did not appear agitated.

At 12:02 p.m., Witness #2 called the Sheriff's Department for assistance and alerted his store manager. While waiting for law enforcement's arrival, Witness #2 stayed near the liquor aisle to keep customers from encountering Randall. At 12:08 p.m., San Bernardino County Sheriff's Deputies Cameron Stanley and Corrin Cassidy arrived to assist. As soon as the deputies arrived, Witness #2 headed outside the store to meet them.

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<sup>1</sup> The knife was recovered during the crime scene investigation and was determined to be a silver "Husky folding lock-back utility knife." The utility knife appeared similar to what is commonly known as a box cutter. See page 25 for a photograph. Witnesses variously described the utility knife as either a knife or a box cutter. The specific term used by each witness will be provided in the summaries of their interviews; however, for ease of reference, the utility knife will be referred to as a utility knife or knife more generally throughout the memorandum.

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Witness #2 was visibly concerned as he met Deputies Stanley and Cassidy outside and quickly escorted them into the busy store. Maneuvering past multiple customers, Deputies Stanley and Cassidy followed Witness #2 as he led them to Randall's location in the liquor aisle. Deputies Stanley and Cassidy entered the liquor aisle and walked toward Randall. Randall turned to look at the deputies, still holding the knife in one hand and the margarita bottle in the other. Seeing that Randall had a knife in his hand, Deputies Stanley and Cassidy stopped 10 to 15 feet away from him. Deputy Cassidy asked Randall, "What's going on, man?" Deputy Stanley asked Randall, "What's up, man? Hey, do you mind just tossing that knife over to the side?" Randall did not drop the knife and instead took a bladed stance, flexing both of his arms to the front of his body, with his elbows slightly bent and his hands balled into fists at about waist-level, as he held onto the knife and the bottle.

Deputy Stanley asked Randall again, "Hey, why don't you put the knife down?" With Randall's continued refusal, both deputies stopped asking Randall to drop the knife and began ordering him to do so. Deputy Stanley withdrew his handgun from his holster while Deputy Cassidy withdrew her Taser. The deputies continued ordering Randall to drop the knife and to put the knife down, but still, he refused. Attempting to disarm Randall, Deputy Cassidy deployed the Taser, striking Randall. Randall still refused to drop the knife and grabbed at the Taser wires, trying to pull them from his body. Randall then turned and ran away from the deputies, still holding the knife in his hand. Deputy Stanley, with the gun still in his hand, and Deputy Cassidy, holding her Taser, gave chase. Randall reached the end of the aisle, heading to his right, and disappearing from the deputies' view. When Deputies Stanley and Cassidy rounded the end of the aisle, both were stunned to see Randall had stopped and turned to face the deputies. As the deputies attempted to stop, Randall, only five to eight feet away, lunged toward them with the knife above his head and slashed the knife at the deputies. Deputy Stanley fired his handgun while Deputy Cassidy fired her Taser at Randall. Randall was struck by gunfire and fell to the ground.

Deputies Stanley and Cassidy immediately approached Randall, took him into custody, and began rendering medical aid. Paramedics arrived on the scene and took over Randall's care before he was transported via air to the hospital, where he was treated for his injuries.

**STATEMENTS BY POLICE OFFICERS<sup>2</sup>**

On August 31, 2022, at approximately 1:30 p.m., **Deputy Cameron Stanley** was interviewed by Detectives Jonathan Ramstad and Justin Carty of the San Bernardino County Sheriff's Department.

Deputy Stanley was employed by the San Bernardino County Sheriff's Department. On August 19, 2022, Deputy Stanley was on duty, assigned to uniformed patrol in the city of Victorville. Deputy Stanley wore a San Bernardino County Sheriff's Department Class A

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<sup>2</sup> Herein is a summary only. All reports submitted were reviewed, but not all are referenced here.

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uniform, which consisted of a tan long-sleeved, button-down shirt, green pants, and black boots. Deputy Stanley's uniform shirt had a cloth United States flag sewn above the right breast pocket; a gold-colored nameplate was pinned beneath the flag. The nameplate displayed "C. Stanley" in black lettering. A gold-colored San Bernardino County Sheriff's badge was pinned on the uniform's left breast pocket and San Bernardino County Sheriff's patches were affixed to the right and left shoulder of Deputy Stanley's uniform shirt.

Deputy Stanley's duty belt held the following department-issued equipment: Digital audio recorder, a key ring with a set of vehicle keys, oleoresin capsicum spray, a Glock, Model 21, .45 caliber handgun loaded with 13 rounds in the magazine and one round in the chamber, handcuffs, a tourniquet, a handheld radio with a lapel mic, a rapid containment baton, a yellow X2 Taser, and three Glock .45 caliber magazines. Deputy Stanley utilized his department-issued Glock 21, .45 caliber handgun at the time of the officer-involved shooting. Deputy Stanley's belt-recorder was activated during the incident under review. Deputy Stanley reviewed the audio and video recording of the incident prior to his interview.

Dispatch broadcasted a call for service at the WinCo Foods Supermarket in Victorville regarding a male adult who was inside the store drinking from a bottle of alcohol and carrying a box cutter or pocketknife in his hand. Deputy Stanley believed the call was broadcasted at 11:00 a.m.<sup>3</sup> The male was described as a black male adult, approximately 25 to 30 years of age, wearing a gray tank top and black cut off sweatpants. The male was reportedly not combative at the time. Deputy Corrin Cassidy took the call for service, and Deputy Stanley assisted. Deputy Stanley was only a half-mile away. Deputy Stanley drove a marked San Bernardino County Sheriff's patrol vehicle to the location, arriving at about the same time as Deputy Cassidy. Deputy Stanley and Deputy Cassidy walked into the store together. When they walked into the store, Deputy Stanley noticed the store was heavily populated with customers. The deputies had to maneuver around customers as they entered the store. Deputy Stanley estimated he saw more than 75 customers as he entered the store.

Deputy Stanley and Deputy Cassidy contacted the reporting party, Witness #2, an employee of the store. Witness #2 appeared to be somewhat frightened and did not really talk to the deputies. When Deputy Stanley asked him a question, Witness #2 motioned for the deputies to follow him as he walked at a quick pace toward an aisle in the store near the bread section. Witness #2 then said, "That's the guy with the knife," or something similar. Witness #2 motioned toward a male, later identified as Todderick Randall. Randall was leaning up against the side of the aisle. After confirming with Witness #2 that this was the male who was drinking alcohol and that he wanted the male to leave the location, Deputy Stanley approached Randall.

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<sup>3</sup> According to the Sheriff's dispatch log, the call for service was broadcasted at approximately 12:02 p.m.

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As he approached Randall, Deputy Stanley saw that Randall had a half-empty open bottle of alcohol that looked like margarita mix in his hand. Randall walked to the middle of the aisle with an unsteady gait. Randall appeared disoriented and “fumbled when he stepped.” Deputy Stanley believed Randall was under the influence of alcohol because Randall was “wobbling,” had an unsteady gait, and held a half-empty container of alcohol. Randall did not say anything to the deputies as they contacted him. Randall held the alcohol bottle in his left hand and a “heavy-duty folding box knife” that was approximately five to six inches long with a one-inch blade in his right hand. It was not typical for someone to have an open knife in a busy store, so Deputy Stanley was worried for the safety of the customers.

Deputy Stanley told Randall, “Hey, man, can you do me a favor and toss the knife to the side?” Randall turned toward Deputy Stanley and, in an aggressive manner, flexed both of his arms to the front of his body, with his elbows slightly bent, and his hands balled into fists at about waist-level. Randall gave no verbal response. When Randall turned toward Deputy Stanley with the knife, Deputy Stanley pulled his handgun from his holster just in case Randall ran after the deputies. Deputy Stanley estimated he was 15 feet from Randall. While Randall held onto the knife, the deputies could not safely approach him.

Deputy Stanley asked Randall again to drop the knife, but Randall again gave no verbal response and instead moved the knife back and forth in an aggressive manner. At that point, Deputy Stanley saw the look in Randall’s eyes and noted that Randall looked somewhat agitated. The muscles in Randall’s face were flexed as he glared at the deputies. Because of this, Deputy Stanley switched from asking Randall to drop the knife, to ordering him to drop the knife. Deputy Cassidy also ordered Randall to drop the knife. Still, Randall refused to drop the knife and kept flexing his arms with the knife in his hands. Randall did not move, and just stayed in one spot. Deputy Stanley again commanded that Randall drop the knife, but Randall still refused to comply and continued looking at the deputies in an aggressive manner. Randall gave no verbal response to the deputies. Randall’s body language conveyed that he was prepared to fight. Randall stood in a squared stance and continued flexing his arms with the knife in his hand. Deputy Randall believed that if they tried to get closer to Randall, then Randall would have attacked them with the knife. Deputy Stanley knew that Randall “could very easily run after” the deputies with the knife and “attempt to slash or stab” them, which could cause great bodily injury or death to the deputies.

As Randall flexed his arms and moved the knife back and forth, Deputy Stanley grew more concerned that if they did not act, there was a good chance that Randall would run after them with the knife. Deputy Stanley told Deputy Cassidy to take out her Taser. Deputy Stanley wanted a less-lethal option available. Deputy Stanley knew a successful Taser deployment typically would cause a person to “seize up and fall, and drop anything in their hand,” and thus believed this would allow them to deescalate the situation without Randall running toward them with the knife. Deputy Stanley ordered Randall to drop the knife a fourth time, but he still refused to do so. Deputy Stanley recommended to Deputy

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Cassidy that she use the Taser. Deputies Stanley and Cassidy walked a few steps closer, so they were about 10 to 15 feet away for a successful Taser deployment. Deputy Cassidy fired the Taser at Randall. Deputy Stanley believed the Taser hit Randall under his left chest and at his right thigh. The Taser was ineffective and appeared to have zero effect on Randall. Randall dropped the bottle of alcohol, said, "Fuck you," grabbed the Taser wires with his left hand, and pulled them. Deputy Stanley and Deputy Cassidy both gave Randall commands to get on the ground. Deputy Stanley repeated the command to get on the ground twice, but Randall still pulled the wires and then started to run away from their location.

Based on Randall's demeanor, Deputy Stanley feared there was a strong chance Randall would stab someone. The store was heavily populated, so for the safety of the public, Deputy Stanley pursued Randall. Randall rounded the north end of the aisle to head east, and Deputy Stanley lost sight of him for about a second. When Deputy Stanley rounded the aisle, he saw Randall with the knife raised in the air with his right hand, lunging toward Deputy Cassidy. Deputy Stanley estimated he was five to eight feet away from Randall. Deputy Cassidy was right next to Deputy Stanley, off to the right, and was closer to Randall than he was. To protect her safety, and his own, Deputy Stanley pointed his handgun and fired at Randall to stop the threat. With the first two gunshots, Deputy Stanley did not have a clear picture of Randall in his sights, but he was able to obtain a sight picture of Randall when he fired the additional rounds. Deputy Stanley held his gun with both hands as he fired and stopped firing when he saw Randall no longer had the knife in his hand and was no longer coming toward the deputies. Deputy Stanley thought he fired four to five rounds, but learned after the incident when the detectives counted the number of rounds remaining in his gun that he had fired seven rounds. Deputy Stanley believed Randall would have stabbed or slashed his partner, or himself, and would have seriously injured or killed one of them had he not fired.

Deputy Stanley immediately approached Randall and could not see the knife. Deputy Stanley holstered his firearm and placed Randall into handcuffs. Deputy Stanley asked a bakery worker for gloves since he had run out of gloves earlier in the day. The bakery worker gave Deputy Stanley gloves. Deputy Stanley started to look for major bleeding on Randall and saw a bullet wound to Randall's right arm that was bleeding heavily. Deputy Stanley plugged the bullet hole with his right index finger to stop the bleeding and continued looking for other bullet wounds with his left hand. Deputy Cassidy used her police radio to contact dispatch to have medical aid to respond to the scene. Sergeant Laing and other deputies arrived to assist, and Sergeant Laing took Deputy Stanley away from the scene.

On August 31, 2022, at approximately 10:28 a.m., **Deputy Corrin Cassidy** was interviewed by Detectives Jonathan Ramstad and Justin Carty of the San Bernardino County Sheriff's Department.

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Deputy Cassidy was employed by the San Bernardino County Sheriff's Department. On August 19, 2022, Deputy Cassidy was on duty, assigned to uniformed patrol in the city of Victorville. Deputy Cassidy drove a marked Sheriff's patrol vehicle. Deputy Cassidy wore her San Bernardino County Sheriff's Class A uniform consisting of a tan long-sleeved button-down shirt, green pants, and black boots. Deputy Cassidy's uniform shirt had a cloth United States flag sewn above the right breast pocket, and a gold-colored nameplate pinned beneath the flag. The nameplate displayed, "C. Cassidy" in black lettering. Deputy Cassidy's uniform shirt had a gold-colored Sheriff's badge pinned above the right breast pocket and two Sheriff's patches on both the right and left shoulders. Deputy Cassidy's duty belt held the following department issued equipment: A digital audio recorder, oleoresin capsicum spray, handcuffs, Glock 17, 9mm caliber handgun, patrol unit keys, tourniquet, handheld radio with corded lapel mic affixed to Deputy Cassidy's uniform shirt, rapid containment baton, X2 Taser, three Glock 9mm caliber magazines. Deputy Cassidy's belt-recorder was activated during the incident under review. Deputy Cassidy reviewed the audio and video recording of the incident prior to her interview.

Sheriff's Dispatch broadcasted a call for service regarding an unwanted subject at the WinCo Foods in Victorville. The unwanted subject had a knife or a box cutter and was drinking alcohol in the alcohol aisle inside the store. Because she was a short distance away, Deputy Cassidy asked dispatch to assign her to the call as the primary deputy. Dispatch advised the unwanted subject was described as a black male adult wearing a gray tank top and some sort of black cut-off shorts or sweats. The weapon was described as a knife or box cutter. The subject was not described as causing a disturbance. Deputy Cassidy arrived at WinCo about a minute or two later. Deputy Stanley arrived at the same time. Deputy Cassidy's senses were heightened due to the nature of the call. It was not normal for someone to be inside a store holding a knife and drinking alcohol. Deputy Cassidy parked her patrol unit directly in front of the entrance to the store. The parking lot and the store were heavily populated upon Deputy Cassidy's arrival.

Deputies Stanley and Cassidy were greeted right outside the entry doors by the reporting party, Witness #2, an employee of WinCo. Witness #2 came outside the store with a sense of urgency. Witness #2 didn't say anything, he just motioned the deputies inside and then pointed out the subject in the alcohol aisle. As they entered the store, Deputy Cassidy had to physically maneuver through the customers. Witness #2 walked so quickly to lead the deputies to the subject that Deputy Cassidy had to quicken her pace. Deputy Cassidy verified with Witness #2 that he wanted the subject removed from the store and Witness #2 replied in the affirmative.

From the store's front entry, the liquor aisle was located on the second aisle inside, on right side of the store. As they reached the liquor aisle, Deputy Cassidy saw the subject (Randall) standing in the aisle holding the knife in his right hand and a bottle of alcohol in his left hand. Deputy Cassidy immediately noticed Randall's body language as he turned and faced the deputies. Randall did not say anything, but Deputy Cassidy could see that he "acknowledged the police presence." Randall was clenching his fists and flexing his

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arms with the knife gripped in his hand and took a “bladed stance” like he was “ready to fight.” Deputy Cassidy saw Randall’s eyes were glossed over and his eyes appeared all black. The knife in Randall’s hand looked like a box cutter with a larger than normal blade. Deputy Cassidy estimated the blade was a half-inch. Randall was about a quarter of the way down the aisle. As the deputies entered the aisle, they only took a couple of steps before they were only 10 to 15 feet away from Randall. Deputy Cassidy started to unholster her firearm as Deputy Stanley withdrew his handgun. Deputy Cassidy broadcasted over her police radio that they were with a subject in the liquor aisle and requested a “33,” which essentially meant emergency radio traffic only, so that only she and Deputy Stanley would be on the radio. Because Deputy Stanley had drawn his firearm, Deputy Cassidy re-holstered her gun and switched to her Taser so they would have a less-lethal option available.

Deputy Cassidy heard Deputy Stanley ask Randall, “Hey, do you mind putting the knife down?” Randall did not put the knife down, nor did he say anything. Deputy Cassidy asked Randall, “Hey, man, what’s going on?” The deputies tried to talk to Randall, so it wasn’t “like an immediate attack” on Randall. Deputy Stanley first asked Randall to put the knife down, but he did not respond, so they began to order him to drop the knife. Their goal was to disarm Randall, take him into custody, and to determine whether Randall needed help or if he had committed a crime. Deputy Cassidy ordered Randall two to three times to “drop the knife” and to “put the knife down.” Randall did not respond to the commands. Randall continued to hold the knife in his right hand with a clenched fist. Deputy Cassidy took a couple of steps toward Randall to get a better angle for the Taser to be effective if she needed to deploy it. While they continued ordering Randall to drop the knife, Deputy Cassidy pointed the Taser at Randall’s chest, ensuring that the Taser’s red dot lasers were on Randall’s upper body.

Despite repeated commands to drop the knife, Randall still refused to do so. Deputy Stanley said, “Just do it,” indicating to Deputy Cassidy to deploy the Taser. Deputy Cassidy deployed the Taser and saw both darts go into Randall’s upper right torso, one near the nipple/clavicle and the other near the stomach. Deputy Cassidy ordered Randall to get on the ground two to three times. The Taser was ineffective. Randall immediately tried to swipe and pull the darts out of his body. The Taser darts, or probes, when deployed, are attached to a line, essentially like fishing line. Randall tried to grab onto the line and to pull the probes out of his body. Randall took “some steps backwards, turned, and began running.” Randall still held the knife in his right hand. Deputy Stanley and Deputy Cassidy gave chase. As they ran after Randall, Deputy Cassidy broadcasted over her police radio that the subject was running through the store with a knife in his hand. Deputy Cassidy did this in the event Randall inflicted some type of injury to a customer and wanted to flee the store. There were many people inside the store and Deputy Cassidy didn’t know who Randall might encounter on the other side of the aisle. Deputy Cassidy was concerned there could have been “family and kids and, you know, we knew he was under the influence of at the very least alcohol, but we didn’t know if there’s a lack

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thereof for medications, or if he's supposed to be on some sort of medications, and now he's compensating with alcohol, and we just didn't know his mental state."

Randall reached the end of the aisle as Deputy Cassidy was broadcasting the information over the police radio. Randall made a right turn around the end of the aisle and was out of her view because there was a large stand of liter soda bottles. When Deputy Stanley and Deputy Cassidy rounded the corner at the end of the aisle, she was alarmed to see Randall had stopped running and had turned toward them with the knife in his right hand. Randall's right arm was raised above his head, the knife gripped in his right hand, with the blade facing downward toward the deputies, as if in a "slashing manner to come toward us." In Deputy Cassidy's experience, most foot pursuits don't stop until they catch the person, so for Randall to stop and "essentially ambush" them was "very scary for me." Randall was only three to five feet away from the deputies. Deputy Cassidy didn't want her partner or herself to be hurt or killed. There was nothing between Randall and the deputies. Deputy Cassidy still had her Taser in hand and deployed her second Taser cartridge at Randall. Deputy Cassidy believed only 12 seconds had elapsed between her first and second Taser deployments. Deputy Cassidy's main goal was to disarm Randall. As she deployed the Taser, or seconds after, Deputy Stanley fired his handgun. Deputy Cassidy was beside Deputy Stanley when he fired his gun. The close-range gunfire caused ringing in Deputy Cassidy's ears. Deputy Stanley's first or second round struck the soda bottles, causing them to explode. Deputy Cassidy fell backward to the ground. Deputy Cassidy estimated she heard five gunshots.

While down on the ground, Deputy Cassidy broadcasted over the radio that shots had been fired. Deputy Cassidy got up, re-holstered her Taser, and assisted Deputy Stanley in handcuffing and rendering aid to Randall. Deputy Cassidy observed a gunshot wound to Randall's left arm, right arm, his "back area" which she believed would have been an exit wound, and a finger graze. Over her radio, Deputy Cassidy requested medical aid to come into the store. Deputy Cassidy asked a nearby employee for paper towels and asked responding deputies over the air for a trauma kit because she knew the deputies would probably arrive before medical aid did. Deputy Cassidy attempted to plug some of the bullet holes to stop the bleeding. Randall was wearing a grey tank top that was very small and black shorts. Deputy Cassidy did not see any weapons or bulges of other weapons in Randall's clothes, so the deputies' focus was on rendering aid rather than searching Randall's person. Additional deputies arrived and Deputies Stanley and Cassidy were removed from the scene.

**STATEMENTS BY CIVILIAN WITNESSES<sup>4</sup>**

On August 19, 2022, at approximately 3:48 p.m., **Witness #1** was interviewed by Deputy D. Rapisardi of the San Bernardino County Sheriff's Department.

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<sup>4</sup> Investigators interviewed more than 60 civilian witnesses, including 19 WinCo Foods employees. The witnesses were present inside the store at the time of the incident under review. All interviews were reviewed, although not all are summarized here.

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Witness #1 was employed by WinCo Foods Supermarket and was working on August 19, 2022. When Witness #1 was at the south side of the store, a Hispanic male adult with a child approached her. The male adult told her to advise security about a subject, later identified as Randall, with a knife or a box cutter inside the store. The male described Randall as a black male adult with a skinny build, wearing a tank top. Witness #1 told her lead clerk, Witness #2, about the information and Witness #2 called law enforcement.

On August 19, 2022, at approximately 3:48 p.m., **Witness #2** was interviewed by Deputy Jared Sims of the San Bernardino County Sheriff's Department.

Witness #2 was employed by WinCo Foods and was on duty as the lead clerk on August 19, 2022. At approximately 12:00 p.m., a fellow WinCo employee, Witness #1, told him there was a customer, who she described as a black gentleman wearing a tank top, walking around inside the store with a knife or box cutter. The employee told him she couldn't tell what it was but said it looked like a knife.

Witness #2 walked around the entire store but didn't see the customer with the knife, so he figured maybe the customer had left the store. As Witness #2 walked back to the front of the store, he looked down the liquor aisle and saw a tall black gentleman (Randall), who appeared to be 25 to 30 years old, drinking a bottle of alcohol. Witness #2 stopped because he thought maybe that this was the customer with the knife. Witness #2 looked down and saw an object in Randall's hand. At first, Witness #2 could not tell what the object was, but as he continued watching, he saw the object had a point and thus believed the object was a box cutter. Witness #2 was familiar with box cutters because he worked with them.

Randall was making "weird gestures" like he was "tweaked out," and Witness #2 believed he was under the influence of alcohol or narcotics. Randall was drinking straight from a bottle of Jose Cuervo premade margarita. It was the "biggest bottle they had" at the store. Randall did not appear agitated.

At approximately 12:03 p.m., Witness #2 contacted sheriff's dispatch, told them what was happening, and requested deputies respond to WinCo. Witness #2 told dispatch they would not contact Randall because he had a weapon. Witness #2 called his manager, Witness #3, to inform him about what was happening in the store. Witness #2 maintained a visual on Randall and kept customers from entering the liquor aisle until the deputies arrived. Randall remained in the aisle, still making weird movements an drinking from the liquor bottle. Witness #3 went to the office and watched Randall on the store's video surveillance camera. Witness #3 let him know over the radio when the deputies arrived about five minutes later.

Witness #2 contacted Deputies Cassidy and Stanley outside the store and escorted them to the liquor aisle. The deputies contacted Randall, who was half-way down the aisle. Witness #2 stayed behind the deputies at the southwest end of the liquor aisle. Randall made eye contact with the deputies, took one step toward them, and stopped. Randall

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took a fighting stance in the middle of the aisle with one foot back, one foot forward, and his body tensed. The box cutter was in one of Randall's hands, down at his side, and Randall moved the hand with the box cutter up and down, parallel to his body. Witness #2 could not recall in which hand Randall held the box cutter. Randall had the alcohol bottle in his other hand.

Deputy Stanley unholstered his handgun and kept it down at his side. Deputy Stanley told Randall to drop the knife. Deputy Cassidy pointed her Taser at Randall. Deputy Stanley gave Randall commands to drop the knife four to five times, but Randall just stood there, "kind of tensed up," with the box cutter in one hand and the alcohol bottle in the other hand, looking at the deputies like, "come on what are you going to do?" Witness #2 estimated the deputies were a little over ten feet away from Randall. While Deputy Stanley kept telling Randall to "drop the knife, drop the knife," Deputy Cassidy kept the Taser pointed at Randall. Witness #2 did not know if Randall had made some aggressive move toward the deputies, but after the deputies ordered Randall to drop the knife several times, Deputy Cassidy fired the Taser at Randall. The Taser did not affect Randall. Randall tried to pull on the Taser wires, backed up, and bumped into the wine on the shelf. Randall then turned and ran northeast, and the deputies chased after him.

Chasing after Randall, Deputy Stanley yelled an unknown number of times for Randall to stop. When Randall reached the end of the liquor aisle, he turned southeast. Witness #2 moved one aisle southeast to the soda aisle to watch, and as Randall came around the corner of the aisle, Randall suddenly stopped and turned, and that's when Witness #2 heard the gunshots. Witness #2 explained that it happened so fast, but it looked like Randall "made a motion" toward the deputies. Witness #2 could not see the deputies but believed they were behind Randall, so when Randall turned around, Randall was heading back toward the deputies. Witness #2 was too far away to see whether the box cutter was still in Randall's hand. Witness #2 heard three to four gunshots and saw Randall fall forward to the ground, landing face down with his head facing Witness #2. Witness #2 could not see who had fired the shots because the shelving and merchandise in the soda aisle obstructed his view. Within seconds, Deputies Stanley and Cassidy approached Randall, handcuffed him, and began helping Randall medically.

Witness #2 assisted employees and customers as they exited the store.<sup>5</sup> Several deputies entered the store two to three minutes later, and Witness #2 directed them to Randall's location. Witness #2 heard deputies ask store employees for towels and gloves. Witness #2 walked past the soda aisle and saw Randall was naked on his side. Witness #2 did not see any injuries but did see blood on the floor. Witness #2 went to the back of the store to assist the remaining employees and customers as they exited. About 10 to 15 minutes after the shooting, paramedics entered WinCo. Witness #2 did not see Randall, or the paramedics leave WinCo. Witness #2 did not know Randall or recall any prior contact with him.

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<sup>5</sup> During his initial interview by Deputy Cardenas, Witness #2 estimated there were 70 customers, and 55 employees present in the store at the time.

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On August 19, 2022, at approximately 3:51 p.m., **Witness #3** was interviewed by Detective J. Ramstad of the San Bernardino County Sheriff's Department.

Witness #3 was the store manager at WinCo Foods on August 19, 2022. Just before noon, he was in the receiving office at the back of the store when he received a call over his handheld radio from Lead Clerk Witness #2. Witness #2 told him he was on the phone with the police and needed his assistance in the store.

Witness #3 walked to the front of the store, where he saw Witness #2 standing near aisle six. Witness #2 was looking north. When Witness #3 reached Witness #2, Witness #3 saw a tall black male (Randall) in the middle of aisle six. Witness #3 estimated Randall was 6'2" tall and weighed 175 pounds. Witness #3 believed Randall wore a gray tank top with unknown-colored shorts. Randall was taking sips from a bottle of alcohol, and it looked like he was talking to himself. Randall was making "a bunch of hand gestures" and "100% appeared to be on drugs." Witness #2 told Witness #3 that Randall had a knife but Witness #3 could not see a knife. Based on how Randall acted, Witness #3 told Witness #2 not to approach Randall because he didn't think it was safe.

Witness #3 went to the office because he planned to call the police department to ensure they arrived quickly. As he got to the office, Witness #3 saw the police had arrived, so he didn't call the police. Witness #3 watched Randall over the surveillance camera. The camera had no audio, so he could not hear anything as he watched the uniformed deputies, a male and a female, approach the Randall. Witness #3 saw the female deputy pull out a Taser and point it at Randall. Witness #3 watched the deputy shoot the Taser at Randall. The Taser appeared not to affect Randall. Randall removed the Taser probes and ran northbound through aisle six toward the bakery. Witness #3 tried to move the camera to follow Randall and the deputies, but the camera was too slow. Witness #3 did not see what occurred but heard four to six gunshots. Witness #3 came out of the security office and helped evacuate the store.

On August 19, 2022, at approximately 3:56 p.m., **Witness #4** was interviewed by Detective Eric Ogaz of the San Bernardino County Sheriff's Department.

Witness #4 was employed by WinCo Foods as a grocery clerk and was on duty on August 19, 2022. At about noon, Witness #4 heard lead clerk Witness #2 broadcast over the radio that he needed assistance and was notifying law enforcement. Witness #2 broadcasted that a black male adult was inside the store armed with a box cutter.

Witness #4 began walking around the store, looking for Witness #2. Witness #4 saw two uniformed deputies enter WinCo. One was male, the other female. The deputies walked down the "center aisle," headed east, and walked down the beer aisle. Witness #4 saw a black male adult (Randall) standing in the middle of the beer aisle, facing the deputies. The deputies approached Randall, stopping about 10 to 15 feet away. Randall held a large gray or silver box cutter with the blade extended in his right hand. Randall held the

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box cutter up at face level with his arm slightly bent. The deputies ordered Randall to "drop the weapon" several times. Randall "made a gesture like, come and get it if you want me to drop it." Randall took a step toward the deputies, and the male deputy fired his Taser at Randall, striking him in the chest. Randall was not affected by the Taser and "proceeded to just rip the Tasers off with his hand," still holding the box cutter in the other hand.

At this point, Witness #4 "knew things would escalate" and believed "something was going to happen because this guy wasn't all there." Witness #4 headed to the next aisle to tell the two to three customers and a fellow employee standing there to "get out" for their safety. Witness #4 heard others yelling, but because he was yelling, he could not make out the words. While warning the customers and employee to leave, Witness #4 heard four consecutive gunshots, a brief pause, followed by two additional gunshots. Witness #4 did not see who shot. Witness #4 looked down the beer aisle and saw Randall lying on his back. The female deputy removed the Taser probes from Randall's chest area and told Randall to keep his eyes open. Witness #4 gave towels to a deputy to apply to Randall's wounds. Witness #4 left the store. Witness #4 had seen Randall earlier in the day and believed he had seen him in the store three to four times in the past.

On August 20, 2022, at approximately 8:30 a.m., **Witness #5** was interviewed by Detective Eric Ogaz of the San Bernardino County Sheriff's Department.

Witness #5 was Randall's brother. Randall resided with Witness #5 in the city of Victorville. Randall began living with Witness #5 after he got out of prison in March of 2020. Randall had served 19 years in prison in Carson City, Nevada for stabbing his mother. Witness #5 explained that Randall's mind "is not there," and he "talks to himself." Randall was diagnosed with schizophrenia when he was a juvenile. Randall received psychiatric medication while he was in prison. When Randall was released, however, the prison did not provide him with his medication. Randall had been unable to get his prescribed medications because he had no identification.

Randall had been missing for three days before the officer-involved shooting. This was the third time Randall had gone missing. Randall would disappear for days at a time. Witness #5 believed Randall disappeared whenever he "needs his fix" and believed Randall was self-medicating with narcotics.

**DISPATCH SUMMARY**

12:02:10      Witness #2 called Sheriff's Dispatch to report an unwanted subject at the WinCo Foods Supermarket.

12:03:40      The call for service was entered as a Priority 1 call and indicated, "Male is walking around the store with box cutter/knife in his hand out in the open, opened a bottle of alcohol and is drinking it currently // not 415<sup>6</sup> w/anyone."

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The description of the unwanted subject was provided as a black male, aged 25-30 years, last seen wearing a gray tank top and cut-off sweats.

12:04:19 Additional information was provided in the call: "Will have video surveillance on the premises // Unknown what type of veh. he showed up in, male appears to be alone, currently still in alcohol aisle."

12:05:56 Deputy Cassidy assigned to call for service.

12:06:02 Deputy Stanley to assist.<sup>7</sup>

12:08:18 Deputy Cassidy on scene.

12:08:23 Deputy Stanley on scene.

12:10:42 Deputy Cassidy, "Sus. running thru store w/knife in hand."

12:10:48 Deputy Cassidy, "Shots fired."

12:10:54 Meds advised.

12:12:04 Meds advised clear to enter scene.

**INCIDENT AUDIO AND VIDEO**<sup>8</sup>

**BELT RECORDING – DEPUTY STANLEY**<sup>9</sup>

The recording began just before Deputy Stanley asked, "What's going on here?" The answer was not audible. Deputy Stanley replied, "Okay, he just opened—so he's just drinking alcohol?" Witness #2 replied, "Drinking alcohol, but he has a knife in his hand." Deputy Stanley answered, "All right," and Deputy Cassidy asked Witness #2 if he wanted the male out of the store. At the 00:37, Deputy Stanley asked Witness #2, "This guy?" At 00:38, the deputies began speaking to Randall in a calm, conversational manner. Very quickly, Randall replied, "Naw, fuck," after Deputy Stanley asked, "Hey, do you mind just tossing that knife over to the side? The following verbatim exchange occurred between the deputies and Randall beginning at 00:38:

Deputy Cassidy	What's going on, man?
Deputy Stanley	What's up, man? Hey, do you mind just tossing that knife over to the side?
Randall	Naw, fuck.
Deputy Stanley	Hey, why don't you put the knife down? Hey, put the knife down! Hey, do you want to get your Taser?
Deputy Stanley	Put the knife down.
Deputy Cassidy	Put it down.
Deputy Stanley	Put the knife down!
Deputy Cassidy	Put the knife down!
Deputy Stanley	Put the knife down!

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<sup>6</sup> Penal Code section 415, disturbing the peace.

<sup>7</sup> Six additional deputies were logged as assisting in the call but arrived on scene after shots were fired.

<sup>8</sup> All videos submitted were reviewed in their entirety. The summaries will cover the events from the beginning through the point immediately after the incident under review. Due to the distance of the camera from the subjects, still images displayed herein do not capture the entire image as displayed by the video but are instead focused on the subjects.

<sup>9</sup> Deputy Cassidy's belt-recording captured the same audio as Deputy Stanley's.

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Deputy Cassidy      Put it down.  
Deputy Stanley      Just do it.

At 01:05, the belt recording captured the crackling sound of the Taser deployment, followed by a grunting sound. Deputy Cassidy calmly and firmly commanded, "Get on the ground, get on the ground." Deputy Stanley ordered, "Get on the ground!" Randall replied, "Fuck you!" Deputy Stanley again ordered Randall to get on the ground. At 01:13, Deputy Cassidy said, "Taser ineffective. Suspect is running through the store with a knife in his hand." At 01:19, seven gunshots in quick succession rang out. At 01:23, Deputy Cassidy, taking rapid breaths, said, "Shots fired! Shots fired!" Deputy Stanley, in obvious distress, yelled, "Get over, turn around!" Deputy Cassidy yelled, "Inside a WinCo, inside WinCo!" The sound of handcuffs clicking was heard in the background. Deputy Cassidy said, "Hey, hey, talk to me, hey, talk to me." Deputy Cassidy's breaths were audible as she breathed quickly and heavily. Deputy Stanley, also out of breath, yelled, "Hey, I need gloves! I need gloves!" Deputy Stanley repeated this request multiple times with a great sense of urgency. Deputy Cassidy said, "Yes, we need meds now. We're going to be on the right side of the store, directly in the bread aisle." The remainder of the audio recorded the deputies as they asked for gloves and towels and tended to Randall's injuries. Deputy Cassidy spoke to Randall and told him to talk to her and reassured him that he was okay. Deputy Stanley said he had one of the gunshot holes "closed up" with his finger. While the deputies tended to Randall, an audible alarm was heard, followed by an announcement over the store's loudspeaker telling customers and employees to evacuate the store.

**WINCO FOODS' SURVEILLANCE VIDEO #1**

Randall entered WinCo Foods at 11:59 a.m.<sup>10</sup> Randall walked north, passing multiple customers. Due to the camera's distance, it could not be determined if Randall held anything in his hands. When Randall entered aisle five, he walked westward past multiple customers. Randall approached customers and the shelves of merchandise but continued walking. Randall raised his hands several times. A silver object later identified as a metal utility knife was held in Randall's right hand.

Randall entered aisle six, at 12:00 p.m. The shelves in aisle six held numerous bottles of alcohol. No other customers were in the aisle when Randall initially entered it. Randall still held the utility knife in his right hand. At 12:01 p.m., Randall selected a large bottle of premixed margarita from the shelf with his left hand. Randall then stepped closer to the shelving unit. While standing directly in front of the shelf, Randall held the utility knife in his right hand and used his right wrist to hold the margarita bottle firmly against his torso. Randall leaned forward into an empty area on the shelf and twisted the margarita bottle cap open with his left hand. Randall then backed away from the shelving unit and began to drink from the bottle as he walked around aisle six. Randall appeared to strike several

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<sup>10</sup> All times are approximate and are those noted by WinCo Foods' surveillance camera system. Deputies confirmed the surveillance time and date stamps were accurate. The video recording contained no audio.

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shelved items with the utility knife. For several minutes, Randall walked up and down aisle six, staggering side to side between the shelving units on either side of the aisle. At times, Randall walked backwards. Randall gestured his hands as if in conversation with someone, though Randall was alone in the aisle. Randall held the utility knife in his right hand and held the margarita bottle in his left hand, taking several long drinks from the bottle.

At 12:05 p.m., while Randall continued pacing in aisle six, an unidentified female with a small child entered aisle six. Randall faced the female and child and began to walk toward them. The female and child quickly exited the aisle. Randall did not follow them. Randall remained in aisle six and continued drinking from the bottle while pacing back and forth. At 12:06 p.m., an unidentified male entered aisle six and walked past Randall. Randall faced the male and continued drinking from the bottle while holding the utility knife in his right hand. Randall and the male did not appear to interact. The male selected an item from the shelf and left the aisle.

About a minute later, the surveillance camera focus was zoomed inward toward Randall. The surveillance camera followed Randall around aisle six, the focus zooming inward and outward as Randall paced the aisle. Randall continued to hold the margarita bottle with his left hand and the utility knife in his right hand.



Video timestamp 12:07:48

For several more minutes, Randall continued walking back and forth, staggering side to side between the shelving units, raising his right arm up and down, and drinking from the bottle.

At 12:10 p.m., Deputies Stanley and Cassidy appeared in the camera view as they walked down aisle six toward Randall. Randall still held the utility knife in his right hand and the bottle in his left as he turned and stopped to face the deputies.

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Video timestamp 12:10:02

The video camera's focus zoomed inward toward Randall, bringing into clearer view the utility knife in Randall's right hand.



Video timestamp 12:10:05

Deputy Stanley unholstered his handgun, but initially pointed it downward. Deputy Cassidy reached for her handgun on her right side but did not draw the gun from her holster. Deputy Cassidy then reached to her left side and withdrew her Taser. Deputy Stanley raised his handgun and pointed it at the low ready. Randall, still holding the utility knife, faced the deputies.

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Video timestamp 12:10:11:36<sup>11</sup>

Deputy Cassidy raised the Taser and pointed it at Randall. Randall raised his right arm, quickly waiving the utility knife upward and outward, away from his body twice.



Video timestamp 12:10:18:84

Still facing the deputies, Randall lifted his right arm with the utility knife in his hand, upward and outward two additional times. Deputy Stanley raised his handgun, pointing it toward Randall's lower body as Deputy Cassidy deployed the Taser. The Taser probes appeared

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<sup>11</sup> From this point forward, the events unfolded rapidly. As such, milliseconds will be included in the timestamp notations.

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to strike Randall as Randall jumped slightly and raised his right arm toward his upper body. Randall did not drop the utility knife or the bottle.



Video timestamp 12:10:24:18

Randall swiped at the Taser wires with his right arm several times and then turned and ran away from deputies. While running away, Randall turned around twice to look at deputies who ran after him.



Video timestamp 12:10:31:38

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As Randall reached the end of aisle six, he headed to his right, and ran southeast, out of the aisle and the camera view.



Video timestamp 12:10:33:25

Deputies Stanley and Cassidy continued chasing after Randall and then abruptly stopped at the end of aisle six. Deputy Stanley pointed his handgun and Deputy Cassidy pointed her Taser southeast toward the direction Randall had run.



Video timestamp 12:10:35:12

Both deputies appeared to fire their respective weapons southeast. Deputy Cassidy fell backward onto the ground.

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Video timestamp 12:10:36:39

While Deputy Cassidy got back to her feet, Deputy Stanley ran southeast. Deputy Cassidy followed Deputy Stanley. Both deputies were lost from camera view.

**WINCO FOODS' SURVEILLANCE VIDEO #2<sup>12</sup>**

As Randall neared the end of aisle six, he turned right, and proceeded southeast toward the main entrance of the store. Deputy Stanley came into camera view, still running toward the end of aisle six.



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<sup>12</sup> The timestamps in the two WinCo Foods' surveillance videos were off by about five seconds. In the first video, Deputy Cassidy had fallen to the ground and was flat on her back at 12:10:36:39; the second video's timestamp showed this occurred at 12:10:41:91.

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Video timestamp 12:10:38:97

Randall stopped abruptly and turned around to face the deputies who were still running toward the end of aisle six. Deputy Cassidy came into camera view, still running toward the end of aisle six.



Video timestamp 12:10:39:24

Randall quickly stepped forward with his left foot while raising his right arm and lunged toward the oncoming deputies.

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Video timestamp 12:10:39:50



Video timestamp 12:10:40:04

As the deputies reached the end of the aisle, they pointed their respective weapons at Randall. Randall quickly stepped backward as he raised his right arm, swung it above his head, and slashed downward toward the still oncoming deputies. Due to the graininess of the video, the utility knife in Randall's right hand was not visible.



Video timestamp 12:10:40:30

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Both deputies appeared to fire their respective weapons at Randall. Randall lurched forward, bending slightly at the waist. Directly beside Randall, soda bottles stacked on the aisle's endcap display, burst, and began to spray their contents into the air.



Video timestamp 12:10:40:57

Randall turned to his right. Randall's left side faced the deputies briefly as Randall stepped back and began falling to the ground. Deputy Stanley stepped back and out of camera view. Deputy Cassidy began falling to the ground.



Video timestamp 12:10:41:37

Randall continued turning to the right as he fell onto the ground, landing onto his right side and then onto his back as his body slid slightly southeast across #1 the floor. Deputy

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Cassidy still on the ground, began to get up. Deputy Stanley came back into camera view as he headed toward Randall.



Video timestamp 12:10:45:11

Deputy Stanley quickly approached Randall, who had come to a rest at the east side of aisle 5, while Deputy Cassidy got to her feet. Deputy Cassidy quickly headed toward Randall and Deputy Stanley. Randall, lying on his back, kicked his legs, sliding them across the floor repeatedly. Deputy Stanley turned Randall onto his stomach. Together, Deputy Stanley and Deputy Cassidy reached for Randall as if to place him into handcuffs just before the video ended.

**WEAPON**

Within the west side of aisle five, a silver Husky folding knife was located beneath the display partition. After an extensive search, investigators were unable to locate the attached razor blade.

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**EQUIPMENT/UNIFORM INVENTORY**

**Deputy Stanley**

On August 19, 2022, at approximately 4:33 p.m., Detective Malcolm Page and Crime Scene Specialist (CSI) Catherine Oliver met with Deputy Stanley to conduct an equipment and uniform inventory.

CSI Oliver examined Deputy Stanley's Glock 21, .45 caliber handgun, ammunition, and magazines. Deputy Stanley removed his handgun from the holster and rendered the weapon safe. Deputy Stanley removed the magazine and ejected one live ammunition cartridge from the chamber. The ejected ammunition cartridge was headstamped "Winchester 45 auto." CSI Oliver emptied the ammunition from Deputy Stanley's magazine onto a table. The magazine's capacity was 13-rounds, and six live cartridges were located inside the magazine. All six ammunition cartridges were headstamped "Winchester 45 auto."

CSI Oliver collected Deputy Stanley's uniform shirt, and later placed it into evidence. Located on the front right side of Deputy Stanley's uniform shirt was suspected blood spatter. The suspected blood spatter covered Deputy Stanley's right flank and under his arm.

**Deputy Cassidy's Taser Report for August 19, 2022**

12:11:19      Armed  
12:11:30      Trigger. C1: Deployed. Duration (Seconds) 5

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12:11:42 Trigger. C2: Deployed. Duration (Seconds) 5

**DE-ESCALATION**

Upon their initial contact with Randall, Deputies Stanley and Cassidy cautiously approached and stopped about 10 to 15 feet away from him. The deputies spoke to Randall in a calm, friendly, conversational manner. Deputy Cassidy asked Randall, "What's going on?" Deputy Stanley asked Randall, "What's up, man? Hey, do you mind just tossing that knife over to the side?" By all accounts, from the civilian witnesses and the involved deputies, Randall's response was immediately adversarial. Randall's oral reply was audible on the belt recordings as he said, "Naw, fuck." While it appears that neither Deputy Stanley nor Deputy Cassidy heard Randall's response, both deputies did note Randall's body language as adversarial. Randall refused to toss the knife despite being calmly asked to do so. Still speaking to Randall calmly and measuredly, Deputy Stanley again asked Randall, "Hey, why don't you put the knife down?" Randall still held onto the knife.

In response to Randall's continued refusal to drop the knife, both deputies changed their tone to a more commanding one and, raising their voices, began ordering Randall to drop the knife. Deputies Stanley and Cassidy gave six additional orders to Randall to drop the knife and to put the knife down. Randall still refused. Given Randall's continued refusal to obey their commands, the deputies attempted to disarm him by using the Taser. Deputy Cassidy fired the Taser and immediately ordered Randall twice, in a calm and measured tone, to get on the ground. Randall still held the knife and refused to get down onto the ground. Deputy Stanley also ordered Randall to get on the ground. Randall still refused and instead tried to remove the Taser wires. Randall then turned and ran away from the deputies. Armed with a knife in a store filled with customers and employees, the deputies had no choice but to pursue Randall.

Randall was momentarily blocked from the deputies' view when he reached the end of the aisle. Unknown to the deputies, Randall had abruptly stopped and turned to face them. Upon reaching the end of the aisle, Deputies Stanley and Cassidy found themselves ambushed. Only five to eight feet away from the oncoming deputies, Randall lunged at them, bringing the knife over his head, and slashing it downward toward them. At this point, the deputies had run out of time to de-escalate the situation.

Despite Deputy Stanley and Deputy Cassidy's best efforts to resolve the situation peacefully, Randall remained uncooperative and unresponsive to the deputies' efforts. Instead, Randall showed he was unwilling to comply and met every attempt the deputies made to de-escalate the situation with resistance.

**INJURED PARTY**

**INJURIES**



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**Assault With A Deadly Weapon**

**California Penal Code section 245(a)(1)**

Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

Like other types of assault, the crime of assault with a deadly weapon requires only “the general intent to willfully commit an act the direct, natural and probable consequences of which if successfully completed would be the injury of another.” (*People v. Rocha* (1971) 3 Cal.3d 893, 899; similarly, see *People v. Colantuono* (1994) 7 Cal.4th 206, 214.)

As to the “deadly weapon” theory of Penal Code section 245(a)(1), some objects, such as dirks and blackjacks, are deadly weapons as a matter of law. (*In re D.T.* (2015) 237 Cal.App.4th 693, 698; *People v. Brown* (2012) 210 Cal.App.4th 1, 6.) **But any object can be a deadly weapon when used in a manner capable of producing death or great bodily injury.** (*People v. Aguilar* (1997) 16 Cal.4th 1023, 1028-1029; *People v. Brown, supra*, 210 Cal.App.4th at pp. 7, 11; *In re Brandon T.* (2011) 191 Cal.App.4th 1491, 1496 (emphasis added). **In determining whether an object not inherently deadly becomes so, the trier of fact may look at the nature of the weapon, the manner of its use, and all other factors that are relevant to the issue.** (*In re D.T., supra*, 237 Cal.App.4th at p. 699; *In re Jose R.* (1982) 137 Cal.App.3d 269, 276-276, (emphasis added.) The question is essentially one for the trier of fact. (*Id.* at p. 277; cf. *People v. Page* (2004) 123 Cal.App.4th 1466, 1473 [sharp pencil held up to neck]; *People v. Henderson* (1999) 76 Cal.App.4th 453, 467-470 [pit bull can be a deadly weapon under Pen. Code, § 417.8]; *People v. Simons* (1996) 42 Cal.App.4th 1100, 1106-1108 [screwdriver can be a deadly weapon under Pen. Code, § 417.8]; but see *In re Brandon T., supra*, 191 Cal.App.4th at pp. 1496-1498 [small, rounded butter knife not deadly weapon].)

“A box cutter is not inherently deadly because it is not designed for that purpose. But if used to assault someone, i.e., used as a weapon, a box cutter is potentially deadly even if not designed for that purpose.” (*People v. Aledamat* (2019) 8 Cal.5th 1.)

**OTHER CRIMES**

**Penal Code section 417 (a)(1). Brandishing a Weapon** (Summarized in pertinent part.)

Every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than 30 days.

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**Penal Code section 647 (f). Disorderly Conduct**

Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(f) Who is found in any public place under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, or toluene, **interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.** (Emphasis added.)

**APPLICABLE LEGAL PRINCIPLES**

**Police Power to Detain Individual:**

An officer has the right to temporarily detain a person when the officer has a reasonable suspicion of that person's involvement in criminal activity. Reasonable suspicion demands some minimum level of objective justification, but considerably less than is required for probable cause to arrest. (*United States v. Sokolow* (1989) 490 U.S. 1, 7; *Terry v. Ohio* (1968) 392 U.S. 1, 22.)

One function of a temporary detention is to resolve any ambiguity in the situation to find out whether the activity was in fact legal or illegal. (*People v. Souza* (1994) 9 Cal.4<sup>th</sup> 224, 242.) A detention is intended "to permit a speedy, focused investigation to confirm or dispel [the] individualized suspicion of criminal activity" justifying it. (*People v. Soun* (1995) 34 Cal.App.4<sup>th</sup> 1499, 1516.)

**Police Use-of-Force to Detain or Arrest:**

An officer attempting to enforce a detention or arrest may use an amount of force that is reasonably necessary. (*People v. Brown* (1985) 169 Cal.App.3d 159, 167.) The right to detain or arrest is meaningless unless officers may, when necessary, forcibly do so. (*People v. Johnson* (1991) 231 Cal.App.3d 1, 12.) Officers are "authorized to take such steps as [are] reasonably necessary to protect their personal safety and to maintain the status quo during the course of the stop." (*United States v. Hensley* (1985) 469 U.S. 221, 235; *People v. Soun* (1995) 34 Cal.App.4<sup>th</sup> 1499.)

Use-of-force is often criticized as being either: (1) unjustified or (2) excessive. Both charges are analyzed under the same reasonableness standard (*Graham v. Connor* (1989) 490 U.S. 386, 395):

Reasonableness is an objective analysis and must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. It is also

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highly deferential to the police officer's need to protect himself and others. 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. The question is whether the officer's actions are "objectively reasonable" considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. (*Id.* at p. 396-397.)

"[W]hen reasonably necessary under the circumstances" an officer may handcuff a suspect for a short period of time to conduct a pat down search (*People v. Osbourne* (2009) 175 Cal.App.4th 1052, 1062) or when a suspect is uncooperative or presents a reasonable possibility of danger. (*People v. Stier* (2008) 168 Cal.App.4th 21, 27-28.) An officer may strike a suspect when necessary to compel submission to an arrest. (*People v. Lopez* (1963) 222 Cal.App.2d 682, 685.) And, when reasonably necessary, an officer may detain at gunpoint, order out of cars, force to lie on the ground, and handcuff. (See, e.g., *People v. Celis* (2004) 33 Cal.4th 667, 674-676; *People v. Soun* (1995) 34 Cal.App.4th 1499; *People v. Johnson, supra*, 231 Cal.App.3d at p. 14; *In re Carlos M.* (1990) 220 Cal.App.3d 372, 385; *People v. Gorak* (1987) 196 Cal.App.3d 1032, 1038; *People v. Bowen* (1987) 195 Cal.App.3d 269, 274; *People v. Brown* (1985) 169 Cal.App.3d 159, 166-167; *People v. Craig* (1978) 86 Cal.App.3d 905, 912-913.)

A peace officer may use objectively reasonable force to effect an arrest if he believes that the person to be arrested has committed a public offense. (Calif. Penal C. §835a(b).)<sup>14</sup> Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal C. §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal C. §835a(d).)

An arrestee has a duty to refrain from using force or any weapon to resist arrest, if he knows or should know that he is being arrested. (Penal C. §834a.) This duty remains even if the arrest is determined to have been unlawful. (*People v. Coffey* (1967) 67 Cal.2d 204, 221.) In the interest of orderly resolution of disputes between citizens and the government, a *detainee* also has a duty to refrain from using force to resist detention or search. (*Evans v. City of Bakersfield* (1994) 22 Cal.App.4th 321, 332-333.) An arrestee or detainee may be kept in an officer's presence by physical restraint, threat of force, or assertion of the officer's authority. (*In re Gregory S.* (1980) 112 Cal. App. 3d 764, 778, *citing, In re Tony C.* (1978) 21 Cal.3d 888, 895.) The force used by the officer to effectuate the arrest or detention can be justified if it satisfies the Constitutional test in *Graham v. Connor* (1989) 490 U.S. 386, 395. (*People v. Perry* (2019) 36 Cal. App. 5th 444, 469-470.)

An officer-involved shooting may be justified as a matter of self-defense, which is codified in Penal Code at §§196 and 197. Both code sections are pertinent to the analysis of the conduct involved in this review and are discussed below.

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<sup>14</sup> All references to code sections here pertain to the California Penal Code.

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**PENAL CODE SECTION 196.** Police officers may use deadly force in the course of their duties, under circumstances not available to members of the general public. Penal Code §196 states that homicide by a public officer is justifiable when it results from a use of force that “is in compliance with Section 835a.” Section 835a specifies a ***police officer is justified in using deadly force*** when he reasonably believes based upon the totality of the circumstances, that it is necessary:

- (1) to defend against an imminent threat of death or serious bodily injury to the officer or another, or
- (2) to apprehend a fleeing felon who threatened or caused death or serious bodily injury, if the officer also reasonably believes that the fleeing felon would cause further death or serious bodily injury unless immediately apprehended.

(Penal C. §835a(c)(1).)

Discharge of a firearm is “deadly force.” (Penal C. §835a(e)(1).) The “[t]otality 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.” (Penal C. §835a(e)(3).) A peace officer need not retreat or desist from efforts to arrest a resistant arrestee. (Penal C. §834a(d).) A peace officer is neither deemed the aggressor in this instance, nor does he lose the right of self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or overcome resistance. (*Id.*)

While the appearance of these principals was new to section 835a in 2020,<sup>15</sup> the courts have been defining the constitutional parameters of use of deadly force for many years. In 1985, the United States Supreme Court held that when a police officer has probable cause to believe that the suspect he is attempting to apprehend “has committed a crime involving the infliction or threatened infliction of serious physical harm” to the officer or others, using deadly force to prevent escape is not constitutionally unreasonable. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11-12.) California courts have held that when a police officer’s actions are reasonable under the Fourth Amendment of our national Constitution, that the requirements of Penal Code § 196 are also satisfied. (*Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 349; *Brown v. Grinder* (E.D. Cal., Jan. 22, 2019) 2019 WL 280296, at \*25.) There is also a vast body of caselaw that has demonstrated *how* to undertake the analysis of what is a reasonable use of force under the totality of the circumstances. (See *Reasonableness* discussion, *infra*.) As such, our pre-2020 state caselaw, developed upon the former iteration of section 196, is still instructive.

There are two new factors in section 835a that did not appear in the section previously, nor did they develop in caselaw pertaining to use of deadly force. First, a peace officer

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<sup>15</sup> Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

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must make reasonable efforts to identify themselves as a peace officer and warn that deadly force may be used, prior to using deadly force to affect arrest. (Penal C. §835a(c)(1).) This requirement will not apply if an officer has objectively reasonable grounds to believe that the person to be arrested is aware of those facts. (Penal C. §835a(c)(1).) Second, deadly force cannot be used against a person who only poses a danger to themselves. (Penal C. §835a(c)(2).)

While the codified standards for use of deadly force in the course of arrest are set forth at subsections (b) through (d) of Section 835a, the legislature also included findings and declarations at subsection (a). These findings and declarations lend guidance to our analysis but are distinct from the binding standards that succeed them within the section. In sum, the findings are as follows:

- (1) that the use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;
- (2) that use of force should be used only when necessary to defend human life and peace officers shall use de-escalation techniques if it is reasonable, safe and feasible to do so;
- (3) that use of force incidents should be evaluated thoroughly with consideration of gravity and consequence, lawfulness, and consistency with agency policies;<sup>16</sup>
- (4) that the evaluation of use of force is based upon a totality of the circumstances, from the perspective of a reasonable officer in the same situation; and
- (5) that those with disabilities may be affected in their ability to understand and comply with peace officer commands and suffer a greater instance of fatal encounters with law enforcement, therefore.

(Penal C. §835a(a).)

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<sup>16</sup> Penal C. §835a (a)(3) conflates a demand for thorough evaluation of a use of force incident with a dictate that it be done “in order to ensure that officers use force consistent with law and agency policies.” On its face, the section is clumsily worded. Nothing included in AB-392 plainly requires that a use of force also be in compliance with agency policies. A provision in the companion bill to AB-392—Senate Bill No. 230 [(2019-2020 Reg. Sess.) approved by the Governor, September 12, 2019] (Hereinafter “SB-230”), does explicitly state that “[a law enforcement agency’s use of force policies and training] may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.” (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1.) It is noteworthy, however, that this portion of SB-230 is uncodified, unlike the aforementioned portion of Penal C. §835a (a)(3).

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**PENAL CODE SECTION 197.** California law permits *all persons* to use deadly force to protect themselves from the imminent threat of death or great bodily injury. Penal Code §197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

The pertinent criminal jury instruction to this section is CALCRIM 505 (“Justifiable Homicide: Self-Defense or Defense of Another”). The instruction, rooted in caselaw, states that a person acts in lawful self-defense or defense of another if:

- (1) He reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury;
- (2) He reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and
- (3) He used no more force than was reasonably necessary to defend against that danger.

(CALCRIM 505.) The showing required under section 197 is principally equivalent to the showing required under section 835a(c)(1), as stated *supra*.

**IMMINENCE.** “Imminence is a critical component” of self-defense. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1094.) A person may resort to the use of deadly force in self-defense, or in defense of another, where there is a reasonable need to protect oneself or someone else from an apparent, *imminent* threat of death or great bodily injury. “An imminent peril is one that, from appearances, must be instantly dealt with.” (*In re Christian S.* (1994) 7 Cal.4th 768, 783.) The primary inquiry is whether action was instantly required to avoid death or great bodily injury. (*Humphrey, supra*, 13 Cal.4th at 1088.) What a person knows, and his actual awareness of the risks posed against him are relevant to determine if a reasonable person would believe in the need to defend. (*Id.* at 1083.) In this regard, there is no duty to wait until an injury has been inflicted to be sure that deadly force is indeed appropriate. (*Scott v. Henrich, supra*, 39 F. 3d at 915.)

Imminence more recently defined in the context of use of force to effect an arrest, is similar:

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 another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

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(Penal C. §835a(e)(2).)

**REASONABLENESS.** Self-defense requires both subjective honesty and objective reasonableness. (*People v. Aris* (1989) 215 Cal.App.3d 1178, 1186.) The United States Supreme Court has held that an officer’s right to use force in the course of an arrest, stop or seizure, deadly or otherwise, must be analyzed under the Fourth Amendment’s “reasonableness” standard. (*Graham v. Connor, supra*, 490 U.S. at 395.)

The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20 vision of hindsight....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 396-397, citations omitted.)

The “reasonableness” test requires an analysis of “whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (*Id.* at 397, citations omitted.) What constitutes “reasonable” self-defense or defense of others is controlled by the circumstances. A person’s right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639.) If the person’s beliefs were reasonable, the danger does not need to have actually existed. (CALCRIM 505.) Yet, a person may use no more force than is reasonably necessary to defend against the danger they face. (CALCRIM 505.)

When deciding whether a person’s beliefs were reasonable, a jury is instructed to consider the circumstances as they were known to and appeared to the person and considers what a reasonable person in a similar situation with similar knowledge would have believed. (CALCRIM 505.) It was previously held that in the context of an officer-involved incident, this standard does not morph into a “reasonable police officer” standard. (*People v. Mehserle* (2012) 206 Cal.App.4<sup>th</sup> 1125, 1147.)<sup>17</sup> To be clear, the officer’s conduct should be evaluated as “the conduct of a reasonable person functioning as a police officer in a stressful situation.” (*Id.*)

The *Graham* court plainly stated that digestion of the “totality of the circumstances” is fact-driven and considered on a case-by-case basis. (*Graham v. Connor, supra*, 490 U.S. at 396.) As such, “reasonableness” cannot be precisely defined, nor can the test be mechanically applied. (*Id.*) Still, *Graham* does grant the following factors to be considered

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<sup>17</sup> The legislative findings included in Penal C. section 835a(a)(4) suggest to the contrary that “the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation”. As such, if the officer using force was acting in an effort to *effect arrest*, as is governed by section 835a, then it appears the more generous standard included there would apply.

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in the “reasonableness” calculus: the severity of the crime committed, whether the threat posed is immediate, whether the person seized is actively resisting arrest or attempting to flee to evade arrest. (*Id.*)

Whether the suspect posed an immediate threat to the safety of the officer or others has been touted as the “most important” *Graham* factor. (*Mattos v. Agarano* (9<sup>th</sup> Cir. 2011) 661 F.3d 433, 441-442.) The threatened use of a gun or knife, for example, is the sort of immediate threat contemplated by the United States Supreme Court, that justifies an officer’s use of deadly force. (*Reynolds v. County of San Diego* (9<sup>th</sup> Cir. 1994) 858 F.Supp. 1064, 1071-72 “an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack.”) Again, the specified factors of *Graham* were not meant to be exclusive; other factors are taken into consideration when “necessary to account for the totality of the circumstances in a given case.” (*Mattos v. Agarano, supra*, 661 F.3d at 441-442.)

The use of force policies and training of an involved officer’s agency *may* also be considered as a factor to determine whether the officer acted reasonably. (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1. See fn. 3, *infra*.)

When undertaking this analysis, courts do not engage in *Monday Morning Quarterbacking*, and nor shall we. Our state appellate court explains,

Under *Graham* we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes ‘reasonable’ action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.

(*Martinez v. County of Los Angeles, supra*, 47 Cal.App.4<sup>th</sup> at 343, citing *Smith v. Freland* (6<sup>th</sup> Cir. 1992) 954 F.2d 343, 347.) Specifically, when a police officer reasonably believes a suspect may be armed or arming himself, it does not change the analysis even if subsequent investigation reveals the suspect was unarmed. (*Baldridge v. City of Santa Rosa* (9<sup>th</sup> Cir. 1999) 1999 U.S. Dist. LEXIS 1414 \*1, 27-28.)

The Supreme Court’s definition of reasonableness is, therefore, “comparatively generous to the police in cases where potential danger, emergency conditions or other exigent circumstances are present.” (*Martinez v. County of Los Angeles, supra*, 47 Cal.App.4<sup>th</sup> at 343-344, citing *Roy v. Inhabitants of City of Lewiston* (1<sup>st</sup> Cir. 1994) 42 F.3d 691, 695.) In close-cases therefore, the Supreme Court will surround the police with a fairly wide “zone of protection” when the aggrieved conduct pertains to on-the-spot choices made in dangerous situations. (*Id.* at 343-344.) One court explained that the deference given to police officers (versus a private citizen) as follows:

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Unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because ‘the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.’

(*Munoz v. City of Union City* (2004) 120 Cal.App.4<sup>th</sup> 1077, 1109, citing *Graham v. Connor*, [supra] 490 U.S. 386, 396.)

**NON-LETHAL FORCE.** This does not suggest that anything *less than* deadly force requires no justification. “[A]ll force—lethal and non-lethal—must be justified by the need for the specific level of force employed.” (*Bryan v. MacPherson* (9<sup>th</sup> Cir. 2010) 630 F.3d 805, 825, citing *Graham v. Connor* (1989)] 490 U.S. [386], 395.) The *Graham* balancing test, as described *supra*, is used to evaluate the reasonableness of lethal and non-lethal force, alike. (*Deorle v. Rutherford* (9<sup>th</sup> Cir. 2001) 272 F.3d 1272, 1282-83.)

Use of a taser or a shotgun-fired bean bag has been categorized as intermediate non-lethal force. (*Bryan v. MacPherson*, *supra*, 630 F.3d at 825[taser]; *Deorle v. Rutherford*, *supra*, 272 F.3d at 1279-80 [bean bag].) This designation exists despite the fact that such force is *capable* of being used in a manner causing death. (*Id.*) To be deemed “lethal force” the instrumentality must be force that “creates a substantial risk of death or serious bodily injury.” (*Smith v. City of Hemet* (9<sup>th</sup> Cir. 2005) 394 F.3d 689, 693.); use of a taser or shotgun-fired bean bag both fall short of this definition. (*Bryan v. MacPherson*, *supra*, 630 F.3d at 825; *Deorle v. Rutherford*, *supra*, 272 F.3d at 1279-80.) Similarly, the use of a trained police dog does not qualify as “deadly force” as it too has fallen short of the lethal force definition set forth in *Smith*. (*Thompson v. County of Los Angeles* (2006) 142 Cal.App.4<sup>th</sup> 154, 165-169.)

**ANALYSIS**

Determining whether there was justification for an officer’s use of deadly force is factually driven and requires an analysis of the facts and circumstances leading up to the use of force. Before Deputy Stanley arrived at the WinCo Foods Supermarket, he was aware of the nature of the call for service. Deputy Stanley was given details regarding the suspect, who was reportedly carrying a box cutter or a pocketknife in his hand and drinking from an open bottle of alcohol. Deputy Stanley learned from dispatch that, though the suspect was carrying a knife in his hand inside a grocery store and was drinking alcohol, the suspect was not combative.

The call for service came into Sheriff’s Dispatch at 12:02 p.m. Deputy Cassidy, who was near the grocery store, took the call. Deputy Stanley, also nearby, immediately backed Deputy Cassidy. Both Deputies Stanley and Cassidy arrived at the scene six minutes later, at 12:08 p.m. Little did Deputy Stanley know that only two minutes later, he and his partner would face imminent peril.

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Deputies Stanley and Cassidy parked their patrol units near the store's front entry. Before they could even step foot inside, an apprehensive employee, Witness #2, met them outside. Witness #2, clearly in a state of distress, hurriedly led the deputies inside, barely uttering a few words. Deputy Stanley observed Witness #2's fear, and Deputy Cassidy noticed the urgency of his actions, prompting her to quicken her pace.

Upon entering, Deputies Stanley and Cassidy were met with a bustling grocery store, teeming with customers. The store was so packed that the deputies had to navigate through the crowd. Deputy Stanley estimated that he saw more than 75 customers as he made his way into the store.

While Witness #2 led them to Randall's location in the liquor aisle, the deputies verified that he wanted the suspect with the knife removed from the store. When they reached the liquor aisle, Witness #2 pointed Randall out to the deputies. Randall was alone in the aisle. Randall, who matched the physical description given in the call, was leaning against the side of the aisle. Deputy Stanley began approaching Randall. Deputy Stanley saw that Randall had a heavy-duty folding box knife in his right hand and a half-empty bottle of alcohol in his left hand. Deputy Cassidy was beside Deputy Stanley as they walked toward Randall. When Randall walked toward the middle of the aisle, Deputy Stanley noticed that Randall had an unsteady gait. Randall appeared disoriented and "fumbled when he stepped." Seeing that Randall held a knife in his hand, both deputies stopped 10 to 15 feet away from him. Given the fact that Randall held a knife in his hand and was drinking from a bottle of alcohol in a crowded grocery store, both deputies were reasonably concerned for the safety of the customers.

Deputies Stanley and Cassidy calmly approached Randall and greeted him. Both deputies spoke to Randall in a polite, casual manner. Deputy Cassidy asked Randall, "What's going on, man?" Deputy Stanley asked Randall, "What's up, man? Hey, do you mind just tossing that knife over to the side?" Randall's response was immediately defiant, and both deputies took note. Randall aggressively turned toward the deputies, flexing both arms to the front of his body, with his elbows slightly bent and his hands balled into fists at waist level. Randall still held the knife in his right hand and the bottle in his left. Deputy Stanley estimated the knife was about five to six inches long with an approximate one-inch blade. Neither Deputy Stanley nor Deputy Cassidy heard Randall say anything in response to their questions, though the belt recordings reveal Randall's response was, "Naw, fuck."

Nevertheless, Deputies Stanley and Cassidy accurately assessed Randall's body language and realized their friendly, conversational tone would not suffice. Still, Deputy Stanley asked Randall again, "Hey, why don't you put the knife down?" Despite being asked a second time, Randall still refused to drop the knife.

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Recognizing the danger posed by Randall, both deputies began to pull their handguns from their holsters. Deputy Stanley kept his handgun pointed downward at his side and asked Deputy Cassidy, "Hey, do you want to get your Taser?" Deputy Cassidy, who was in the process of withdrawing her handgun, pushed her gun back into the holster and grabbed her Taser. Both deputies wanted to have the Taser, a less-lethal option, available and ready for use.

With Randall's refusal to drop the knife, both deputies grew increasingly concerned for their safety and the safety of the shoppers. Recognizing that their friendly requests to Randall to toss the knife to the side wouldn't get the job done, both deputies ordered Randall to drop the knife. Deputies Stanley and Cassidy repeatedly ordered Randall to "drop the knife" and to "put the knife down." Randall refused to follow their commands and continued facing them with the knife in his hand, flexing his arms. Nearby civilian witnesses also noticed Randall's demeanor was one of defiance. Witness #2 told detectives that Randall took a "fighting stance toward the deputies." Witness #4 told investigators that the deputies ordered Randall to drop the weapon multiple times, but Randall "made a gesture like, come and get it if you want me to drop it." To those who witnessed the interaction, it was clear that Randall did not intend to comply with the deputies' orders.

Deputies Stanley and Cassidy could not safely approach Randall as long as he held the knife. Based on their training and experience, the deputies knew that the Taser could assist them in disarming Randall. Deputy Cassidy deployed her Taser, and though Randall was struck, it did not affect him. The belt recordings captured the sound of the Taser crackling, but as shown in the surveillance video footage, Randall only jumped back as if startled. Randall did not drop the knife or the bottle upon being struck with the Taser probes. Immediately after deploying the Taser, Deputy Cassidy ordered Randall, in a calm yet firm voice, to get on the ground. Deputy Stanley also ordered Randall to "get on the ground." Both deputies repeated this command several times, but Randall ignored their commands. Randall remained standing, facing the deputies with the knife in his hand. Randall then began slashing at the Taser wires with his right arm before turning around and running away from the deputies.

Randall was armed with the knife as he ran away from the deputies through a grocery store filled with customers. Keenly aware of how busy the store was, Deputies Stanley and Cassidy had no choice but to pursue Randall in the interest of public safety. The belt recordings, the surveillance video, the dispatch history, and witness statements illustrate how quickly and unexpectedly the events unfolded from here on out. From the time Randall turned and ran away until Deputy Stanley's use of deadly force, mere seconds elapsed. As the deputies chased after Randall, they saw him turn right at the end of the aisle so that he was heading toward the store's main entry. Because Randall had failed to comply with any of the deputies' commands and was now running away from them, Deputy Stanley and Cassidy reasonably expected that Randall was trying to escape and would continue running away from them.

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Further, based on their training and experience with foot pursuits, as explained by Deputy Cassidy, most foot pursuits don't end until they catch the person. When Randall reached the end of the aisle, the deputies momentarily lost sight of him. When the deputies reached the end of the aisle, they were both shocked to find that Randall had stopped and turned to attack them.

As revealed by the surveillance video, Randall was within striking range of the deputies when he quickly raised the knife above his head and lunged toward them, slashing the knife downward at them. Deputy Stanley estimated he was only five to eight feet away from Randall and that Deputy Cassidy was even closer to Randall than he was. Deputy Stanley's belief that he and Deputy Cassidy were in imminent danger was honest and objectively reasonable. Deputy Stanley fired his handgun at Randall to stop the imminent threat that Randall no doubt presented to both himself and Deputy Cassidy. Further evidence of just how immediate the danger was is shown by the suspected blood spatter covering Deputy Stanley's uniform shirt. Deputy Stanley fired seven rounds in quick succession and stopped firing when he saw Randall was no longer coming toward them.

Detectives found Randall's metal utility knife beneath the display partition in aisle five. After an extensive search, the detectives could not find the attached razor blade. Without unloading and removing the surrounding shelving units on either side of aisle five, it is impossible to know whether the razor blade lies somewhere beneath one of them. However, even if Randall's utility knife held no razor blade, the analysis remains the same because it would have been difficult for Deputy Stanley to see whether the utility knife had a razor blade. As shown in the video surveillance footage, the utility knife had a pointed end. As seen in the crime scene photographs, the utility knife was metal with a metal blade housing that extended outward, forming a point. Surveillance footage shows that Randall held the utility knife with the metal blade housing extended outward. By all appearances, the utility knife had a razor blade, which Deputy Stanley estimated was one inch long.

Even if the metal blade housing did not hold a razor blade, it was objectively reasonable for the deputies to believe it did. From 10 to 15 feet, it would have been difficult for the deputies to see whether or not there was a razor blade inside the metal housing. Indeed, all who saw Randall holding the knife believed that Randall had a knife or box cutter with a pointed end, indicating the razor blade was protruding outward. While waiting for law enforcement to arrive, Witness #2 stood by the aisle to keep customers from going near Randall because he was concerned for their safety. Deputies Stanley and Deputy Cassidy both honestly believed that the knife wielded by Randall contained a razor blade capable of causing death or serious bodily injury. Their reactions upon seeing that Randall had stopped, turned to face them and lunged at them with the knife demonstrate their honest belief that they were in imminent danger. Both deputies stopped running as quickly as they could do so, and both simultaneously fired their respective weapons because they honestly feared for their lives. Deputy Stanley's and Deputy Cassidy's belief was objectively reasonable, even if Randall's utility knife held no such blade. Faced with a

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rapidly approaching knife-wielding suspect, Deputy Stanley's use of deadly force was objectively reasonable.

**CONCLUSION**

Based on the facts presented in the reports and the applicable law, Deputy Stanley's use of deadly force was a proper exercise of Deputy Stanley's right of self-defense and defense of others, and therefore, his actions were legally justified.

**Submitted By:**  
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**Date: July 17, 2024**

