



PUBLIC RELEASE MEMORANDUM

Date: September 17, 2026

Subject: Fatal Officer-Involved Shooting

Involved Officers: Officer James Heckman
San Bernardino Police Department

Officer Jonathon Mason
San Bernardino Police Department

Involved Subject/DOB: Richard Leon Williams
03/23/1960

Subject's Residence: San Bernardino

Incident Date/Time: October 1, 2025, 7:50 p.m.

Incident Location: 4210 East Highland Avenue
San Bernardino

Case Agent/Agency: Detective Tiffany Montez
San Bernardino Police Department

Agency Report Number: 2025-115254

DA STAR Number: 2026-18479

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PREAMBLE

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

FACTUAL SUMMARY

On the evening of October 1, 2025, at about 7:42 p.m., Richard Williams entered a San Bernardino Walmart with a large kitchen knife hidden beneath his jacket. He went to the sporting goods aisle and asked Walmart employee Witness #1 to unlock the security cage so he could buy an electric scooter. When Witness #1 unlocked the cage, Williams drew the knife, pointed it at him, and told him to back off. Witness #1 complied. As Williams grabbed two large scooter boxes, Witness #1 yelled, "He's got a knife!"

Witness #2, a security guard who had just passed the sporting goods aisle, heard Witness #1 yell. Witness #2 immediately returned to the aisle and saw Williams grabbing the boxed scooters. Williams pointed the knife at Witness #2 and told him to "Get the fuck back." Williams placed two boxed scooters beneath each arm and headed toward the front of the store. Over the radio, Witness #2 alerted Walmart loss prevention personnel, "Gentleman has a knife, and he's walking out with two scooters."

At that moment, San Bernardino Police (SBPD) Officers James Heckman and Jonathon Mason were stationed just outside the front of the store. They had already been summoned to Walmart regarding another unrelated theft involving a white male adult wearing a cowboy hat and riding a Walmart mobility scooter. Officer Heckman was on the phone with Witness #3, a loss prevention manager, who was inside the store. While conversing with Witness #3 on the phone, Officer Heckman communicated with Officer Mason over the police radio to coordinate their plan to detain the theft subject wearing the cowboy hat. Officer Heckman was on foot outside the store's west exit. Officer Mason was in his marked patrol unit outside the store's east exit.

While Witness #3 was on the phone with Officer Heckman, providing details about the suspected thief wearing a cowboy hat, Witness #3 learned that Williams, a Black male adult, was stealing two electric scooters. Witness #3 quickly exited the loss prevention office and saw Williams heading for the store's east exit, carrying two large boxed electric scooters. Witness #3 alerted Officer Heckman, who was just outside the store. From the store's west exit, Officer Heckman saw Williams fleeing the east exit with the boxed electric scooters.

Officer Heckman gave chase and yelled at Williams, "Police! Stop." Williams continued to flee into the parking lot. Officer Heckman radioed Officer Mason for assistance. Officer

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Mason activated his patrol unit's emergency lights and joined the pursuit. Williams ran southbound through the parking lot, weaving past moderate pedestrian and vehicular traffic. Officer Heckman repeatedly ordered him to stop. Officer Mason drove southbound down the aisle behind Williams while Officer Heckman chased Williams on foot from the west. As the officers converged on Williams, Officer Heckman yelled, "Police," and "Drop the stuff!" Williams dropped the boxes. As soon as Williams dropped the boxes, Officer Heckman, only ten feet away from Williams, spotted the "extremely large kitchen-style carving knife" in Williams' right hand. Williams turned to face Officer Heckman, knife in hand, and pointed it outward toward Officer Heckman.

Officer Heckman had no prior knowledge that Williams was armed with a knife. Officer Heckman immediately stopped advancing toward Williams and yelled, "He's got a knife," alerting Officer Mason. Officer Heckman ordered Williams to drop the knife, drew his handgun, and pointed it at Williams. Officer Mason quickly exited his patrol unit to assist. Officers Mason and Heckman ordered Williams to drop the knife. Williams did not drop the knife. Williams turned away from the officers and ran southbound. Officers Heckman and Mason chased Williams and repeatedly ordered him to stop and drop the knife. Williams sprinted toward a black four-door sedan, parked in a nearby parking stall. The black sedan was occupied by a female, Witness #4, who sat in the driver's seat. As Williams raced toward her car with the knife in his hand, Witness #4 began to scream.

Williams reached Witness #4's car and opened the front passenger door. Officers Heckman and Mason believed Williams intended to carjack, stab, or take Witness #4 hostage to avoid arrest. Fearing for Witness #4's life, the officers fired their handguns at Williams. Witness #4 quickly exited her car and fled, screaming. Williams was struck by gunfire and fell forward onto the front passenger floorboard inside Witness #4's car.

Officer Heckman radioed shots fired at 7:50 p.m. Officers Heckman and Mason swiftly advanced on Williams with their guns drawn. After pulling Williams from the vehicle, the officers called for medical aid. Officers Heckman and Mason immediately rendered aid to Williams. When emergency medical services arrived, the officers assisted by administering CPR. Despite life-saving measures, Williams was pronounced deceased by medics at the scene at 8:15 p.m.

Additional SBPD officers arrived and found Witness #4 nearby. She reported that she had been sitting in her car when she heard officers yell, "Stop," and "Get down!" Witness #4 saw Williams, whom she initially claimed not to know, open her car door and enter. Fearing for her safety, she ran away. The next day, during an interview at the SBPD station, Witness #4 repeated her earlier account and explained that she fled because she was scared. However, when confronted with the fact that stolen merchandise with anti-theft devices still attached had been found in the backseat of her car, Witness #4 eventually admitted she knew Williams, and she had driven him to Walmart, aware of his intent to steal.

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STATEMENTS BY POLICE OFFICERS¹

The involved officers were employed by the San Bernardino Police Department. The officers drove distinctively marked patrol units and wore uniforms identifying them as police officers. The officers' body-worn cameras were activated during the incident under review. Each officer was given the opportunity to review video of the incident prior to their interviews. The department issued firearms used by each officer during the officer-involved shooting and the number of shots fired by each is as follows:²

Officer James Heckman	Glock 17, 9mm handgun	2 shots
Officer Jonathon Mason	Glock 17, 9mm handgun	9 shots

On October 6, 2025, **Officer James Heckman** was interviewed by Detective T. Montez of the San Bernardino Police Department.

Officer Heckman was employed by the San Bernardino Police Department as a police officer. Officer Heckman had been a police officer since March of 2024. On October 1, 2025, Officer Heckman was on duty, assigned to patrol. At approximately 7:30 p.m., Officer Heckman received a call for service regarding a known subject stealing items from the Walmart at the 4000 block of East Highland Avenue in San Bernardino. The subject was described as a white male adult wearing a cowboy hat. The subject was filling a Walmart-owned backpack with store merchandise.

Officer Heckman arrived at Walmart and staged his patrol unit on the west side of the building to cover the west door. Officer Jonathon Mason also responded to the call at Walmart. Officer Mason parked his patrol unit on the east side in the event the subject exited through the east-side doors. While waiting for the subject to leave the store without paying for the merchandise, Officer Heckman called Walmart Security³ on the phone.

The Walmart security guard (later identified as Witness #3) monitored live camera feeds and kept Officer Heckman updated on the subject's activities inside the store. While on the phone with Witness #3, Officer Heckman also communicated with Officer Mason over the police radio. Suddenly, Witness #3 told Officer Heckman that a different subject was running out of the store with merchandise. Witness #3 described the subject as a black male adult who was carrying store merchandise. Witness #3 told Officer Heckman, "He's running out the door right now." As Witness #3 said this, Officer Heckman saw a black

¹ Herein is a summary only. All reports submitted were reviewed, but not all are referenced here.

² During their interviews, the involved officers provided estimates of the number of shots they fired. Detectives examined the officers' weapons after the shooting and counted the number of rounds that remained. Based on the round counts, Officer Heckman fired two rounds, and Officer Mason fired nine rounds, for a total of 11 rounds. At the scene, detectives found 12 fired cartridge casings (FCC's). It is unclear why there was a discrepancy between the number of FCC's found and the rounds fired from the officers' weapons.

³ Officer Heckman did not recall the name of the security guard.

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male adult (later identified as Richard Leon Williams⁴) running out of the store, carrying two large boxes.

Officer Heckman yelled, "Police! Stop!" Williams continued to run. Officer Heckman chased Williams on foot southbound through the parking lot. Officer Heckman repeated the commands to Williams multiple times. Multiple civilians were in the area. Officer Heckman estimated they had run 70 yards through the parking lot when Officer Heckman again told Williams, "Stop, police!" and ordered Williams to "drop the stuff." Williams dropped the boxes. As soon as Williams dropped the boxes, Officer Heckman saw an "extremely large kitchen-style carving knife" in Williams' right hand. Officer Heckman was about 10 feet away from Williams. The knife was about one foot long in total. Officer Heckman had no prior knowledge that Williams was armed with a knife.

As soon as he saw the knife in Williams' hand, Officer Heckman immediately slowed down. Williams turned to face Officer Heckman, both shoulders squared in a fighting stance, and cocked his right arm back, with the blade facing toward Officer Heckman. Officer Heckman yelled to Officer Mason, "He's got a knife," drew his handgun, and pointed it at Williams. Officer Heckman ordered Williams to, "Drop the knife!" Williams looked at Officer Heckman but did not drop the knife. Williams did not swing the knife toward Officer Heckman, but Officer Heckman believed that if he had been within arm's reach, Williams would have stabbed him.

Williams backed off and retreated to an occupied vehicle less than 20 feet away. The vehicle, a dark-colored four-door sedan, was backed into a parking spot, facing west. A black female adult⁵ (Later identified as Witness #4) sat in the driver's seat. With the knife in his right hand, Williams opened the front passenger door. Witness #4 screamed and turned away. Officer Heckman believed Williams was "carjacking" Witness #4, intent on evading capture, and would do anything to get away, including stabbing Witness #4 and holding her hostage. Williams was armed with a large knife, and Witness #4 appeared to be defenseless.

Fearing for Witness #4's life, Officer Heckman fired two rounds from his handgun in quick succession at Williams. Williams fell to the ground. Officer Heckman did not fire any additional rounds. Officer Heckman and Officer Mason pulled Williams from the vehicle and immediately began lifesaving measures, placing chest seals on bullet wounds and starting chest compressions. Officers Heckman and Mason continued to render aid to Williams until medical personnel arrived.

On October 7, 2025, **Officer Jonathon Mason** was interviewed by Detective T. Montez of the San Bernardino Police Department.

⁴ None of the officers or witnesses identified Williams by name during their interviews. His identity was determined through subsequent investigation. Williams is referenced by name herein for clarity.

⁵ Officer Heckman did not know the woman's name, but subsequent investigation revealed her name.

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Officer Mason was employed by the San Bernardino Police Department as a police officer. Officer Mason had been a police officer for four years. On October 1, 2025, Officer Mason was on duty, assigned to patrol. Two camera crew members from the television show, Cops, rode along with Officer Mason.

At approximately 7:30 p.m., Officer Heckman responded to a call for service regarding a known subject who was stealing items from the Walmart in the 4000 block of East Highland Avenue in San Bernardino. The theft subject was described as a white male adult in his 50's wearing a brown jacket.

Officer Mason arrived at Walmart shortly after Officer Heckman. Officer Mason communicated with Officer Heckman over the police radio. Officer Mason staged his patrol unit on the east side of the store entrance. Officer Heckman had staged his patrol unit at the west-side entrance and was on the phone with Walmart security. Over the radio, Officer Heckman suddenly said, "BMA, running." Officer Mason saw a black male adult (later identified as Williams) running from the store, carrying two large white boxes under his arms, followed by Walmart security. Officer Mason saw Officer Heckman run from the west side of the store in foot pursuit of Williams, who ran southbound through the well-lit parking lot.

Officer Mason activated his patrol unit's overhead emergency lights and drove from the east side of the store to follow the foot pursuit. A Walmart security guard waved at Officer Mason as if to get his attention and pointed at Williams, who continued to run away from Officer Heckman. Officer Mason drove westbound to the parking lot aisle where Williams ran and headed south. Officer Mason approached Williams in his patrol unit at the same time that Officer Heckman approached Williams on foot. Officer Heckman was in front of and to the right of Officer Mason's patrol unit. To Officer Mason, it appeared that Officer Heckman was going to grab hold of Williams. Williams dropped both boxes and turned to face Officer Heckman.

Williams had a large butcher knife in his right hand. Officer Mason had no prior knowledge that Williams was armed with a knife. Officer Mason estimated he was 10 feet away from Williams when he saw the knife in his hand. The knife was about 10" long, with a silver blade. Williams held the knife with the blade facing upward, on the thumb side of his hand. Williams cocked his arm back, stood in an "offensive stance," and looked directly at Officer Heckman. Officer Mason believed Williams was going to stab Officer Heckman, who was only about five feet away from Williams.

Officer Mason quickly exited his patrol unit, drew his handgun, pointed it at Williams, and yelled, "Drop the knife!" several times. Williams glanced at Officer Mason's patrol unit, which had its emergency lights activated, then turned and ran southbound toward a black sedan that was backed into a nearby parking spot. Multiple civilians were in the parking lot, including several near the black sedan. Officer Mason was concerned for their safety

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as Williams ran in their direction with the knife. Officer Mason and Officer Heckman both yelled, "Drop the knife," several times.

Williams ignored their commands to drop the knife. Williams ran straight to the black sedan and opened the front passenger door. Officer Mason heard a female screaming and saw the screams came from a woman (Witness #4) seated in the driver's seat of the black sedan. Williams, knife in hand, began to get into Witness #4's car. Officer Mason believed that Williams was going to carjack Witness #4, try to stab her, take her hostage, or do whatever he could to continue to flee and avoid arrest. Fearing for Witness #4's safety, Officer Mason fired five to eight rounds at Williams. Officer Mason stopped firing when he saw Williams fall to the ground. Witness #4 got out of the car and ran away screaming.

Officer Mason held lethal coverage on Williams while Officer Heckman approached and pulled Williams from the car. Williams had fallen face down onto the front passenger side floorboard. Because Williams was face down, Officer Mason could not see whether Williams still held the knife. Officer Heckman pulled Williams away from the car and turned him onto his back. Officer Mason saw blood on Williams' chest. Officer Mason ran to his patrol unit and grabbed a medical kit. Officer Mason applied a chest seal to Williams' chest and then looked for additional gunshot wounds. Officer Mason applied a second chest seal to Williams' upper right armpit, where he saw two gunshot wounds. Officer Mason made sure medical aid was on the way and began CPR. When the ambulance arrived, Officer Mason assisted by continuing CPR while the medics did their initial assessment. When medical staff took over Williams' care, Officer Mason was transported back to the police station.

STATEMENTS BY CIVILIAN WITNESSES⁶

On October 2, 2025, **Witness #4** was interviewed by Detective T. Montez of the San Bernardino Police Department.

Witness #4 initially claimed that she arrived at Walmart alone on October 1, 2025, at about 8:00 or 8:15 p.m. Witness #4 claimed that she was sitting inside her car in the Walmart parking lot talking to her three- and five-year-old daughters on her cell phone when she heard police yell, "Stop, get down, and don't move." Witness #4 looked up and saw "someone" open her car door and jump inside. Witness #4 heard "gunshots go off" and she "jumped out of" her car. Witness #4 claimed she did not know the person who jumped into her car and was unable to provide a description. Witness #4 gave a similar statement to officers on the scene shortly after the officer-involved shooting on October 1, 2025.

After additional questioning, Witness #4 admitted she knew Williams. Witness #4 referred to Williams by his first name, "Rick." Witness #4 stated she drove Williams "around sometimes." Witness #4 admitted that she had picked up Williams on October 1, 2025, at

⁶ All reports of civilian statements made were reviewed, though not all are summarized here.

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about 7:00 p.m., in the area of 13th Street and F Street in San Bernardino. Witness #4 stated she drove Williams to Walmart to “buy groceries.” Witness #4 initially denied knowing that Williams planned to steal from Walmart. When Detective Montez asked Witness #4 about several items with anti-theft devices still attached that were found in the backseat of her car, Witness #4 admitted she knew the items were stolen. Witness #4 admitted she and Williams planned to sell them.

Witness #4 ultimately confessed to knowing that Williams had gone into Walmart to steal items. Williams told Witness #4 before he went into Walmart that “there wasn’t enough money in the backseat” and he needed to “get more money.” Witness #4 claimed she did not know Williams was armed with a large kitchen knife and that she had only ever seen him with a box cutter.

Witness #4 admitted that she had lied to officers at the scene on October 1, 2025, when she told them she did not know Williams. Witness #4 explained that she had lied because she was “scared” due to the fact that there had been gunfire.

On October 10, 2025, **Witness #2** was interviewed by Detective T. Montez of the San Bernardino Police Department.

Witness #2 was a security guard employed by Allied Security, assigned strictly to Walmart. On October 1, 2025, Witness #2 was on duty and conducting his routine patrol around the store. Witness #2 walked past the sporting goods aisle when he observed a Walmart employee, Witness #1, and an unknown black male adult (later identified as Williams) standing beside the bicycle lockup area. Nothing appeared out of the ordinary, so Witness #2 continued past the aisle and turned down the next. About 30 to 45 seconds after he walked past Witness #1 and Williams, Witness #2 heard Witness #1 yell, “He’s got a knife!”⁷

Upon hearing this, Witness #2 walked back to the aisle where he had seen Witness #1 and Williams. Witness #2 saw Williams kneeling down near the scooters with a silver, approximately 12” kitchen knife in his right hand. Williams held onto the knife with his right hand as he grabbed two scooters from the bicycle lockup with his left. Williams walked past Witness #2 and told him, “Get the fuck back.” Williams’ knife was upright; its blade pointed in Witness #2’s direction. Witness #2 stepped back and made eye contact with Witness #1 to make sure they were both safe. Witness #2 believed that had they tried to intervene, then Williams “probably would’ve got to slicing and dicing.”

⁷ Witness #1 told detectives that he unlocked the cage to access the electric scooters at Williams’ request, believing Williams was a customer. However, as soon Witness #1 unlocked the cage, Williams got very close to Witness #1 and spoke directly into Witness #1’s ear. Williams told Witness #1 he had a knife. Witness #1 looked down and saw Williams had a large butcher knife in his right hand. The knife was pointed at Witness #1. Williams told Witness #1, “Move your punk bitch ass or I’ll stab you.” Williams said this in a normal tone of voice and did not yell. Witness #1 quickly stepped back, yelled, “He’s got a knife,” and picked up a child’s bicycle to protect himself from Williams. Williams grabbed two scooters and promptly left the store, followed by Witness #2, who arrived to assist after Witness #1 yelled.

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Witness #2 immediately radioed, "Gentleman has a knife, and he's walking out with two scooters." Witness #2 was instructed to switch to a different channel to avoid broadcasting the information throughout the store. Witness #2 followed Williams at a safe distance of about 10 feet as Williams walked through the store. There were several customers in the store; Witness #2 was concerned for their safety because Williams was armed with a knife. Witness #2 warned the customers to move aside. One customer ran away.

Williams proceeded through the store and exited through the double doors. Two Walmart employees, "Witness #5 and Witness #1," followed behind Williams. When Witness #2 walked outside, he saw police officers had already arrived. One officer in a "truck" followed Williams down an aisle in the parking lot, while another officer ran from a different direction to "block" Williams. Witness #2 heard the officers repeatedly yell, "Drop the knife!" Witness #2 heard gunshots but did not see what occurred because his view was obstructed by parked cars and the police vehicle.

On October 3, 2025, **Witness #3** was interviewed by Detective T. Montez of the San Bernardino Police Department.⁸

Witness #3 was employed by Walmart as a loss prevention manager. On October 1, 2025, Witness #3 was working in the store. At approximately 7:30 p.m., a loss prevention team member⁹ told him there was a white male adult wearing a black shirt, blue jeans, and a cowboy hat, riding a Walmart mobility scooter, who was being watched by the loss prevention team on closed-circuit television (CCTV). The subject had grabbed a Walmart-owned backpack and placed several items of merchandise, including tools, inside it.

Witness #3 walked into the loss prevention office, where he observed the subject on CCTV. One of the loss prevention associates told Witness #3 that she believed she had previously dealt with this subject and he had been uncooperative. Witness #3 called the police department's non-emergency dispatch phone number for assistance. Within five to ten minutes, Officer Heckman called Witness #3 back. Officer Heckman asked for a description of the subject, what he had done, and his current location. Officer Heckman told Witness #3 that he would park on the west side of the building and would be on foot, waiting for the subject to leave the store.

While Witness #3 spoke with Officer Heckman, another loss prevention associate¹⁰ stationed at a camera desk, stood up and said, "That's him. There he is." The loss prevention associate explained that there was a second subject she recognized from previous thefts, carrying two large electric scooters he did not pay for, heading toward the east exit. The loss prevention associate walked out of the office. Witness #3 walked out

⁸ Witness #3 was also interviewed by an unidentified officer at Walmart shortly after the shooting. This interview was recorded on body-worn camera and was submitted for review. This summary includes statements Witness #3 made to the initial officer on scene.

⁹ Witness #3 did not provide the names of the loss prevention team members that he mentioned during his interview.

¹⁰ Witness #3 did not provide the associate's name.

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of the office. Witness #3 was still on the phone with Officer Heckman. Witness #3 saw a black male adult (Williams) wearing dark-colored clothing walking out of Walmart, carrying two large electric scooters.

Witness #3 was still on the phone with Officer Heckman. Because the loss prevention team member alerted Witness #3 to Williams as another theft subject, Witness #3 told Officer Heckman that they had another subject (Williams) who was leaving the store with electric scooters he had not paid for. Witness #3 asked Officer Heckman to stop Williams instead of the original subject they had been watching. Witness #3 directed Officer Heckman to Williams. Witness #3 saw Officer Heckman run toward the east side of the building while another officer in a police vehicle drove from the east side of the building. Witness #3 gestured with his hand to direct the officer in the vehicle toward Williams' location.

Williams ran into the parking lot, followed by the pursuing officers. Williams dropped the scooter boxes. Witness #3 estimated he was 150 feet away from the officers as they approached Williams. Witness #3 heard the officers yell, "Drop the knife," multiple times. Witness #3 was unable to see what occurred from his vantage point but heard the gunfire.

Witness #3 did not know Williams was armed with a knife and only learned later that a security guard had said loudly on the radio system that there was a subject who had a knife who had just taken scooters.

On October 2, 2025, at approximately 1:52 a.m., **Witness #6** was interviewed by Detective C. Emon of the San Bernardino Police Department.

Witness #6 and his friend, Witness #7, were at Walmart on October 1, 2025. As they left the store, Witness #6 heard a store employee on the radio caution others to stay away from the doors. When Witness #6 and Witness #7 exited the store, Witness #6 saw a police officer outside in front of the store. Witness #6 and Witness #7 walked to their white BMW sedan and got inside. Witness #6 was in the front passenger seat; Witness #7 was in the driver's seat.

The windows were rolled up but Witness #6 heard a police siren. As Witness #6 looked up, he saw a police car's emergency lights off to his right. Witness #6 observed that the police car and a police officer on foot were chasing someone. Witness #6 then saw the person (Williams) the police were chasing drop a box and continue to run past the front of their BMW. Witness #6 heard the police officer yell to Williams to stop. As Williams ran past their BMW, Witness #6 saw that Williams had a large, metallic-colored kitchen knife in one hand.

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Witness #6 heard officers order Williams to drop the knife. Williams ran to the passenger side of a car that was parked beside the driver's side of their BMW,¹¹ and opened the front passenger door. Witness #6 heard the officers fire about eight to 10 gunshots. Witness #6 recorded the officer-involved shooting on his cell phone and provided the video to detectives.

On October 2, 2025, at approximately 1:23 a.m., **Witness #8** was interviewed by Detective T. Montez of the San Bernardino Police Department.

Witness #8 was employed as a videographer for the television series, "Cops." On October 1, 2025, Witness #8 and his co-worker rode with Officer Mason during his patrol shift. Officer Mason's patrol unit did not have an interior cage. Witness #8 was seated on the passenger side.¹²

Officer Mason was dispatched to Walmart for a theft call with the suspect described as a man wearing a cowboy hat. After arriving at Walmart, Witness #8 watched for a suspect wearing a cowboy hat to exit the store when he observed a black male adult (Williams) running from the store carrying two large boxes under his arms. Williams did not wear a cowboy hat. Witness #8 could not describe Williams' clothing but estimated Williams was 5'9" to 5'10" tall with a slim build.

Near the store entrance, a person wearing a lanyard-- whom Witness #8 took to be a Walmart employee-- pointed Officer Mason toward Williams. Williams ran to one of the parking lot aisles. Officer Mason drove to the parking lot aisle and turned to follow Williams.

As Officer Mason approached Williams in the patrol unit, Witness #8 saw another officer (Officer Heckman) approach Williams from the side. Though Witness #8 did not specify, his video recording showed that Officer Heckman was on foot when he approached Williams. Witness #8 began filming the incident with his camera through the windshield of the patrol unit, then ultimately from outside the patrol unit, standing at the apex of the passenger door and the door frame. Witness #8 viewed everything through the camera lens with one eye closed and the other looking through the eyepiece.

As Officer Mason exited the patrol unit, Witness #8 saw Williams drop both boxes and begin waving a large, approximately 10-inch kitchen knife with a silver blade. Witness #8 believed Williams held the knife in his right hand. Williams yelled, "Fuck, fuck, fuck," as he dropped the boxes, which Witness #8 interpreted as a panic response to "being caught" by the police. Williams waved the knife at Officer Heckman. Witness #8 heard both officers repeatedly yell, "Drop the knife!" Williams did not drop the knife.

¹¹ Crime scene investigation revealed the car that Williams ran toward was a black Ford Taurus, four-door sedan. There was an empty parking space between the BMW and Ford Taurus.

¹² Witness #8 did not specify whether he was in the front or rear seat.

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Williams held the knife in front of his body and ran between two parked cars, toward a black vehicle. At that moment, Witness #8 stepped out of the vehicle to continue filming from outside the police unit. Because parked vehicles obstructed Witness #8's view, and due to his position, Witness #8 was unable to see Williams' specific actions just prior to the shooting. However, when the officers' gunshots rang out, Williams appeared to be trying to get inside the black car.

INCIDENT AUDIO AND VIDEO¹³

Officer Heckman's Body-Worn Camera¹⁴

Officer Heckman's body-worn camera was activated as he drove into the Walmart parking lot. Officer Heckman held a cellular phone in his right hand and spoke to Witness #3 regarding the theft suspect wearing a cowboy hat. It was dark outside, but the parking lot was well lit. Moderate pedestrian and vehicle traffic was observed throughout the video.

19:35:05 Officer Heckman parked his patrol unit on the west side of Walmart, away from the store's entrance/exit doors, and stepped out. Officer Heckman remained on the phone with Witness #3 and walked toward the west entrance/exit doors. Officer Heckman told Witness #3 he had parked his unit on the west side, hidden from the store's exit, and advised he would wait at the west exit doors.

19:37:57 Officer Heckman asked Witness #3 if the suspect had any weapons. Witness #3 replied, "No, not that we can see." Witness #3 described the suspect as a white male adult wearing a black shirt, dark-colored pants, and a brown cowboy hat, riding a mobility scooter. Officer Heckman told Witness #3 to let him know when the suspect exited the store, and from which exit, the east or west. While Officer Heckman spoke with Witness #3, a marked SBPD patrol unit with emergency lights activated arrived and drove eastward in front of the store.

19:39:07 Officer Heckman radioed that the suspect was still inside the store, possibly stealing. Over the radio, Officer Heckman advised that he was positioned outside the store, waiting for the suspect to leave, and that he was on the phone with store security. The patrol unit, with its emergency lights activated, headed east, out of camera view. Officer Heckman told Witness #3 he would stop the suspect once he left the store and advised he could only do so if the suspect left without paying for the merchandise. Witness #3 provided Officer Heckman with updates on the suspect's actions inside the store.

¹³ Multiple audio and video recordings were submitted for review. All audio and video recordings were reviewed in their entirety, though not all are summarized here. The summaries are limited to the portions of the audio and video recordings that captured the events before, during, and immediately after the officer-involved shooting.

¹⁴ In total, 26 body-worn camera videos were submitted for review. All recordings were reviewed in their entirety, though not all are summarized here. SBPD officers were equipped with Axon body-worn cameras. The camera system turns on when the operator activates the camera. When the camera is activated, the previous 30 seconds of video are included but without any audio.

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19:41:03 Officer Heckman radioed that he was staged on the west side of Walmart. Officer Heckman continued his conversation with Witness #3 and waited outside Walmart's west exit. Witness #3 explained that the suspect was known to them and had previously stolen from the store.

19:44:08 Officer Heckman radioed that he was outside Walmart on the west side of the store and coordinated with Officer Mason the plan to detain the theft suspect. A marked patrol unit with emergency lights activated was briefly spotted near the east side of the store but slowly drove out of camera view. Officer Heckman reached toward his body-worn camera, and the audio was muted. Officer Heckman held the cell phone, which showed he was still conversing with Witness #3.

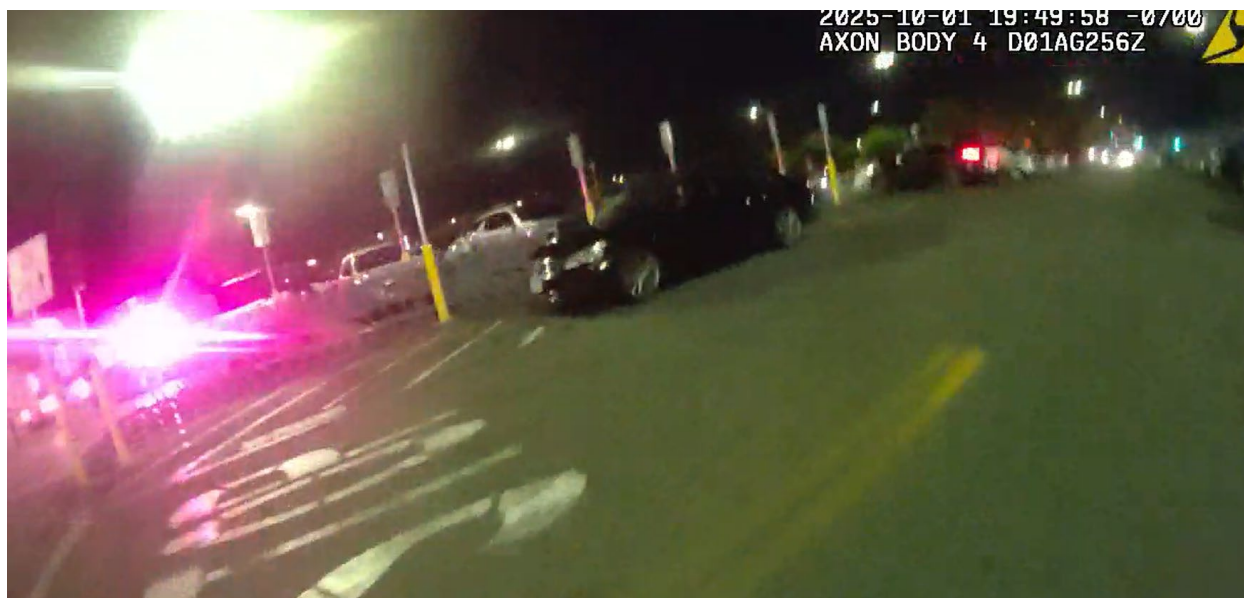
19:47:43 Officer Heckman remained outside the store's west exit. The audio remained muted.

19:49:37 Officer Heckman turned and walked eastward in front of the store.

19:49:47 Officer Heckman ran eastward in front of the store, then turned slightly southeast, away from the store and toward the parking lot.

19:49:53 Audio was unmuted while Officer Heckman ran southeast in the parking lot, past the front of the store.

19:49:58 Officer Heckman ran diagonally southward toward an aisle in the parking lot. Officer Mason's patrol unit, with emergency lights activated, was briefly visible to the east.



Still image at 19:49:58

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19:50:01 Officer Heckman yelled, "Hey, police. Freeze, drop the stuff!"

19:50:03 Williams came into camera view, running southward down the parking lot aisle. Williams carried two large white cardboard boxes. Several pedestrians walked nearby.



Still image at 19:50:03

19:50:04 Officer Heckman ran toward Williams and ordered, "Drop it." Williams turned his head toward Officer Heckman.

19:50:06 Officer Heckman again ordered, "Drop it!" Williams dropped the boxes and turned to face Officer Heckman. Williams held a knife in his right hand. Officer Heckman yelled, "Hey, he's got a knife!" "Drop the knife! Hey, drop the knife!"

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Still image at 19:50:06

19:50:08 Officer Heckman drew his handgun and pointed it toward Williams. Williams turned away from Officer Heckman and ran southward. Officer Heckman chased Williams and repeatedly ordered Williams to drop the knife.

19:50:11 Officer Heckman continued to chase Williams, who ran toward Witness #4's car, which was backed into a parking space. As Officer Heckman repeated his commands to drop the knife, Officer Mason also ordered Williams to drop the knife. Officer Mason was not in camera view.

19:50:12 Officers Mason and Heckman repeatedly yelled, "Drop it," and "Drop the knife!" Officer Mason briefly came into camera view on Officer Heckman's left. Williams reached the passenger side of Witness #4's car. Officer Mason pointed his handgun at Williams as Williams opened the front passenger door.

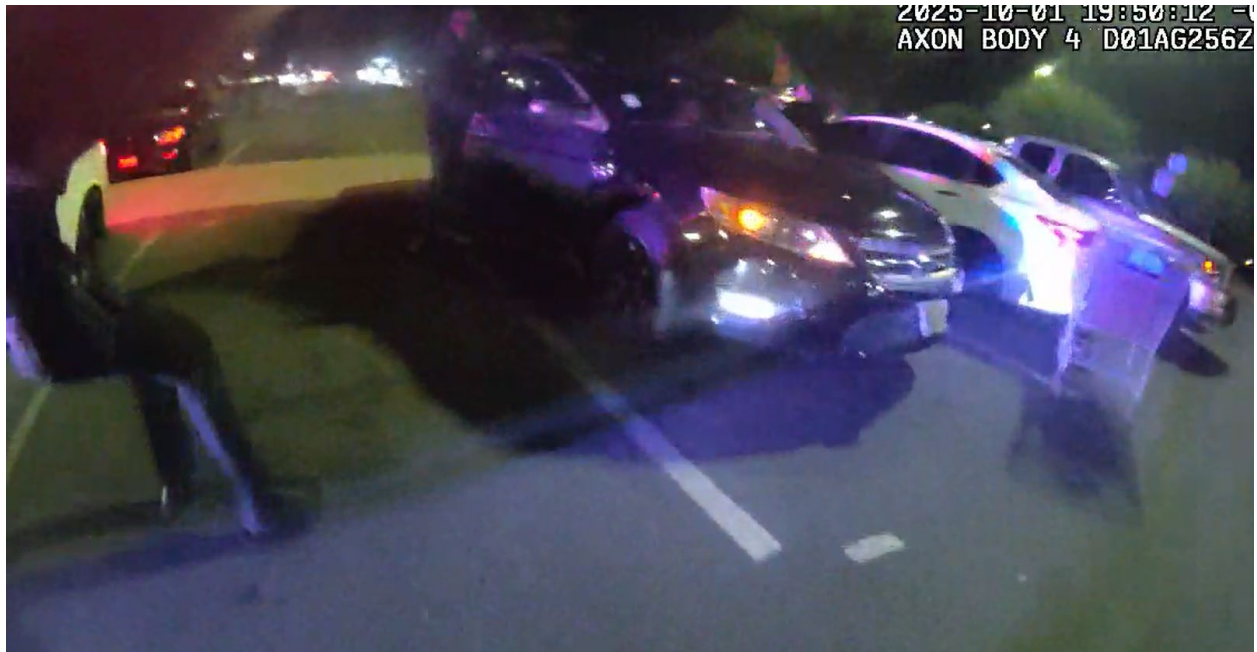
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Still image at 19:50:12



Still image at 19:50:12

19:50:13 As Williams opened the front passenger door, several gunshots rang out. Witness #4, seated in the driver's seat, screamed.

19:50:14 Gunfire stopped. Witness #4 screamed repeatedly. Officer Heckman approached the passenger side of Witness #4's car.

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19:50:17 Officer Heckman radioed "shots fired." Officer Heckman approached Williams, who had fallen into Witness #4's car, face down on the front passenger floorboard. Officer Heckman pushed the car door open further and pointed his handgun at Williams. The front driver's door was open, and Witness #4 was not in the driver's seat, though her screams were audible in the distance. Williams did not move, and Officer Heckman re-holstered his handgun. Officer Heckman told Officer Mason, "Hey, keep lethal on him, and I'm gonna pull him out."

19:50:43 Officer Heckman pulled Williams from the vehicle, onto the ground, and turned him onto his back. Officer Mason approached Williams. Officer Heckman radioed for medical to respond to the scene. Additional officers arrived on scene. Officer Heckman shone a flashlight into Witness #4's car and said he was looking for the knife. Officer Mason began to administer aid to Williams. Officer Heckman turned back toward Williams and assisted in rendering medical care.

"Cops" Television Video Recording

The video recording is 31 seconds in length and includes audio. The recording began as Officer Mason's patrol unit proceeded in the parking lot past the front of Walmart. A Walmart employee (Witness #3) stood in traffic lanes in front of the store, facing south toward the parking lot. As Officer Mason's unit approached, Witness #3 raised his left arm and pointed southward toward an aisle in the parking lot. Officer Mason's patrol unit turned left (south) at the aisle Witness #3 had pointed to. Moderate pedestrian and vehicle traffic were visible.

00:07 Williams came into camera view south of Officer Mason's unit. Williams walked with two large identical white cardboard boxes tucked beneath his arms. A photograph of an electric scooter was visible on the side of one of the boxes. Several pedestrians walked in the aisle near Williams. Officer Heckman came into camera view running toward Williams from the west.

00:08 An unidentified male inside Officer Mason's unit said, "That's him."¹⁵

¹⁵ Three men were inside Officer Mason's unit, including Officer Mason, Witness #8, and Witness #8's colleague.

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Still image at 00.08 seconds

00:09 Williams dropped both boxes as Officer Heckman ran toward him. Williams held a large knife in his right hand and turned to face Officer Heckman. Officer Heckman immediately slowed his pace. Williams pointed the knife blade toward Officer Heckman.



Still image at 00:09 seconds

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Enlarged view of knife in Williams' hand at 00:09 seconds

00:10 Officer Mason's patrol unit stopped, and the door alarm sounded as the doors opened. Officer Heckman quickly backed away from Williams and drew his handgun from his duty belt with his right hand. Officer Heckman yelled commands, but the words were indiscernible from the camera's position inside the patrol unit. Williams turned away from Officer Heckman.

00:11 - 00:13 Williams ran southbound, and Officer Heckman gave chase. Officer Mason came into view on camera as he ran past the front of his patrol unit, joining Officer Heckman in foot pursuit of Williams. Both officers yelled, "Drop the knife!" repeatedly. An adult pedestrian with a shopping cart and a child walked past the front of a black sedan (Witness #4's vehicle) backed into a parking space several feet south of Williams. Another pedestrian walked near the driver's side of Witness #4's car.



Still image at 00:13 seconds

00:14 – 00:15 Williams ran to the passenger side of Witness #4's vehicle and was partially blocked from camera view by a white sedan parked two spots north of Witness #4's car. The camera's perspective briefly shifted westward as Witness #8, the

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videographer, stepped out of Officer Mason's patrol unit on the vehicle's passenger side. The camera zoomed in on the scene. Officers Mason, still in foot pursuit of Williams, continued to yell loud and clear commands at Williams to, "Drop the knife!" and to "Drop it!"



Still image at 00:15 seconds

00:16 Williams opened the front passenger door of Witness #4's vehicle. Officer Mason, near the front of Witness #4's vehicle, pointed his handgun toward Williams. Officer Heckman, several feet away from the front of Witness #4's car, pointed his handgun toward Williams. Both officers repeatedly yelled, "Drop the knife," and "Drop it!" Two unknown civilians rushed past the driver's side of Witness #4's vehicle.

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Still image at 00:16 seconds

00:17 – 00:18 Multiple gunshots rang out as Officers Mason and Heckman fired at Williams. Williams fell forward and out of camera view. A female screamed loudly.



Still image at 00:17 seconds

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00:18 – 00:20 Officer Mason and Heckman quickly approached the front passenger side of Witness #4's car. Williams was blocked from camera view by a white BMW sedan, later found to be occupied by Witness #6 and Witness #7, who sat in the two front seats.

00:20 to 00:31 A female screamed repeatedly. Officers Mason and Heckman quickly walked along the passenger side of Witness #4's car. The camera panned away from the shooting scene and turned toward Officer Mason's patrol unit, which had its overhead red and blue lights activated.

Witness #6 Cell Phone Video

The video is 22 seconds in length and contains audio. The camera faced south toward Witness #4's vehicle, which was parked two spots south of Witness #6's white BMW. The recording began as Williams, still holding the knife, began to open the front passenger door of Witness #4's car. Officers Mason and Heckman were not in camera view.

00:01 Williams opened the front passenger door, and gunshots rang out. Williams fell forward. Officers Mason and Heckman were not in camera view.



Still image at 00:01 seconds

00:02 The sound of gunfire ceased. The camera panned westward, and Williams was out of view. Officers Mason and Heckman came into view on camera. Officers Mason and

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Heckman, located west of Witness #4's vehicle, pointed their handguns eastward, toward the passenger side of Witness #4's vehicle.

00:02 to 00:04 Officers Mason and Heckman quickly approached Witness #4's car. Officer Mason grabbed the open front passenger door and pushed it further open.

00:04 to 00:22 Officer Heckman quickly walked toward the rear passenger side of Witness #4's car. Williams was not in camera view. Witness #6 and Witness #7 cursed and expressed surprise at having witnessed and filmed the shooting.

WEAPON

A large kitchen knife¹⁶ was located on the front passenger floorboard next to the front passenger seat's railing, directly beneath the location where Williams fell after the officer-involved shooting. The knife had a silver handle and a silver blade.



Photograph of the knife near the front passenger seat railing inside Witness #4's car.

¹⁶ Exact measurements were not provided.

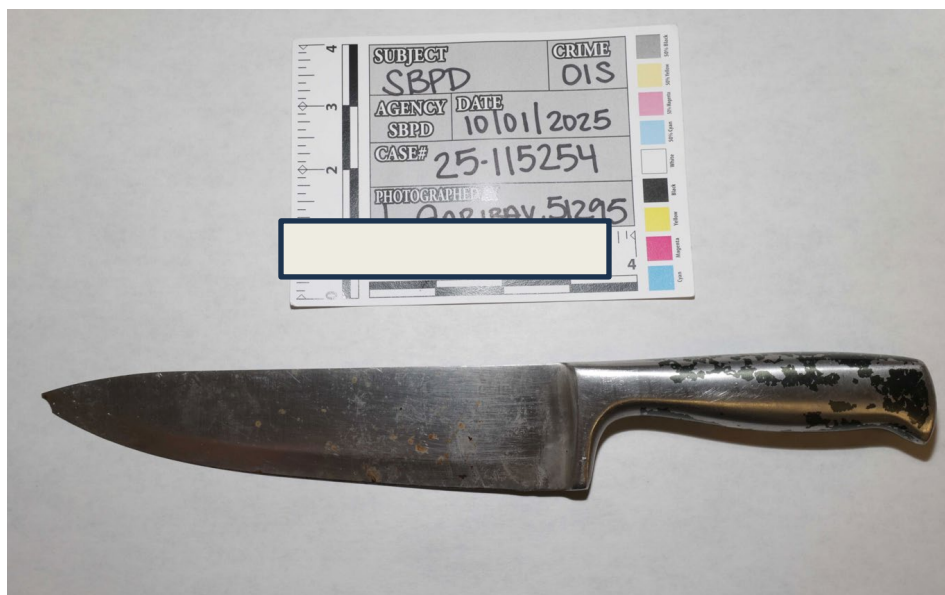
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Photograph of the knife after removal from Witness #4's car.

DECEDENT

Richard Williams was pronounced deceased by San Bernardino County Fire Department Fire Engineer Witness #9 at 8:15 p.m. on October 1, 2025.

AUTOPSY

Dr. Witness #10, Forensic Pathology Fellow, and Dr. Witness #11, Forensic Pathologist for the San Bernardino County Sheriff's Department, Coroner Division, conducted the autopsy of Richard Williams on October 3, 2025. Dr. Witness #10 noted multiple gunshot wounds of the torso and right arm. Dr. Witness #10 found the cause of death was multiple gunshot wounds, and death occurred within minutes.

TOXICOLOGY

Femoral blood, chest blood, vitreous humor, gastric contents, brain tissue, and liver tissue were collected. Femoral blood was submitted for toxicology studies.

Toxicology results of Williams' femoral blood sample were listed as follows:

- | | |
|-------------------|----------------------|
| • Cannabinoids | Presumptive positive |
| • Phencyclidine | 5.4 ng/mL |
| • Amphetamine | 62 ng/mL |
| • Methamphetamine | 320 ng/mL |

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CRIMINAL HISTORY

Richard Williams has a criminal history that includes the following convictions:

1978, 148 of the Penal Code, Resist or Obstruct a Public Officer, San Bernardino County case number MSB3710, a misdemeanor.

1980, 459 of the Penal Code, Burglary, Riverside County case number D98510, a misdemeanor.

1993, 148 of the Penal Code, Resist or Obstruct a Public Officer, San Bernardino County case number MSB2658, a misdemeanor.

1993, 148 of the Penal Code, Resist or Obstruct a Public Officer, San Bernardino County case number MSB72658, a misdemeanor.

2004, 273.5 of the Penal Code, Inflict Corporal Injury to Spouse or Cohabitant, San Bernardino County case number FSB040891, a felony.¹⁷

2004, 12021(a) of the Penal Code, Felon in Possession of a Firearm, and 459 of the Penal Code, Second Degree Burglary, Riverside County case number RIF115994, felonies.

2006, 11379(a) of the Health and Safety Code, Transportation of a Controlled Substance, and 11377(a) of the Health and Safety Code, Possession of a Controlled Substance, felonies.

2009, 10980(c)(2) of the Welfare and Institutions Code, two counts, Shasta County case number MCRDCRF 090000370002, felonies.

2013, 10851(a) of the Vehicle Code, Vehicle Theft, San Bernardino County case number FSB1302186, a felony.

2015, 212.5(c) of the Penal Code, Second Degree Robbery, 211 of the Penal Code, Second Degree Robbery, and 245(a)(4) of the Penal Code, Assault with a Deadly Weapon With Force Likely to Cause Great Bodily Injury, San Bernardino County case number FSB1401300, felonies.

2015, 10851(a) of the Vehicle Code, Vehicle Theft, San Bernardino County case number FSB1302186, a felony.

¹⁷ Arrest relief was granted for this conviction in 2024, per 851.93 of the Penal Code. California Penal Code section 851.93(a)(1), in relevant part, states: On a monthly basis, the Department of Justice shall review records in the statewide criminal justice databases and based on information in the state summary criminal history repository, shall identify persons with records of arrest that meet criteria set forth in paragraph (2) and are eligible for arrest record relief.

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2020, two counts of 245(a)(1) of the Penal Code, Assault With a Deadly Weapon with Great Bodily Injury Likely, San Bernardino County case number 16CR-048367, felonies.

2021, 459 of the Penal Code, Second Degree Burglary, Riverside County case number RIF1605952, a felony.

2022, 245(a)(1) of the Penal Code, Assault With a Deadly Weapon, San Bernardino County case number FSB22001172, a felony.

APPLICABLE LEGAL PRINCIPLES

A peace officer may use objectively reasonable force to effect an arrest if he believes the person arrested has committed a public offense. (Calif. Penal Code §835a(b).)¹⁸ Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal Code §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal Code §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 Code §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 or defense of another, which is codified in Penal Code sections 196 and 197. Both code sections are pertinent to the analysis of the conduct involved in this review and are discussed below.

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 Section 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 that a ***police officer is justified in using deadly force*** when he reasonably believes, based upon the totality of the circumstances, that it is necessary:

¹⁸ All references to code sections here pertain to the California Penal Code.

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- (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 Code §835a(c)(1).)

Discharge of a firearm is “deadly force.” (Penal Code §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 Code §835a(e)(3).)

While the appearance of these principles is new to section 835a in 2020,¹⁹ 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, the requirements of Penal Code § 196 are also satisfied. (*Witness #3 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 case law 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 case law, 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 case law pertaining to the use of deadly force. First, a peace officer 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 effect arrest. (Penal Code §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 Code §835a(c)(1).) Second, deadly force cannot be used against a person who only poses a danger to themselves. (Penal Code §835a(c)(2).)

While the codified standards for the use of deadly force in the course of arrest are set forth in subsections (b) through (d) of Section 835a, the legislature also included findings and declarations in subsection (a). These findings and declarations lend guidance to our

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

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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;²⁰
- (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 Code §835a(a).)

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 section 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 case law, 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;

²⁰ Penal Code §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 uncoded, unlike the aforementioned portion of Penal Code §835a(a)(3).

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- (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. Emphasis added.) 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 is 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, newly defined in the context of the 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.

(Penal Code §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-

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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 consider 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.4th 1125, 1147.)²¹ 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 in the “reasonableness” calculus: the severity of the crime committed, whether the threat posed is immediate, and 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* (9th 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* (9th 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.”)

²¹ The legislative findings included in Penal Code 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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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.

(*Witness #3 v. County of Los Angeles, supra*, 47 Cal.App.4th at 343, citing *Smith v. Freland* (6th 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. (*Baldrige v. City of Santa Rosa* (9th 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.” (*Witness #3 v. County of Los Angeles, supra*, 47 Cal.App.4th at 343-344, citing *Roy v. Inhabitants of City of Lewiston* (1st 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 the deference given to police officers (versus a private citizen) as follows:

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 affect it.’

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

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ANALYSIS

As the Supreme Court explained, “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.” (*Graham v. Connor, supra*, 490 U.S. at 396.) In this case, Officers Heckman and Mason were forced to make a split-second judgment in a tense, uncertain, and rapidly evolving situation.

Officers Heckman and Mason did not know Williams had just robbed a Walmart employee at knifepoint. The officers only knew they were chasing a retail theft suspect who had just stolen electric scooters. It was not until Williams dropped the electric scooter boxes that Officer Heckman saw Williams was armed with a large knife. Officer Heckman was only 10 feet away from Williams at that point. Officer Heckman immediately stopped and yelled out to Officer Mason, “Hey, he has a knife!” Attempting to de-escalate the situation, Officer Heckman ordered Williams to drop the knife. Officer Mason quickly exited his patrol unit to assist. Both Officers Heckman and Mason ordered Williams to drop the knife. Their efforts to de-escalate the situation failed because Williams refused to cooperate. Intent on evading arrest, Williams turned and ran away from them.

Both officers recognized the danger Williams posed to nearby civilians as he ran through the parking lot armed with a large knife. Recognizing that danger, Officers Mason and Heckman chased Williams and ordered him repeatedly to stop and drop the knife. Williams refused all commands. Williams ran straight toward Witness #4’s car with the knife in hand and opened her front passenger door. Officers Heckman and Mason heard Witness #4 scream and saw she was alone in the driver’s seat. Both officers honestly and reasonably believed Witness #4 was in imminent danger. Based on the totality of the circumstances, their belief was objectively reasonable. Neither Officer Heckman nor Officer Mason knew that Witness #4 was Williams’ getaway driver. Officers Heckman and Mason believed Williams was going to carjack, stab, or take Witness #4 hostage to avoid arrest. Williams had demonstrated that he was willing to do whatever it took to evade capture.

Only seven seconds elapsed from the moment the officers first saw the knife in Williams’ hand until they were forced to decide whether to use deadly force to protect a woman who appeared to be an innocent civilian. Based on the totality of the circumstances known to them at that moment, the officers’ decision to use deadly force was reasonable.

CONCLUSION

Based on the facts presented in the reports and applicable law, Officer James Heckman’s use of deadly force was a lawful exercise of his right to self-defense and the defense of others, and therefore his actions were legally justified.

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

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