



San Diego Harbor Police Department
INTERNAL AFFAIRS
OFFICER INVOLVED SHOOTING
ADMINISTRATIVE REVIEW
#2016-16

COPY

Finding: <input checked="" type="checkbox"/> The employee's actions were within department policy and procedures. <input type="checkbox"/> The employee's actions were in violation of department policy and procedures.		
Date and Time of Shooting: 10/27/2015 at 22:46:22 (Tuesday)		
Location of Shooting: 4875 North Harbor Dr. San Diego, CA 92101		
Shooting Investigation Team Assigned: San Diego Police Department Homicide Team #4		Related Case Number(s): SDPD# 15-0469012 SDHP # 15-05087
Injured/Deceased Name: Ashford, Anthony	Date of Birth: <div style="background-color: black; width: 100px; height: 20px;"></div>	Other Identification: <div style="background-color: black; width: 150px; height: 20px;"></div>
Involved Officer(s)/Title/Employee #: 1. Ahfook, Sulimoni/ Officer/ 5216	Date Interviewed: 1. 10/30/2015	
Witness Officer/Title/Employee #: 1. None	Date Interviewed: 1. N/A	
Investigator(s)/ Title/Employee #: Eric Womack/ Lieutenant/ 4123	Review Completed: 12/06/2016	
Captains Approval: K. Nichols #3771 <div style="text-align: center;"> Date: 01/04/2017 </div>	A/Chief Approval: <div style="text-align: center;"> Date: 2/1/17 </div>	
Chiefs Approval: <div style="text-align: center;"> Date: 2-2-17 </div>		

Synopsis

On October 27, 2015 Officer Ahfook was working his normally assigned midnight shift as a vehicle patrol unit. While on routine patrol, he observed an unidentified African American male looking into cars in the area of 4904 North Harbor Dr. Officer Ahfook eventually contacted this subject based upon his suspicion that he was casing vehicles to break into. Upon contacting the suspect in the parking lot at Holiday Inn Bayside, the suspect refused to comply with verbal commands to stop. Officer Ahfook noticed that the subject exhibited abnormal behavior and became concerned that the suspect would attempt to flee on foot. Officer Ahfook also noticed that the suspect had both hands in his pockets and was unsure if he had a weapon. Officer Ahfook then attempted to physically stop the suspect by grabbing his arms in order to prevent his escape and to take control of his hands that were in his pockets. A struggle ensued and the suspect grabbed ahold of Officer Ahfook's holstered weapon in an apparent attempt to disarm him. During the struggle for Officer Ahfook's pistol, both he and the suspect ended up on the ground. While on the ground, the suspect removed Officer Ahfook's Taser, from its holster on Officer Ahfook's belt, and drive stunned Officer Ahfook on the back of his neck. Officer Ahfook was able to fight through the stun and then draw his weapon from his holster. He warned the suspect to drop the Taser and when the suspect refused, Officer Ahfook fired [REDACTED] shot hitting the suspect in the chest, killing him.

Details

I was assigned to review this officer involved shooting by Chief J. Bolduc. As per SDHP Policy 302: Deadly Force Review, I reviewed the criminal case conducted by the San Diego Police Department Homicide Team 4 in its entirety as well as the findings of the Officer of the San Diego District Attorney dated May 26, 2016. In addition I reviewed Officer Ahfook's Harbor Police Training Records and potentially applicable policy sections. Finally, I responded to the scene the night of this incident and acted as the Department's liaison with San Diego Police Homicide for the duration of this case.

Officer Ahfook Gave a voluntary statement to the San Diego Harbor Police Investigators and the transcript is included in the final report. Therefore, there was no need to interview Officer Ahfook as part of this review.

In District Attorney Bonnie Dumanis review, she concluded that, "Officer Ahfook was attempting to physically detain Mr. Ashford for suspicion of criminal activity. Ashford removed himself from Ahfook's hold and attempted to take Ahfook's pistol from its holster. While Ahfook and Ashford struggled for control of the pistol, Ashford took Ahfook's Taser and stunned Ahfook. Ahfook recovered from the stun and shot Ashford once as Ashford was moving toward Ahfook with the Taser. The Taser was capable of delivering additional "drive stun" applications. Ashford was pronounced dead at the scene. Based upon these circumstances, it is apparent that Ahfook fired in self-defense and therefore bears no criminal liability for his actions."

Based upon my review of the aforementioned documents this shooting will be classified as **WITHIN POLICY**.

Using the criminal investigation and Officer Ahfook's statement, the following aspects of this incident were considered in this administrative review:

Initial Contact:

Shortly after the midnight shift briefing, Officer Ahfook began to drive through his beat to conduct a cursory overview of his beat, as was his stated normal practice. When he arrived to the area of 4904 North Harbor Dr., he noticed Ashford looking into vehicles. Based on his training and experience Officer Ahfook thought that Ashford might be casing vehicles, so he made a U-turn to drive into the parking lot. As he slowly drove past Ashford, Officer Ahfook asked him, "How you doing Sir?" to which he received no response. Officer Ahfook drove out of the lot to get back on N. Harbor Dr. and made another U-turn to return to the area because he believed Ashford's behavior was suspicious. By the time Officer Ahfook got back to the area, Ashford had crossed the street and was near the Holiday Inn Express. As Officer Ahfook approached Ashford in his patrol car, Ashford glanced at him and then quickly turned away, which further heightened Officer Ahfook's suspicion that Ashford was engaged in some sort of criminal activity. Because he was concerned that Ashford might run from him, Officer Ahfook drove past him about ten yards and then stopped and got out of the car. Prior to getting out of his car, Officer Ahfook notified HPD communications of his location, that he would be conducting a pedestrian stop, and the pedestrian's description.

After getting out of his patrol car, he told Ashford, "Sir, I need to talk to you." In response, Ashford looked at Officer Ahfook and then looked away and continued walking. Based upon his demeanor, Officer Ahfook believed that Ashford might be mentally ill in addition to potentially engaging in criminal activity.

Analysis: In the area where Ashford is first observed, it is rare to see people loitering in the area during this time of night and this area has been subject to criminal activity in the past. Additionally, after the initial observation and the contact, Ashford's resulting actions would pique an officer's suspicions. Based upon Officer Ahfook's statement, the justification for the contact and tactics used to conduct the pedestrian stop are consistent with accepted police practices and Harbor Police Policy.

Use of Force:

Officer Ahfook noticed that Ashford's hands were in his pocket and based upon his behavior and his lack of cooperation, Officer Ahfook approached Ashford from behind and decided to grab both of his arms at his elbows in order to stop Ashford from escaping and/or potentially removing a weapon from his pockets. Officer Ahfook had intended on calling for assistance on his radio, but Ashford turned his head to look at Officer Ahfook and then spun around, breaking Officer Ahfook's grip. Once facing Officer Ahfook, Ashford grabbed at Officer Ahfook's holstered pistol and began to pull on it with both hands in an apparent effort to remove it from its holster. Officer Ahfook, in an attempt to prevent the taking of his gun, trapped Ashford's hands with both of his hands. Because both hands were occupied, Officer Ahfook was unable to use his radio to call for assistance. While struggling for control of the weapon, both Officer Ahfook and Ashford fell to the ground, causing Officer Ahfook to hit his head on the concrete. While still struggling for control of the gun, Officer Ahfook was eventually able to get on top of him. At one point, Ashford let go of Officer Ahfook's weapon with one hand and Officer Ahfook used the opportunity to use his radio to call for "Cover Now". Officer Ahfook decided at this point that he was comfortable in his current position and could maintain control of Ashford until cover arrived.

Shortly thereafter, Officer Ahfook felt "numb in his whole body" and then felt like he "got shot in the head". He then heard the "tick, tick, tick" of a Taser deploying as well as smell the distinct scent that the Taser produces when it is deployed. The Taser hit caused Officer Ahfook to lose feeling in his arms, but he eventually regained it and was able to regain control of his weapon and draw it from its

holster. He got some distance between himself and Ashford and then ordered him to drop the Taser. When Ashford did not comply, Officer Ahfook fired [REDACTED] shot, aiming for and hitting Ashford's chest. Immediately after the shooting, Officer Ahfook attempted to start CPR, but cover units arrived on scene and took over first aid efforts from him.

During the contact, Officer Ahfook stated that he repeatedly gave commands to Ashford to let go of his weapon and to stop resisting.

During his statement, Officer Ahfook expressed his fear for his life and that he believed that his life was in immediate danger.

Analysis: Officer Ahfook had developed a reasonable suspicion that Ashford was engaged in some criminal activity and gave Ashford a reasonable opportunity to comply. Because of his failure to comply, Officer Ahfook had an articulable fear that Ashford might be in possession of a weapon and choose to mitigate this by grabbing him at his elbows to trap the movement of his hands. After this initial decision, Officer Ahfook was forced to react to Ashford's actions in order to protect himself.

During the struggle, Officer Ahfook's Taser was taken from his leather like, level one retention holster. This department issued holster was carried on Officer Ahfook's utility belt on the left side, (non-dominate), as prescribed by policy. Because Officer Ahfook was understandably preoccupied with protecting his pistol from being taken, he did not notice that the suspect was attempting to take his Taser.

Based upon Officer Ahfook's statement and the physical evidence collected by SDPD Homicide, Officer Ahfook's actions are within Harbor Police Policy.

Recommendations

Training:

Officer Ahfook's training file was reviewed as well as his Daily Training Bulletin Report. Officer Ahfook was up to date on all his qualifications and certificates. His DTB report showed that he was up to date. Additionally, Officer Ahfook is a Department Defensive Tactics instructor and as such as received more training than your average officer.

Therefore, there are no additional training recommendations as a result of this incident.

Equipment:

Officer Ahfook was wearing all issued safety gear and a full uniform. All of the issued equipment was in working order.

The Taser holster has a level one retention level. The Department has since moved to a Level 2 retention holster that would better protect the Taser from being taken in this type of situation.

Policy/Procedures:

Policies considered and reviewed in relation to this incident:

- Policy 208 Training Policy
- Policy 300 Use of Force
- Policy 340.5.9 (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- Policy 340.5.9 (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- Policy 340.5.10 (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- Policy 340.5.10 (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- Policy 308: Control Devices and Techniques
- Policy 309: Conducted Energy Device
- Policy 312: Firearms
- Policy 1022: Body Armor
- Policy 1045 Uniform Regulations