

OFFICE OF THE DISTRICT ATTORNEY

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REPORT ON THE MARCH 14, 2013
SHOOTING OF CLIFF JUNG MIN PARK
BY VENTURA POLICE OFFICERS RAVEN NICOLE
GALLION AND KENDRA WILLIAMS

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I. INTRODUCTION

On March 14, 2013, the Ventura Police Department received a call about a subject screaming about cocaine and yelling profanities at the Motel 6 located at 2145 Harbor Boulevard in the city of Ventura. Ventura Police Officers Kendra Williams and Raven Nicole Gallion were dispatched to the call. Officer Gallion was contacted by motel management when she arrived and was asked to help evict Cliff Jung Min Park, who was the subject of the call.

Officers Gallion and Williams contacted Park on the second floor of the motel and he agreed to come downstairs and talk to them. When he reached the bottom of the stairs, he tried to flee from the officers. A struggle ensued and Park attempted to stab Officer Gallion in the face with his car keys. Park was able to break free from the officers and flee to his pickup truck which was parked nearby.

The officers continuously commanded Park to stop but he continued trying to flee. He was shot with a Taser and still continued to get into his truck. Both officers tried to pull him from the truck but he was able to start the truck and accelerate into reverse. The truck's door struck Officer Gallion and knocked her to the ground. Park also ran over Officer Williams with the truck as he accelerated out of his parking spot.

Officer Williams regained her footing and began firing at Park to protect herself and Officer Gallion, who was still on the ground. Officer Williams' handgun jammed. Officer Gallion was able to regain her footing and fired her handgun to protect both officers. Park died of gunshot wounds suffered at the scene.

The District Attorney's Office has a 24-hour on-call officer-involved shooting team available to all Ventura County law enforcement agencies to assist in the investigation of officer-involved shootings. Once the District Attorney's Office was notified of the shooting, Senior Deputy District Attorney Christopher Harman (who authored this report) and District Attorney Investigators Kimberly Michael and Robert Coughlin responded to the shooting scene and consulted with the investigating officers.

The Ventura Police Department conducted an investigation of the shooting, which included interviewing witnesses, collecting physical evidence, and photographing the area of the shooting. Both involved officers individually provided voluntary statements to criminal investigators where they described the incident.

The Ventura Police Department's investigation reports were then submitted to the District Attorney's Office for a determination of whether the shooting of Cliff Park was justified and, if not, whether criminal charges should be filed. The scope of the District Attorney's review was limited to those issues.

The District Attorney's review included reviewing more than 3,000 pages of reports and documents which included interviews of police and civilian witnesses, diagrams, computer animations, photographs, numerous recorded interviews and recordings of radio transmissions, and an examination of the scene of the shooting.

Based on the information available for review, the District Attorney's investigation, and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Cliff Park by Ventura Police Officers Gallion and Williams was justified and was not a criminal act.

II. STATEMENT OF FACTS

A. CLIFF PARK'S CRIMINAL AND MENTAL HEALTH HISTORY

Cliff Jung Min Park was born May 5, 1983, in Vancouver, Washington. When he was 15, he witnessed a robbery suspect commit suicide after a police pursuit.

In 2002, he enlisted in the Army and was attached to the 101st Airborne as a mortarman. He served in Iraq and was honorably discharged in 2005. He was also diagnosed with post-traumatic stress disorder (PTSD). He underwent treatment for PTSD for several years. By late 2012, he had stopped taking his prescribed medications.

After he was discharged from the Army, Park began drinking and using drugs. His mental health declined.

In December 2007, Park led Cowlitz County¹ sheriff's deputies on a high-speed chase, at times exceeding 120 miles per hour. Park's car crashed and he fled from the car, running across lanes of freeway traffic. He told one of the responding deputies to "just shoot me in the head." He was taken into custody after being incapacitated by a Taser. He told the arresting officer that he had been on a two-day methamphetamine binge and had just been released from the hospital. When interviewed after his arrest. He explained that at the time of the pursuit he had been just released from a hospital after using methamphetamine for two days. He admitted that he was en route to commit suicide by jumping off a bridge when the pursuit started. Park was convicted of Attempting to Elude a Police Vehicle in violation of Revised Code of Washington section 46.61.024(a), a felony.

In December 2008, Park attempted suicide by swallowing prescription medication. In January 2013, Park was admitted to a mental hospital and diagnosed with paranoid schizophrenia. In February 2013, police were called to his home because he had a baseball bat and was angry. So Park, Park's father, denied anything physical occurred but explained that Park was angry because he had been using a lot of "Spice."²

B. MOTEL 6

On March 9, 2013, Park checked into room 257, a second floor room at the Motel 6 located at 2145 Harbor Boulevard in the city of Ventura. His parents paid for him to stay through March 16. During his stay, motel staff received complaints about him yelling at other motel guests, hanging over the balcony, asking people for drugs and money, and being intoxicated.

Meredith Thompson lived near the motel. On the evening of March 14, 2013, she was at her home and heard Park yelling about crack cocaine and accusing someone of being a

¹ Cowlitz County is in the state of Washington, just north of Clark County, where Vancouver is located.

² "Spice" is a term for synthetic marijuana that consists of plant material and psychoactive chemical additives. Synthetic marijuana is associated with extreme anxiety, hallucinations, and paranoia. It has been linked to "acute psychosis as well as exacerbations of previously stable psychotic disorders, and also may have a propensity to trigger a chronic psychotic disorder among vulnerable individuals." Pierre, Joseph M. M.D. *Cannabis, Synthetic Cannabinoids, and Psychosis Risk: What the Evidence Says*, Current Psychiatry, Vol. 10, No. 9, September 2011 49-58.

rapist. She became concerned by the aggressive sound of his voice and called the police to report it.

At about 6:35 p.m. that evening, motel clerk Jason Goodrich received a call from a motel guest that Park was acting erratically and yelling about cocaine. He contacted the motel manager, Benito Vasquez, about the complaint. Both men walked to room 257 to speak with Park.

When they arrived, Park appeared intoxicated. Mr. Vasquez told him to pack his bags and leave the motel. Park asked if he could have an hour to leave and Mr. Goodrich told him that he would call the police if Park was not gone in one hour.

Mr. Goodrich and Mr. Vasquez were returning to the motel office when they were contacted by Ventura Police Officer Gallion in the motel parking lot. Officer Gallion and Officer Williams had been dispatched due to the neighbor's complaint. Mr. Goodrich identified the disturbing party as Park and identified his room as room 257. He also requested Officer Gallion's assistance in evicting Park.

C. EVICTION

Officer Gallion decided to wait for Officer Williams to arrive before contacting Park. Mr. Goodrich returned to contact Park outside his room. Officer Gallion was able to see Mr. Goodrich and Park speaking and decided to approach before her partner arrived because the conversation seemed to be very tense.

Park saw Officer Gallion and turned and walked in the opposite direction, stating, "I'm leaving." Park was carrying a partially full pint bottle of spiced rum. Officer Williams had arrived at the motel a few moments before and walked up the stairs Park was walking towards. Officer Williams stopped Park and Officer Gallion joined them.

Park seemed very intoxicated to the two officers. Officer Gallion offered to call Park a cab to move him to another motel and avoid him being arrested for public drunkenness. Park appeared to agree and the two officers and Park went downstairs.

When they reached the bottom of the stairs, Park began rapidly walking away from the officers. They ordered him to stop and he ignored them. At that point the officers decided to arrest Park for public intoxication.

Both officers then grabbed hold of Park, placed him against the hood of Officer Williams' patrol car, and tried to handcuff him. Park struggled against the officers and kept placing his hands underneath his body to prevent himself from being handcuffed.

The officers decided to force Park onto the ground so they could control him better. They moved him to a greenbelt which they believed was a safer area to bring him to the ground.

Officer Williams attempted to trip Park. Park fell and knocked Officer Gallion to the ground. He got hold of his car keys and placed one of the keys between the fingers of his right hand. He then made a fist and jabbed at Officer Gallion's face. Officer Williams had been trying to put her weight onto his back, and Park bucked her off. He regained his footing and began walking toward his pickup truck, which was nearby in the parking lot.

Both officers pursued Park, repeatedly commanding him to stop. Park began repeating, "I didn't do anything." Both officers unholstered their Tasers. Park reached the corner of his truck and turned to look at the officers. Officer Williams warned Park that she would fire her Taser if he did not stop. Park kept moving toward the driver's door, so she fired her Taser and the darts hit him.

The Taser activated for five seconds. Park made an "ah" sound but was not incapacitated by the Taser. Instead, he was able to open the driver's door to his truck and climb into the driver's seat.

D. THE SHOOTING

Officer Williams ran to the truck's driver's door and tried to pull it open. She activated her Taser again but there was no effect on Park. Park struggled with her as he tried to close the door.

Officer Gallion rushed to the driver's door and jammed herself between the truck and the door to keep the door open. Officer Williams reached into the truck and tried to pull Park out of the truck. Park was able to put the key in the ignition and start the engine. Both officers heard the engine start and tried to move away.

Park shifted the truck into reverse and aggressively accelerated out of his parking spot. Officer Gallion was struck by the door and knocked to the ground. Her head hit the ground and she briefly blacked out. Officer Williams lost her footing and fell to the ground and was run over by the truck.

Park sped from his parking spot in a semi-circle, striking the rear of another pickup truck parked at the motel with the back of his truck. He then drove forward, jumped the sidewalk, and struck an air conditioning unit connected to a motel room. He began backing up again.

Officer Williams was able to regain her footing and stood approximately 10 feet behind the pickup truck. She saw Officer Gallion lying on the ground. She heard the truck's engine revving and could see Park trying to shift gears. She believed that Park posed a direct and immediate threat to her and Officer Gallion, so she drew her handgun and began firing into the truck.

Officer Williams realized that her bullets could hit motel rooms as well as the truck, so she moved toward the passenger side of the truck to lessen the possibility of hitting a motel guest. She continued firing but her gunshots seemed to have no effect on Park. Then her gun jammed.

Officer Gallion regained consciousness and saw Officer Williams firing at the truck. She could hear the engine revving and see Park frantically trying to shift the truck into gear. She noted that Officer Williams was in the path of the truck if it began to back up. Then she noticed the slide on Officer Williams' handgun locked back³.

³ A handgun will lock back when it is jammed or out of ammunition.

Officer Gallion was afraid that Park would run over Officer Williams again. She regained her footing and aimed her handgun at the truck. She began firing through the passenger window at Park. She continued firing until Park's hand stopped trying to shift the car into gear and he slumped over in his seat.

Other officers began arriving. Officer Gallion and Officer Williams approached the truck and looked inside. They noticed Park had a gunshot wound to his head and did not appear to be moving. They were then escorted back to their patrol cars by other officers, where each began to feel the pain of her injuries.

E. ADDITIONAL POLICE RESPONSE AND INVESTIGATION

A crime scene was established and marked off. Emergency medical personnel arrived to treat Park and Officers Gallion and Williams. Park was pronounced dead at the scene at 7:31 p.m. Officers Gallion and Williams were transported to the Ventura County Medical Center for treatment of the injuries they sustained in the incident.

Evidence seized at the scene included six 9mm caliber expended casings fired by Officer Gallion and eleven 9mm caliber expended casings fired by Officer Williams. Officers Gallion and Williams were individually interviewed about the shooting and each provided voluntary statements concerning the incident.

F. WITNESS STATEMENTS

Numerous individuals were interviewed including officers, emergency medical personnel, motel staff and tenants, and many neighbors of the motel. Summaries of the most pertinent witness statements are set forth below.

1. MEREDITH THOMPSON

Meredith Thompson was interviewed by Ventura Police Detective Caliento by telephone on March 21, 2013.

Ms. Thompson and her husband live near the Motel 6 on Harbor Boulevard. In the early evening of March 14, 2013, she was in her garage and heard an unknown male subject yelling that he wanted "crack cocaine" and accusing unknown people of being "rapists."

The person sounded very aggressive, which made Ms. Thompson feel nervous. She called the Ventura Police Department to report the yelling at 6:48 p.m.

The yelling stopped after a few minutes. She heard additional yelling a short while later, followed by the sound of a car rapidly accelerating, followed by a crash. She then heard gunshots and a lot of sirens. She ran back into her house and called 911 at 7:09 p.m. She was told to remain in her home. She described the entire incident as happening very fast.

2. JASON GOODRICH

On March 14, 2013, Jason Goodrich was working as a clerk at the Motel 6. He witnessed the shooting. Mr. Goodrich was interviewed by Detectives Starr and Welch at approximately 8:30 p.m. on March 14, 2013.

Mr. Goodrich worked shifts on March 12, 13, and 14, and became aware that the tenant in room 257 was causing problems. The tenant, Cliff Park, had checked in on Saturday, March 9, and was paid through March 16. The problems Park was alleged to have caused included yelling at other guests, hanging over the balcony, acting erratically, asking for drugs and money, and being intoxicated.

In the early afternoon, Mr. Goodrich received a report from another tenant that on the previous day Park had been standing on the second floor balcony outside his room when he shouted, "I'm just trying to fuck an 8-year-old." At approximately 6:35 p.m., another clerk spoke with Park on the phone and Park yelled something about cocaine.

Mr. Goodrich spoke to the motel manager, Benito Vasquez, and they decided to speak to Park.⁴

Mr. Goodrich and Mr. Vasquez contacted Park at approximately 6:40 p.m. Park was standing outside of his room on the balcony. Park was clean-shaven and wearing a dark colored suit and tie. Mr. Goodrich asked Park, "What seems to be the problem, sir?" Park responded, "Nothing." Mr. Goodrich told Park that they received complaints that Park was acting erratically and yelling at guests, and Park replied, "Well, I'm drunk."

⁴ Mr. Goodrich and Mr. Vasquez were unaware that a neighbor had called 911 based on Mr. Park's loud shouting about crack cocaine.

Mr. Goodrich thought that Park looked intoxicated and told Park, “This has got to stop.” Mr. Vasquez then told Park, “No, it’s time that you pack your things and you leave.” Park noted that he was not due to check out until March 16 because he had paid for an entire week at the motel. Mr. Vasquez responded, “No, you pack your things and you leave.”

Park agreed to leave but asked if he could have an hour. Mr. Goodrich noted that the time was 6:40 p.m. and told Park that if he was not gone in one hour, he would call the police. Park then responded, “I don’t care.”

Mr. Vasquez and Mr. Goodrich were returning to the motel office when they were contacted by Officer Raven Gallion,⁵ who told them that she had received a call to the motel. Mr. Goodrich identified Park as the disturbing party and told Officer Gallion that he was in room 257. Officer Gallion told them that she was going to wait for her partner before approaching Park.

Mr. Goodrich decided to return to room 257 where he re-contacted Park. Park seemed very apologetic and asked if he could stay. Mr. Vasquez returned to the room and told Park that he needed to check out right then because they did not need the problems he was causing with other guests.

Officer Gallion began approaching the room from the east side and Officer Kendra Williams⁶ began approaching the room from the west. Park held a bottle of alcohol in his hand and was wearing a backpack. He responded, “I’m going. Alright. I’m going,” and started to walk away. Park was then contacted by the two police officers and appeared to be cooperating with them. Park and the two officers began walking down the stairs and Mr. Goodrich started to return to the motel office.

Suddenly, Mr. Goodrich heard the police officers yelling at Park to stop. Mr. Goodrich ran to a spot about 100 feet away and saw Park backing away from the officers, who were

⁵ Mr. Goodrich did not know Officer Gallion by name but was able to describe her. Her name is used for clarity.

⁶ Mr. Goodrich knew Officer Williams from a previous call but only knew her by “Officer Kendra.” Her last name is used for clarity.

yelling at him to stop. Park ignored the officers' commands and moved toward a pickup truck which was parked in the parking lot.

Both officers drew their Tasers and aimed them at Park. Park opened the driver's side door to the pickup truck and the officers continued yelling at him to stop. Park started to get into the truck and both officers fired their Tasers at him.⁷ Park began immediately reacting to the Taser and was yelling, "I didn't do nothing!"

Park was able to continue climbing into the truck and sat in the driver's seat. Both officers approached the driver's door and tried to pull Park from the truck. Park was able to start the truck. The officers yelled at Park to turn off the truck, and Park continued to yell that he didn't do anything.

One of the officers began trying to reach for the truck's key while the other officer continued to try to pull Park from the truck. Park put the truck in reverse and "floored" the accelerator. Officer Gallion was able to roll out of the way but Officer Williams was knocked down by the truck's door which caused her to roll under the truck and was run over by the front tires. Park drove forward, running over Officer Williams again with the truck's rear tires. Park then hit another vehicle in the parking lot with his truck.

Two motel tenants were upstairs and began yelling that the officers should shoot Park. Officer Williams had regained her footing but appeared dazed. She had unholstered her handgun. She was directly behind the truck and about 10 feet from it. Park was starting to drive away with his truck pointed at some of the motel rooms.

Officer Gallion had also regained her footing and was standing directly in the path of the truck. If Park had continued to drive forward, Goodrich believed Park would have hit Officer Gallion and then would have driven into occupied motel rooms. Mr. Goodrich was extremely concerned about the safety of Officer Gallion and other motel guests.

⁷ Both Tasers were examined and only Officer Williams' Taser was fired.

Officer Williams began shooting at the truck. Mr. Goodrich believed that Officer Williams shot both rear tires and then fired at the rear window. The truck continued moving forward toward motel rooms and Park continued manipulating the gear shift. Officer Williams was still behind the truck and began moving toward the front passenger window. Officer Gallion stood near the right front bumper of the truck. Park continued manipulating the gear shift. Both officers began shooting and continued until the truck came to a stop.

The officers stopped shooting when the truck stopped. Both officers looked shaken up. Then other police officers arrived at the motel and secured the area. Mr. Goodrich was very concerned with Officer Williams' well-being as she had been run over. He was afraid she was going to die. He noted that people do not typically get back up after being run over, but Officer Williams did. He felt that when the officers shot at Park, "they had to do what they had to do."

3. THOMAS BIALOBRESKI

Thomas Bialobreski was staying in room 259 on March 14, 2013, and witnessed the incident. He was interviewed by Detective Vazquez that evening.

Mr. Bialobreski arrived at the motel close to sunset on March 14. He and his friend were walking to their room when they were contacted by an Asian male (whom he later identified as Cliff Park) who asked them if they had any "crack." Mr. Bialobreski told Park that he did not have any crack and he and his friend continued to their room.

Later that night, Mr. Bialobreski heard Park outside on the balcony yelling about crack. Mr. Bialobreski called the front desk to report Park. A short while later, two motel employees approached Park. Park told the employees that he would hurt them and the employees asked Park to leave the motel.

A short time later, Park began saying odd things such as, "You guys are fucking little kids," but it was clear to Mr. Bialobreski that Park was not actually talking to anyone specifically.

After a while, Mr. Bialobreski heard the police knock on Park's motel room door. He then heard female officers commanding Park to stop. Mr. Bialobreski and his friend looked out their motel room window and saw Park getting into a pickup truck. Two female officers were at the driver's door and at least one of them had deployed a Taser. Park continued struggling while the Taser was activated.

Mr. Bialobreski walked outside his room and continued to watch. Park got loose from the Taser, put the truck into reverse and accelerated, knocking one of the officers down and dragging the other one (Officer Williams) under the truck. Park's truck then collided with another vehicle in the parking lot.

Officer Gallion was on the ground looking dazed. She had unholstered her handgun. Mr. Bialobreski yelled at her to shoot Park because he was afraid Park would kill someone if he drove out of the parking lot. The dazed officer then began firing at the truck. Mr. Bialobreski believed Officer Gallion fired her handgun eight times.

Mr. Bialobreski said that "she probably didn't want to have to shoot the dude but she had to."

Mr. Bialobreski went downstairs after the shooting. He saw one officer (Officer Williams) limping away and Officer Gallion looking into the truck.

4. OFFICER RAVEN NICOLE GALLION

Due to Officer Gallion's hospital treatment, she was unable to give a statement on the night of the shooting. On March 20, 2013, she was interviewed by Detectives Starr and Welch at approximately 2:05 p.m.

Officer Gallion related that she was working patrol on March 14 in a marked police car and wearing a Ventura Police Department uniform. At approximately 7:00 p.m., she was dispatched to the Motel 6 on Harbor Boulevard to investigate an unknown person yelling profanities outside the motel. She had no description of a suspect and was supposed to meet Ventura Police Officer Kendra Williams at the call.

Officer Gallion arrived at the motel and contacted a Motel 6 employee named Jason Goodrich. Mr. Goodrich asked her if she could help him evict a drunken guest who was yelling profanities. Officer Gallion concluded that the guest was the subject of her call for service.

Mr. Goodrich told her the name and room number. She put that information out over the radio, but did not remember the information at the time of the interview.⁸

Mr. Goodrich offered to take Officer Gallion to the room and she began following him through the parking lot. When they reached the southwest corner of the motel, she drove east past room 257 and parked near the stairwell that was east of the room. She told Mr. Goodrich that she was going to wait for her partner before contacting Park.

Officer Gallion exited her patrol car and put on plastic gloves as a precaution.

Mr. Goodrich began walking toward room 257. She looked up and saw Park standing on the second floor balcony. Park appeared agitated and was arguing with the motel manager. Their faces were within a foot of each other while they argued. She was concerned about the tension between the men, so she began approaching room 257.

Officer Gallion saw Officer Williams arrive as she walked up the eastern stairs. Officer Williams parked on the western side of the motel. Officer Gallion approached Park, and Mr. Goodrich identified Park by stating, "There he is and he's drunk." Park was wearing a suit and had a backpack over one shoulder and a half-full bottle of what appeared to be hard alcohol. Park abruptly turned and began walking away from Officer Gallion.

Officer Williams had reached the top of the western side stairway and Park continued quickly walking in her direction. Officer Gallion thought Park was going to walk right into Officer Williams, but Officer Williams put her palm out toward Park and told him to stop. Park then stopped.

⁸ A recording of the radio traffic showed she identified the subject as "Cliff Park" in "room 257."

Officer Gallion approached Park from behind and took the bottle of alcohol from him because she was afraid it could be used as a weapon. Officer Gallion grabbed Park's backpack and turned him to face her. He would not make eye contact and had what she described as a "thousand-mile stare."

Officer Gallion told Park that he could not be out in public while drunk. Park denied that he was drunk. Officer Gallion told Park that she wanted to help him and let him know that he could be arrested and go to jail for being drunk in public. She then offered to call him a cab so he could go to a different motel and finish his evening without going to jail.

Park was stiff and rigid and still refused to make eye contact with Officer Gallion, but he said either "okay" or "cab," which she took to be an acceptance of her offer. Officer Gallion let go of his backpack. Officer Gallion retrieved the bottle of alcohol and the three of them began walking downstairs.

When they reached the bottom of the stairs, Park started to rapidly walk away from the officers toward the parking lot. Both officers told Park that he needed to stay there so they could call him a cab and each grabbed hold of him. Park tried to pull away. Both officers were able to force him against the hood of Officer Williams' patrol car. Officer Gallion tried to take hold of one of Park's wrists to handcuff him but he kept pulling his arm away from her. Officer Gallion told Officer Williams that they needed to take Park to the ground.

The officers moved Park from the patrol car to a small greenbelt in the parking lot. Park pulled away again and Officer Gallion was able to grab his clothing. Park continued struggling against Officer Gallion and knocked himself and Officer Gallion to the ground. Officer Gallion believed that Park "took a swing" at her as they fell to the ground.

Officer Gallion broadcast a request for emergency backup while she was struggling with Park. Both officers wrestled with him on the ground until Park was able to regain his feet. Officer Williams shouted that Park had keys in his hand. Officer Gallion grew concerned that he could use the keys as a weapon. Park pulled away from them and began running

toward a truck in the parking lot. Officer Gallion was now concerned that Park was intoxicated and was going to drive away and pose a danger to other people on the road.

Both officers ran after Park. Officer Gallion heard the truck doors unlock and ran to the passenger side of the truck. Officer Williams followed Park toward the driver's side. Officer Williams deployed her Taser at Park when she reached the tailgate area of the truck. Officer Gallion ran to the driver's side to handcuff Park while the Taser had him incapacitated.⁹ Park was able to get into the driver's seat despite the Taser.

Officer Gallion reached the driver's side door and saw that the Taser was having no effect on Park. Park was grasping at his chest as if he was trying to remove the Taser probes. Officer Williams activated the Taser again but there was no effect on Park. Both officers struggled with Park at the driver's door and Officer Williams broadcast a second request for emergency backup.

Park managed to close the driver's door and Officer Gallion pulled it open. The two struggled over the door, opening and shutting it, until Officer Gallion wedged her body between the door and the truck. Officer Williams stood next to Officer Gallion and reached into the truck to pull Park out. Park was able to get the truck key into the ignition and start the engine.

When the truck started, Officer Gallion felt that she needed to move out of the way. Before she could move, she heard the engine rev and the truck accelerated in reverse. She was struck by the truck and forcefully knocked to the ground, hitting her head on the pavement. She heard Officer Williams gasp and then a sound that she associated with a body being run over. She was sure she was going to be run over next. Officer Gallion then felt a heavy pressure on her legs but is not sure if it was the truck running over her or if it was Officer Williams falling onto her. Officer Gallion then heard a crash and briefly lost consciousness.

⁹ Officer Gallion had unholstered her Taser but did not deploy it against Park.

She regained consciousness and her vision was blurry. She started to get up and was able to see Officer Williams standing behind the truck and shooting at the rear of the truck. She could not hear any sound.

The truck was facing northwest in the driveway and moving forward toward the motel rooms.¹⁰ Officer Gallion believed that the truck was going to crash into the building. Officer Gallion stood up, drew her handgun, and ran toward the passenger side of the truck.

Officer Williams was standing behind the left rear bumper of the truck as she fired her handgun. Officer Williams' handgun locked back, indicating she had fired all the ammunition in her magazine. Officer Gallion reached the passenger window and saw that Park appeared unaffected by the gunshots. Park continued revving the truck engine and frantically moving the gearshift.

Officer Gallion was afraid that Park would shift the truck in reverse and run over Officer Williams again, killing her. She was also afraid that if he put the truck into forward gear, he would "just mow over anyone that's in his way." Officer Gallion immediately fired her handgun at Park and continued firing until he stopped moving and was no longer a threat to Officer Williams or anyone else in the area. Officer Gallion believed that she fired four to five times. At the time she shot, she believed that her only option to protect Officer Williams was to shoot.

Once she stopped firing, Officer Gallion broadcast that shots had been fired. She did not see Officer Williams but felt Officer Williams' presence on her left side. Officer Gallion told Officer Williams to stay behind her. Officer Gallion stayed at the passenger side of the truck with her handgun pointing into the cab until other officers arrived on scene.

The first officer arriving on scene helped her clear the car for any threats. Officer Gallion did not locate any weapons and noticed that Park appeared to be dead. She backed away

¹⁰ Before Officer Gallion blacked out, the truck had been facing south. Officer Gallion had no idea how the truck's position had moved, leading her to conclude that she had lost consciousness.

from the truck, leaned against a motel wall, and began to feel pain from her injuries. An officer walked her to her patrol car and took custody of her handgun.

Ambulance personnel arrived on scene and Officer Gallion asked that they check on Officer Williams first. Officer Gallion felt that since Officer Williams had been run over by the truck she might have suffered severe injuries. Ambulance personnel checked Officer Gallion's injuries and she was eventually transported to the Ventura County Medical Center. Officer Gallion did not suffer any fractures but received multiple abrasions and contusions on her head and body.

5. OFFICER KENDRA WILLIAMS

Due to Officer Williams' hospital treatment, she was unable to give a statement on the night of the shooting. On April 4, 2013, she was interviewed by Detectives Starr and Welch at approximately 11:20 a.m.

Officer Williams related that she was working patrol on March 14 in a marked police car and wearing a Ventura Police Department uniform. At approximately 7:00 p.m., she received a dispatch call to the Motel 6 on Harbor Boulevard related to an unknown subject yelling about crack cocaine.

Officer Gallion arrived at the motel first and she contacted Officer Williams to tell her she had spoken with the motel manager and identified the disturbing party's room number.¹¹ Officer Gallion told Officer Williams that the motel room was on the motel's southwest corner.

Officer Williams arrived at the motel. She parked her patrol car at the southwest corner of the motel next to a stairwell. She walked up the stairs. At the top of the stairs, she saw Officer Gallion, Jason Goodrich,¹² and another motel employee (Benito Vasquez), all standing in front of a motel room. It appeared as though Mr. Goodrich was opening the door to a room. Then an Asian man (Cliff Park) walked right past them. Officer Williams

¹¹ Officer Williams did not recall the room number on the date of her interview.

¹² Officer Williams recognized Mr. Goodrich from a previous call for service but only knew him as the motel manager.

assumed that Park had come out of the room whose door she believed Mr. Goodrich had been opening.

Park was wearing a business suit and had a backpack on both shoulders. Officer Gallion called after Park who did not stop but kept walking toward Officer Williams. He kept repeating, "I'm leaving, I'm leaving."

The balcony walkway was extremely narrow. When Park was within a foot of Officer Williams, she put out her hand and told him to stop to keep him from knocking into her. Park was close enough to Officer Williams that her palm actually touched his chest. Officer Williams noticed that Park appeared intoxicated and was holding a partially empty bottle of liquor. Officer Gallion approached Park and removed the liquor bottle from Park's hand. She offered to get him a taxi so that he could leave the motel and asked him to go downstairs to talk to them.

Park agreed, so the three of them walked downstairs. When they reached the bottom of the stairs, Park began walking away from the officers at a rapid pace. Officer Williams ordered Park to stop. Park stated that he was going to leave and continued walking away.

Officer Williams grabbed the handle at the top of Park's backpack and the backpack came off his left shoulder. Park turned to grab the backpack and it then came off his right shoulder. Park then walked away, leaving the backpack with Officer Williams.

Officer Williams dropped the backpack on the ground. She and Officer Gallion grabbed Park's arms and pushed his body against the hood of her patrol car. They both told Park to calm down. Officer Gallion told Park that they were trying to help him. Park continued struggling against them.

At one point, Officer Gallion said that they should take Park to the ground. They began moving Park to a location where they could safely take him to the ground. Officer Williams tripped Park and he partially went to the ground. She then noticed that Park had keys in his right fist with the pointed end of at least one of the keys sticking out from his

fingers. Officer Williams shouted, "He has keys!" and, at the same time, Park tried to stab at Officer Gallion's face with the keys.

Officer Gallion was able to avoid the keys. Officer Williams grabbed Park and threw him to the ground. She climbed on top of Park's back and attempted to bring Park's right arm behind his back. Park pushed off the ground and bucked her off of his back. Officer Williams heard Officer Gallion request emergency backup over the radio while she was still was on the ground.

Park stood up and resumed walking toward cars in the parking lot. Officer Williams regained her feet and pursued Park, ordering him to stop. She saw the lights on a pickup truck flash, indicating to her that Park had remotely unlocked it. She was concerned that he was going to attempt to drive away while intoxicated.

Park turned and faced Officer Williams. He was 10 to 15 feet away. Officer Williams drew her Taser, aimed it at Park, and again told him to stop. She saw a second set of laser lights on Park, which she assumed was from Officer Gallion's Taser. Officer Gallion warned Park that if he did not stop he was going to be tased. Park turned and ran for his truck.

Park reached the rear left corner of his truck and turned to look at the officers. Officer Williams fired her Taser at him and she saw the Taser darts make contact with his body. Park made an "ah" sound and tensed up but did not fall to the ground or become incapacitated. The Taser effect stopped after five seconds.¹³ Officer Williams believed that Park was able to remove one of the Taser darts during that five second Taser activation.

Officer Williams had been running toward Park but did not reach him before the Taser application stopped. Park was able to open the driver's side door to his truck and climb into the driver's seat. Park started to shut the driver's door and Officer Williams ran up and grabbed the handle and pulled it back open. Officer Gallion arrived at the door and

¹³ The Taser Officer Williams carried was designed to deliver a five-second charge for each trigger pull.

assisted in trying to keep it open. Officer Williams reached into the truck and tried to grab Park.

Park still had the keys in his right hand, so Officer Williams activated her Taser again. It did not affect Park. She then placed her Taser against his left thigh and tried to “drive stun” him.¹⁴ Park was continuously moving his legs, so she was unable to deliver a consistent charge while the Taser was deployed in drive stun mode.

Officer Williams reached into the cab and grabbed Park’s left arm. She reached in with her right hand, still holding the Taser, and tried to circle her arm around Park’s neck and pull him out of the truck. During the struggle, Park was able to get the key into the ignition and start the truck. He shifted the truck into reverse and then “floored” the accelerator.

Officer Williams was trying to remove the keys from the ignition when the truck accelerated backwards. Her back was against the driver’s door and she was facing into the truck. She tried to run as the truck accelerated but lost her footing and fell to the ground, face first. She then had to duck as the open truck door rushed at her. At that point, she felt the truck run over her and she felt like she was about to die.

“I tried to push myself up, um, and that’s when I see, because the car door was still open, that’s when I see the car door coming at me. So I didn’t want to get hit in the back of the head with the car door, so I basically went down to the ground, face to the ground, and that’s when I felt the tire, basically just over my whole right side of my body.” She described the left front tire starting at her right ankle and then crossing the entire right side of her body. She saw the undercarriage passing over her and felt like she was going to die, so she closed her eyes and then felt pressure on the back of her skull. Then she heard a crash.

¹⁴ “Drive stun” refers to using the Taser’s electrodes to cause pain by placing it directly next to the body rather than using the Taser darts to incapacitate. A Taser can be used in drive stun mode by removing the dart cartridge or after the darts have been fired.

The truck had reversed in a northwestern semicircle away from Officer Williams and struck another vehicle in the parking lot. She opened her eyes and saw Officer Gallion rolling on the ground. She was not sure if Officer Gallion had also been run over by the truck but Officer Gallion appeared dazed.

Officer Williams heard the truck's tires screech again, followed by a crash as it hit the side of the motel building. She jumped up as she was afraid the truck might come back for her. She began running toward Officer Gallion, then realized she was directly behind the truck.

The truck was on the sidewalk near the building, facing northwest. She believed that the truck could not move without striking her or Officer Gallion. She was still unsure of the extent of Officer Gallion's injuries.

Officer Williams drew her handgun. She heard the sound of squealing tires as Park again tried to rapidly accelerate the truck. Officer Williams felt that she had only one option to protect herself and Officer Gallion, as well as the public at large, which was to shoot Park. Officer Williams began firing her handgun at the rear of the truck.

Officer Williams fired two shots and realized that motel rooms were in her line of fire behind the truck and that she might be jeopardizing motel guests. She moved north so that she could see into the passenger side of the truck and the shots would parallel the motel building, continuing to fire her handgun as she moved.

Officer Williams believes she fired at least one round as she moved. She saw Park inside the truck trying to move the gear shift. Officer Williams yelled for him to stop but he continued to move. She continued firing but did not believe that any of her shots hit him because he never stopped moving while she fired.

Officer Williams then heard the loud sound of a handgun firing near her. She noticed Officer Gallion standing east of her and firing her handgun at Park. At some point Officer Williams' handgun's slide locked open as her gun jammed. Officer Gallion continued

firing as Officer Williams moved behind her and tried to clear her handgun. Then Officer Gallion yelled, "He's down!" and stopped firing her weapon.

Officer Williams tried to call for backup on her radio but could not find it on her belt. Additional officers arrived on scene and Officers Gallion and Williams approached the truck to determine if there were any further threats. The engine was still running. They looked through the passenger window and saw that Park was slumped down in the driver's seat with a bullet wound to his right temple.

Officer Williams told one of the officers that her gun had jammed and that officer took custody of her handgun. Officers escorted her to her patrol car and she began to feel the pain from her injuries. She was initially told that her leg had been broken and her shoulder dislocated. Further medical treatment disclosed that her actual injuries sustained in the incident were a sprained left ankle, a torn anterior cruciate ligament and a torn medial collateral ligament in her right knee, a bruised femur, a bruised kneecap, and a broken shoulder.

6. PARAMEDIC ROYCE DAVIS

Paramedic Royce Davis worked for American Medical Response as a paramedic and responded to 2145 Harbor Boulevard after the shooting. He was interviewed by Detective Caliento at approximately 8:30 p.m. on March 14, 2013.

Paramedic Davis received a call related to a gunshot victim at the Harbor Boulevard Motel 6. They responded to the scene and tried to find gunshot victims. He contacted Officer Kendra Williams and asked if she had been shot. She replied that she had been run over by a car.

Paramedic Davis examined Officer Williams, helped place her onto a backboard and apply a spinal immobilization collar. He then assisted in placing her into an ambulance and she was transported to Ventura County Medical Center.

Paramedic Davis and several others then approached a pickup truck he was informed belonged to the suspect (Cliff Park). Park was sitting hunched over leaning against the

driver's door. He noticed Taser cables coming off Park's side. Paramedic Davis examined Park and could not locate a pulse or any sign of life. He pronounced Park dead at 7:31 p.m.

7. FELIX PARK

Felix Park is Cliff Park's younger brother. He was interviewed by Detective Caliento on March 18, 2013. Felix Park lived in Ventura County. His brother had not contacted him to let him know that he was staying in Ventura County. Felix Park stated that his brother often took long road trips when things became too stressful and, in the past, had visited places where Felix Park was living without letting Felix Park know that he was in the area.

Felix Park described his brother as paranoid and delusional. He stated that his brother had gotten a GED and joined the military around 2003. His brother had served a year in Iraq and had been honorably discharged.

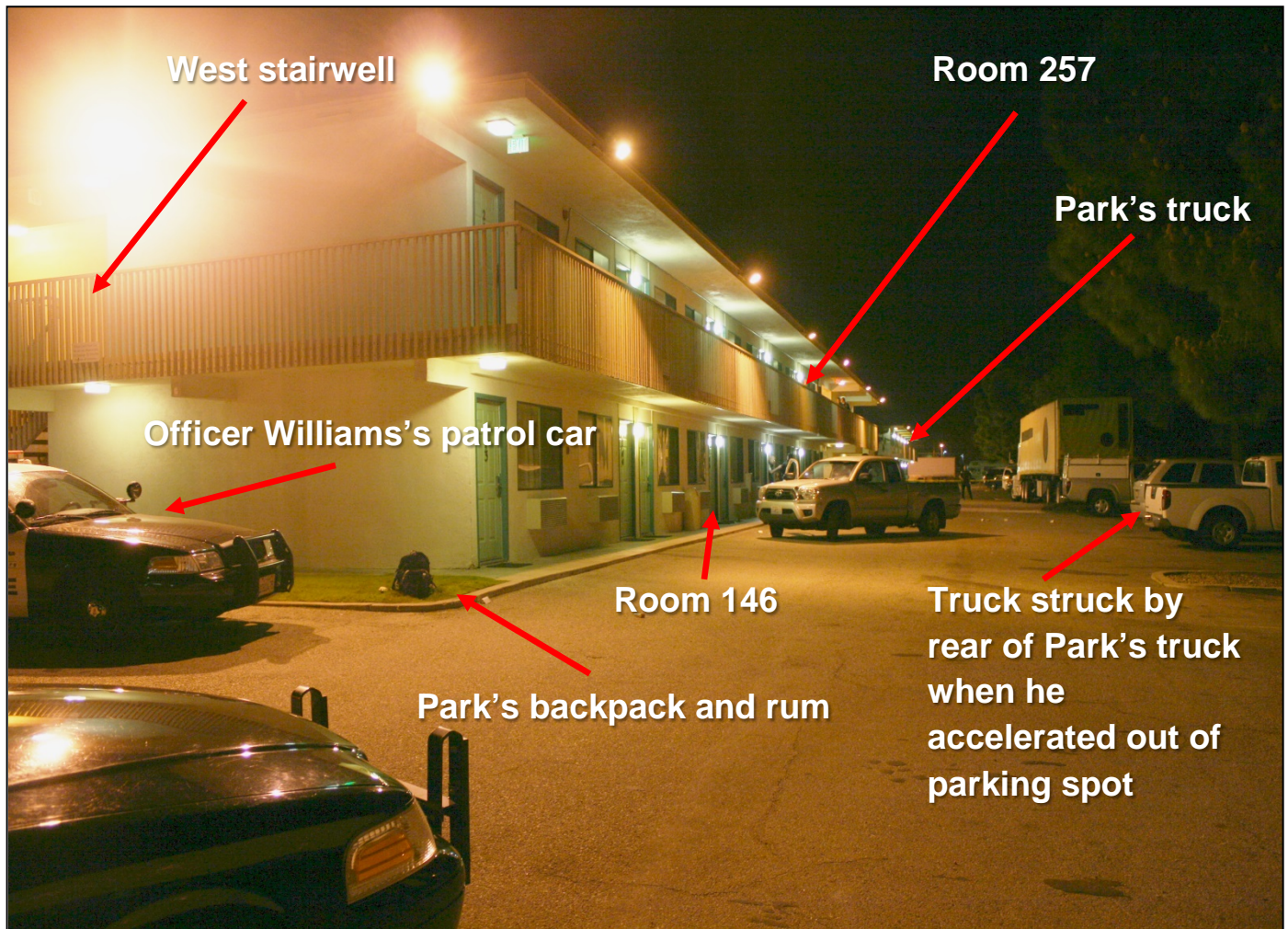
After he left the military, his brother became "pretty crazy." Felix Park spoke about one time when his brother felt people were in the attic and walked around the house with a stethoscope to listen to the walls.

In late January or early February 2013, police were called because his brother had started panicking from smoking synthetic marijuana. His brother was hospitalized for a few days as a result. He said that his brother was not violent and explained that it was difficult getting his brother committed to a mental hospital because he was not violent.

III. PHYSICAL EVIDENCE

A. 2145 HARBOR BOULEVARD

The crime scene at 2145 Harbor Boulevard primarily involved the southwestern side of the Motel 6. Officer Williams' patrol car was parked at the southwest corner of the motel.

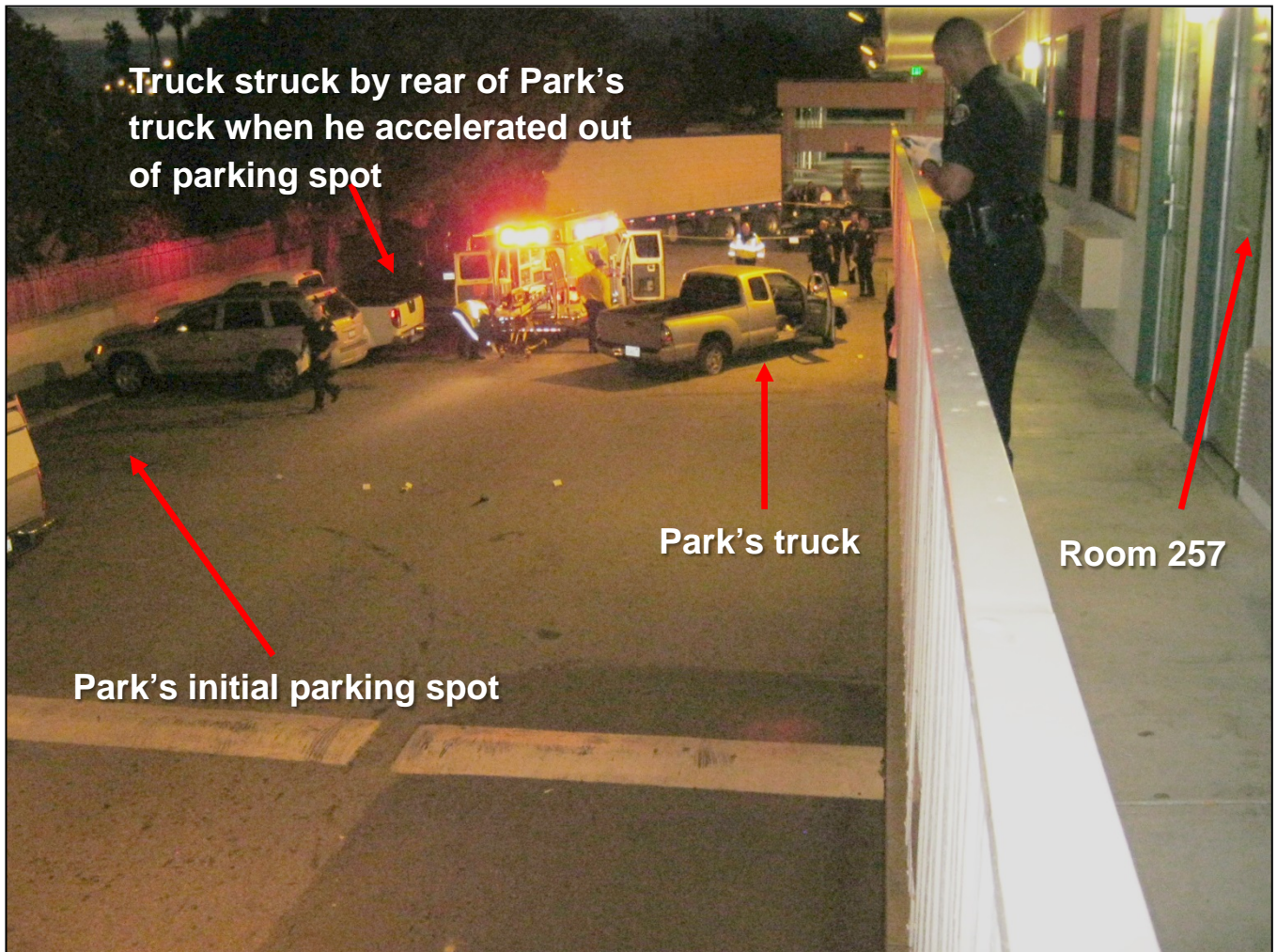


Crime scene looking east

Adjacent to the patrol car was Park's backpack¹⁵ and keys to the patrol car. Eleven 9mm shell casings were located near the doors to rooms 146 and 147. Ballistics tests confirmed that six of the rounds had been fired by Officer Gallion's handgun and five of the rounds from Officer Williams' handgun. A full 9mm magazine was also located in that area.

¹⁵ Room 257 and the backpack were searched pursuant to a search warrant. Room 257 contained numerous empty beer cans and soda bottles, an empty bottle of whiskey, and empty fast food containers. The backpack contained a Sony digital video camera, a Sony digital still camera, an Apple iPad, and an Apple laptop. There was no information pertinent to this incident on any of the items in the backpack.

An additional six casings fired from Officer Williams' handgun were located in the middle of the driveway southeast of the door to room 147. A Taser with an expended cartridge case was on the ground in the same area, along with a collapsible baton in a broken holder that had been pulled off Officer Williams as the truck ran her over.



Crime scene looking west

Skid marks and debris from collisions in the parking lot were analyzed and used to reconstruct the path Park travelled. He backed out of his parking stall in a semicircular manner, causing him to collide with a Nissan pickup truck. He then drove forward in a semicircular manner, jumping the sidewalk and colliding with the air conditioning unit in front of room 146. He then backed up and moved forward twice until finally coming to a stop after being fatally shot.

B. CLIFF PARK

Cliff Park was pronounced dead at the scene at 7:31 p.m. on March 14, 2013. An autopsy was performed on March 16, 2013, by Dr. Venus Azar, acting as an assistant medical examiner. Dr. Azar found that Park died from multiple gunshot wounds and that the killing was a homicide, meaning a death at the hands of another.

Dr. Azar located three gunshot wounds.¹⁶ One bullet entered Park's right hip and fell out of the entrance wound. A second bullet entered Park's right back and travelled through the right lung, the superior vena cava¹⁷ and the left lung, eventually lodging in his left armpit. The third bullet entered Park's right rear scalp, travelled through his brain and exiting at the left frontal scalp. All recovered bullets were 9mm.

Park's blood was collected at the autopsy. The blood was analyzed for drugs and alcohol by forensic scientists with the Ventura County Sheriff's Office Forensic Sciences Laboratory. No controlled substances were located, but Park's blood alcohol content at the time of his death was approximately .14 percent.¹⁸

IV. LEGAL PRINCIPLES

A. LAW OF HOMICIDE AND SELF-DEFENSE.

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide encompasses murder and manslaughter, which are unlawful, and acts of excusable and justifiable homicide, which are lawful.

Homicide is justifiable when committed by any person "resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person." (Penal Code section 197(1).)

CALCRIM 550, the specific jury instruction related to self-defense states: a person is not guilty of murder or manslaughter if 1) That person "reasonably believed that [the person] [or] someone else . . . was in imminent danger of being killed or suffering great bodily

¹⁶ Dr. Azar was unable to determine the order in which the bullets struck Park and numbers are used for identification purposes only.

¹⁷ Superior vena cava is the vein carrying blood from the body to the heart's right atrium.

¹⁸ The legal limit for driving is below a .08 percent.

injury”; 2) that person “reasonably believed that the immediate use of deadly force was necessary to defend against that danger”; and 3) that person “used no more force than was reasonably necessary to defend against that danger.”

CALCRIM 550 further provides that in deciding whether that person’s “beliefs were reasonable, consider all the circumstances as they were known to and appeared to [that person] and consider what a reasonable person in a similar situation with similar knowledge would have believed. If [that person]’s beliefs were reasonable, the danger does not need to have actually existed.” It also provides that “[a person] is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger has passed. This is so even if safety could have been achieved by retreating.”

A killing by a peace officer is justifiable when it was “necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty” or “when necessarily committed in arresting persons charged with [a] felony, and who are fleeing from justice or resisting such arrest.” (Penal Code § 196.)

Police officers have a duty “to maintain peace and security” and “to protect citizens from harm.” (*Batts v. Superior Court* (1972) 23 Cal.App.3d 435, 438.) A police officer may use deadly force when the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. (*Graham v. Conner* (1989) 490 U.S. 386, 396-397.) Reasonableness includes “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.*)

Under the Fourth Amendment, police are “not required to use the least intrusive degree of force possible” but may use only such force as is objectively reasonable under the circumstances. (*Forrester v. City of San Diego*, (9th Cir. 1994), 25 F.3d 804, 807.) An officer’s use of deadly force is reasonable only if “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” (*Tennessee v. Garner* (1985) 471 U.S. 1, 3.) Furthermore, “if police

officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” *Plumhoff v. Rickard* (2014) 134 S.Ct. 2012, 2022.

“The test of reasonableness in this context is an objective one, viewed from the vantage of a reasonable officer on the scene. It is also highly deferential to the police officer’s need to protect himself and others.” (*Martinez v. County of L.A.* (1996), 47 Cal.App.4th 334, 343 (quoting *Graham* 490 U.S. at 396-397).) The reasonableness test requires careful attention to the facts and circumstances of each particular case, including: (1) “the severity of the crime at issue”; (2) “whether the suspect poses an immediate threat to the safety of the officers or others”; and (3) “whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.” (*Graham*, 490 U.S. at 396.)

B. CLIFF PARK’S CRIMINAL CONDUCT

Cliff Park engaged in felony and misdemeanor criminal conduct immediately prior to the shooting. Had he survived, he could have been charged with the commission of the following crimes:

- Attempted Murder of a Peace Officer in violation of Penal Code section 664/187(a) & (e)
- Assault with a Deadly Weapon in violation of Penal Code section 245(a)(1)
- Assault on a Peace Officer in violation of Penal Code section 245(c)
- Battery on a Peace Officer in violation of Penal Code section 243(b)
- Resisting a Peace Officer in violation of Penal Code section 148(a)
- Driving under the Influence in violation of Vehicle Code section 23152 (a) and (b)

V. ANALYSIS

Cliff Park served his country in Iraq and suffered serious mental health issues when he returned. His issues included paranoid delusions and auditory hallucinations. He attempted suicide several times and attempted to self-treat his mental issues with synthetic marijuana and other controlled substances and alcohol. When pressure mounted, one of his coping mechanisms was long road trips, the last one of which brought him to the Motel 6 in Ventura County.

Prior to March 14, 2013, Park had been acting out at the Motel 6 and was warned by the motel management to control his behavior. On the afternoon of March 14, he was drinking and began shouting about wanting crack cocaine. His yelling was so loud that a neighbor of the motel was scared enough to call 911.

Ventura Police Officers Gallion and Williams responded to the call. They were unaware of Park's mental health issues but were aware that he was intoxicated. They attempted to gain Park's compliance in relocating to another motel, but Park was fixated on leaving on his own terms.

Park struggled with the officers. The struggle escalated. Park attempted to stab Officer Gallion in the face with his keys and then fled to his truck. Even after he was hit with a Taser, he continued trying to flee. Based on his intoxication and aggression, both officers were concerned about Park driving out of the parking lot and tried to physically pull him from the truck. Instead, Park started his truck and accelerated into reverse without any concern for the risk posed to the officers or any bystanders. Park's actions knocked Officer Gallion to the ground and he ran over Officer Williams with his truck.

To that point, the officers had unsuccessfully attempted almost every level of force short of deadly force to stop Park. Park had failed to comply with the officer's commands to stop, had physically struggled with the officers, and had assaulted and injured them both with his pickup truck. Park was still behind the wheel of the truck, revving his engine and trying to get it into gear.

When Officer Williams stood behind the truck, she had an honest and reasonable fear that Park would try to run her over again, or run down Officer Gallion who appeared incapacitated in the parking lot. She shot at Park. She ceased firing when her weapon jammed. Park still posed a threat at that time.

When Officer Gallion fired her handgun at Park, it was because she had an honest and reasonable fear that Park would run over Officer Williams, run Officer Gallion down, or

drive into one of the motel rooms. She shot at Park based on that fear. She ceased firing when Park stopped trying to drive the truck and the threat ended.

VI. CONCLUSION

It is the conclusion of the District Attorney that:

1. At the time Officer Williams fired her weapon at Cliff Park, Officer Williams honestly and reasonably believed that she and Officer Gallion were in imminent threat of death or great bodily injury;
2. At the time Officer Gallion fired her weapon at Cliff Park, Officer Gallion honestly and reasonably believed that she and Officer Williams were in imminent threat of death or great bodily injury;
3. Officers Gallion and Williams honestly and reasonably believed that the immediate use of deadly force was necessary to defend themselves against the danger posed to them and other motel patrons by Cliff Park at the time they fired their weapons;
4. Officers Gallion and Williams used no more force than was reasonably necessary to defend against the danger posed to them by Cliff Park; and
5. The fatal shooting of Cliff Park by Officers Gallion and Williams was a justifiable homicide.