



George Gascón
District Attorney

May 21, 2019

Chief William Scott
San Francisco Police Department
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Re: Officer-Involved Shooting of Jihad Eid on March 21, 2018
SFPD No. 180-213-080

Dear Chief Scott:

My office's Independent Investigations Bureau (IIB) has completed its investigation of the March 21, 2018, fatal shooting of Jihad Eid by San Francisco Police Department (SFPD) officers Tasawan Casey (Star #2177) and Kevin Endo (Star #2475).

Attached please find IIB's report, which will be made publicly available, summarizing our investigation and analysis of the incident. IIB focused exclusively on determining whether criminal charges relating to the officers' conduct are warranted. This investigation did not examine collateral issues such as officers' compliance with internal SFPD policies and procedures, their training or tactics, or any issues related to civil liability. The attached report should not be interpreted as expressing any opinions on such non-criminal matters.

After a thorough investigation and careful review of all of the evidence in this matter, we are declining to file criminal charges against either officer. We are therefore closing our file and will take no further action.

Please do not hesitate to contact me if you have any questions. Thank you and your Department for your assistance in this matter.

Sincerely,



GEORGE GASCÓN
District Attorney

REPORT ON THE OFFICER-INVOLVED SHOOTING OF
JEHAD EID ON MARCH 21, 2018



GEORGE GASCÓN, DISTRICT ATTORNEY
INDEPENDENT INVESTIGATIONS BUREAU
CITY AND COUNTY OF SAN FRANCISCO
MAY 21, 2019

Table of Contents

INTRODUCTION..... 3

DESCRIPTION OF THE SCENE 3

FACTUAL SUMMARY 5

1. The 911 Call and Initial Investigation..... 5

2. Officers Arrive at the Barber Shop..... 5

3. Officers Endo and Casey Enter the Barber Shop..... 6

4. The Shooting..... 6

5. The Immediate Aftermath 9

6. Mr. Eid’s Injuries and Cause of Death 10

7. Crime Scene Investigation..... 10

LEGAL STANDARD 12

LEGAL ANALYSIS 13

CONCLUSION 13

INTRODUCTION

The San Francisco District Attorney's Office (SFDA) has completed its investigation of the officer-involved shooting that resulted in the death of Jihad Eid in San Francisco on Wednesday, March 21, 2018. The SFDA's investigation was conducted by the office's Independent Investigations Bureau (IIB) and focused exclusively on determining whether any criminal charges related to the officers' conduct are warranted. IIB's review did not examine issues such as officers' compliance with the San Francisco Police Department's (SFPD) policies or procedures or issues related to civil liability. This report should not be interpreted as expressing any opinion on non-criminal matters.

At approximately 4:30 p.m. on that day, SFPD officers responded to a 911 call that Mr. Eid had threatened his relatives with a black handgun and tried to break into their home. The caller believed Mr. Eid had left the home for the Amazon Barber Shop on the corner of Geneva Avenue and London Street.

Officers initially detained an individual (Mr. C.A.) outside of the barber shop whom they believed matched the description of the suspect. Officers Tasawan Casey, Star #2177, and Kevin Endo, Star #2475, decided to enter the barber shop after suspecting Mr. C.A. was not the right suspect and the person with the gun might be inside. Officers Casey and Endo entered the barbershop, which was occupied by numerous patrons. Mr. Eid, who was seated near the back of the barbershop, pulled out a semi-automatic handgun and fired a total of nine rounds at the officers. Mr. Eid hit Officer Endo in the leg along with bystanders. Officers Casey and Endo returned fire, striking Mr. Eid numerous times. Mr. Eid continued to reach toward his gun after being shot, but officers were able to arrest him without firing additional shots. Mr. Eid was transported to a hospital but subsequently died of his injuries. All of the other individuals who were shot survived their injuries.

For the reasons detailed below, the District Attorney declines to pursue criminal charges against any SFPD officer relating to this incident.

DESCRIPTION OF THE SCENE

This shooting occurred inside the Amazon Barber Shop located at 949 Geneva Avenue on the corner of London Street and Geneva Avenue. The shop has several barber chairs lined up along the south side and three benches for patrons to wait, with another barber chair at the far wall. When the shooting occurred, the shop was crowded with workers and customers. Geneva Avenue is lined with businesses, while London Street is mostly residential.



Figure 1: Amazon Barber Shop on the corner of London and Geneva. (Source: Google Earth)



Figure 2: The red arrow indicates the Amazon Barber Shop. (Source: Google Earth)

FACTUAL SUMMARY

1. The 911 Call and Initial Investigation

This incident began when a 911 caller, a relative of Mr. Eid's, frantically reported Mr. Eid was acting in an erratic and threatening manner outside one of the family homes and had pulled his jacket up to reveal a black handgun in his waistband. The caller, who was audibly crying, reported Mr. Eid was on drugs and had tried to break down the door to the home.

SFPD dispatch provided Mr. Eid's name and a physical description to officers: "Arab, 21, 6'2, medium-heavy, bl[ac]k hoody." Dispatch operators also noted Mr. Eid was "on drugs" and armed with a black handgun.

Officer Mark Lustenberger, Star #1562, responded to the home.¹ Once there, a relative of Mr. Eid's told Officer Lustenberger and other responding officers, including Officers Casey, Luis Archilla, Star #722, and Brian Carew, Star #4269, that Mr. Eid may have gone to the nearby Amazon Barber Shop. SFPD officers relayed this information via radio and added Mr. Eid was wearing blue jeans in addition to a black sweatshirt.²

2. Officers Arrive at the Barber Shop

As SFPD officers arrived at the barber shop, Officer Alexander Anton-Buzzard, Star #2179, saw a possible suspect, Mr. C.A., exit the barbershop and believed Mr. C.A. matched the description provided by dispatch. Officer John Hoge, Star #4371, placed him in handcuffs and conducted a pat search.³

In their interviews with investigators after the shooting, Officers Casey and Endo, who had arrived while Mr. C.A. was being detained, said they noticed Mr. C.A. did not fully match the reported description.⁴ Officer Casey said a barber came to the door and said, "I think you guys have the wrong person." The man said Mr. C.A.'s name, which was different from Mr. Eid's. Officer Casey said, "That made me feel uneasy because" the caller knew and identified Mr. Eid and "was a known subject to the caller." Officer Casey also saw Mr. C.A. was wearing green pants or had green clothing on, in contrast to what had been reported regarding Mr. Eid, and she "wanted to do my due diligence to clear out the barber shop myself."

¹ Officer Lustenberger's narrative is from his incident report.

² Mr. K.W., a customer at the barber shop, remembered seeing Mr. Eid walk in and believed Mr. Eid spoke with one of the barbers, but Mr. K.W. did not know what was said. Mr. J.S., another customer, said that before officers entered the shop, Mr. Eid was walking back and forth inside the shop. Mr. K.W. and Mr. J.S. were interviewed following the incident.

³ The accounts of Officers Anton-Buzzard, Hoge, and Naser are documented in their incident reports.

⁴ Mr. C.A., at 5'7" and 140 pounds, is smaller than the caller reported and was not wearing blue jeans. Officer Jiries Naser, Star #4289, assisted Officer Hoge with the detention of Mr. C.A., who was wearing a black hoodie and whom Officer Naser described as "middle-eastern."

Similarly, Officer Endo noticed Mr. C.A. did not fully match the description provided. He saw Mr. Eid in the shop and believed Mr. Eid matched the description provided to officers. Officer Endo remembered Mr. Eid looking at the officers and “reacting to our presence.”

3. Officers Endo and Casey Enter the Barber Shop

Officer Endo’s body-worn camera (BWC) footage captured the officers’ entry into the barber shop and portions of the subsequent shooting.⁵ As noted above, the barber shop was open and had numerous employees and patrons inside.

The BWC footage shows Officer Casey in plain clothes with a badge hanging around her neck (multiple witnesses stated they readily identified her as an officer because they saw this badge around her neck). Officer Endo, who was in uniform, pointed to the back, and Officer Casey entered with her sidearm holstered. Mr. Eid was sitting on the third bench, positioned next to the only barber chair on the north side of the shop. A customer was seated in that chair, immediately beside where Mr. Eid was seated, and a barber was cutting the customer’s hair. Mr. Eid’s hands were blocked from view by another customer seated on the bench, leaning forward immediately to the left of Mr. Eid.

In her post-shooting interview, Officer Casey said Officer Endo pointed at Mr. Eid and said, “‘What’s your name?’ So that directed my attention to the subject, too.” She looked at Mr. Eid, “and his face had this look like, ‘Oh, shit,’ like a fight or flight. . . . From there, everything went slow motion for me. . . [I]t clicked he matches the description.”

In an interview with investigators, Mr. K.W. believed Officer Casey identified herself as a police officer after she entered the barber shop: “I think she said something like, ‘SFPD.’ And then I think she was like she needs to talk to someone. And then she [was like] that male in the black cap. . . .”

4. The Shooting

Body-worn camera footage

Officer Endo’s BWC footage shows Officer Casey walked the length of the first bench as Mr. Eid abruptly moved forward from his seated position with an object in his hand (the gun) before standing completely. Mr. Eid pointed the gun at the officers as Officer Casey reached for her gun. Officer Endo also raised his gun in front of him with his right hand only. Officer Endo’s left hand is seen coming up in front of his body towards the gun.

The video footage shows Officer Endo falling to the floor along with wood fragments splintering and customers ducking and covering their heads. Because of the camera angle and because Officer Endo fell to the ground after being shot, Mr. Eid is not visible for a four-second period. Mr. Eid reappears in the BWC footage on the ground. Both officers are also on the ground. Endo

⁵ Officer Endo did not activate his BWC until after he was shot in the leg. As a result, the first portion of the video lacks audio. The BWC system records 30 seconds of video *before* an officer activates the BWC, but it does not record audio during that 30-second period. Officer Casey was not equipped with a BWC because she was working in a plainclothes capacity that day.

stopped firing a second later and then slides the empty magazine out of the weapon. Another second after that, Officer Casey removed her empty magazine.

Officer Endo reloaded his weapon as the sound on the BWC turns on. Officer Endo yelled, "Drop it," and, "Let me see your hands." Mr. Eid moved on the ground, and Officer Endo said, "Whoa whoa whoa, hands." Officer Endo stayed on the ground, wounded, while voices shouted.

Officer Hoge was outside when the shooting occurred. Although his BWC did not capture video of the shooting, it did record audio of the shots: all of the gunshots in this incident (both Mr. Eid's and the officers' return fire) occurred in an approximately seven-second span of time. Officer Hoge's BWC footage also shows officers and others running and diving for cover.

Officers' statements

Officer Casey said, after they asked Mr. Eid his name, "he started shooting at us" and "didn't say much of anything before he fired at us." She also said, "everything was slow motion. I saw him reach into his waistband." Mr. Eid "was pointing [the gun] at our direction, me and the other officer. And I saw at least one like flashbang. The flash that happens when you pull the trigger of a firearm." She said she took cover and then "had my sights locked in at the threat."⁶ She said, "I saw my life flash before my eyes," and she thought of her family. She stated, "It all happened so fast at that point. I just know those are the three things running through my head; draw my weapon, stop the threat, look for cover. And, uh, I remember I had my sights locked in at the threat."

During his interview, Officer Endo said he believed he walked into the shop with his own weapon still holstered. As he "was crossing the room and looking at [Mr. Eid], [Mr. Eid] starts to stand up and reached for . . . his waistband with his right hand." He remembered "a gun coming out. . . . And then I remember a flash and a pop from that as he raised it towards us." He stated it was "very quick" and he was struck by a round, as Mr. Eid "was able to draw on us and shoot me" and Officer Endo "wasn't ready." Officer Endo believed Mr. Eid was looking at him when Mr. Eid began shooting.

⁶ Officer Casey stated in her Public Safety statement and in her prepared written statement, which was read to investigators, that as Mr. Eid pulled a gun and started shooting at her, she sought cover behind a barber's chair. The Public Safety Statement is a brief on-scene interview with an officer involved in a shooting to assist in assessing the trajectory and location of bullets, possible injured parties, or other immediate risks to public safety. To preserve officers' rights, the questions in this initial interview are narrow and focused on immediate concerns around threats to members of the public.



Figure 3: Mr. Eid's hands can be seen up in front of his face, holding a gun pointed towards the officers (blue arrow and circle). Mr. Eid is seated. Officer Casey is on the left with her right hand on her holster. Officer Endo's weapon can be seen on the right, coming up. Officer Endo's left hand is on the bottom left. (Source: Screen-shot from Officer Endo's BWC footage)



Figure 4: Mr. Eid's hands are up in front of his face, pointing a gun (red arrow) toward the officers. Mr. Eid is standing (blue circle). Mr. K.W. is in the blue hoodie closest to Officer Endo. (Source: Screen-shot from Officer Endo's BWC footage)

Officer Casey did not know “how many times I pulled the trigger . . . [W]hen my slide locked back, I did a tactical reload. By this time I was behind a barber chair. I reassessed everything. I didn’t see, uh, any fire, uh, any shots coming towards our way. So . . . I didn’t additionally fire thereafter.” Similarly, Officer Endo said he stopped firing after Mr. Eid “had fallen backwards and was no longer firing back.”

Other officers, who were outside the barber shop, described the shooting in incident reports. Officer Archilla stated he felt rounds going by him. Officer Carew said he felt rounds whizzing by within inches of him. Officer Anton-Buzzard reported that as the shooting was occurring, the wall “began to splinter with what appeared to be bullets coming from inside. I observed three bullet holes in the wooden wall generate in front of me.”

Civilian witnesses’ statements

Customers and barber shop employees corroborated the officers’ version of events. Mr. D.S., a customer at the barber shop, said, “[T]he police officer wanted to talk to [Mr. Eid] and he just went straight to it.” He further stated, “[A]s I’m looking over, [Mr. Eid is] like digging.” He stated that “when [Mr. Eid] pulled up his shirt it [the gun] was right there . . . [R]ight in front.” Mr. D.S. said he then saw a gun and Mr. Eid “starts shooting.” He heard three shots from Mr. Eid’s gun – “pop-pop-pop.” Mr. J.G., another patron, stated in an interview that the officers said something about a White Sox hat, “and I see the dude pull the gun out, and it was open fire after that.” He saw Mr. Eid’s hand come up and Mr. Eid was shooting toward the front door and the officers.

Mr. E.C., a barber at the shop, was hit with a bullet but was able to exit the shop. Mr. E.C. believed the shot that hit him came from Mr. Eid because officers were speaking with him when the shooting began. Most of the witnesses said the shooting began almost immediately after officers indicated they wished to speak to Mr. Eid.⁷ Mr. E.A., another barber at the shop, said he was standing outside the shop speaking with officers about the detention of Mr. C.A. when he was struck by a round.

Mr. K.W., a customer at the barber shop, said he heard the initial gunshots come from Mr. Eid’s direction. BWC footage shows Mr. K.W. seated on the couch along the right wall of the shop and looking at the officers when the shooting apparently begins. He thought he heard the gunshots immediately after Officer Casey spoke to Mr. Eid. He did not see where the shots came from “because I was looking at her.” He did not see any of the weapons come out. He believed the gunshots came from his right: “I think it came from the guy. . . . Because I didn’t think he like reacted. Like all I heard was like the gunshots.”

5. The Immediate Aftermath

Officer Hoge’s BWC footage shows him enter the shop with his gun drawn following the shooting. Mr. Eid lay on the floor on his right side. An officer repeatedly shouted, “hands!” as customers left through the front and back doors of the barber shop.

⁷ Mr. C.A., who was outside the barber shop when the shooting began, reported seeing an officer walk in with his gun drawn. His is the only account that describes an officer walking in with his gun drawn.

Approximately 40 seconds after the initial gunshots, Officer Casey twice ordered Mr. Eid to put his hands up. Mr. Eid's hands came slightly up, and his left arm swung from in front of his body to behind his body. A few seconds later, Mr. Eid appeared to reach for his gun, which was next to him on the floor. Officer Hoge twice ordered Mr. Eid to not reach for the gun. Mr. Eid reached again, and Officer Casey continued shouting, "Put your hands up."

Approximately one minute after the shooting began, Officer Hoge advised the other officers that the gun was behind Mr. Eid's back and ordered Mr. Eid to place his hands on his stomach. However, Mr. Eid's hand remained behind him, near the gun. Approximately 30 seconds later, Officer Casey ordered Mr. Eid to put his hands up. Mr. Eid slightly raised his right arm.

Officer Casey stated during her interview that Mr. Eid was lying on the floor but "was still moving" and she could not see his hands or his weapon. Mr. Eid "moved a little bit, but it was . . . slow, slow movement."

Additional officers, including one holding a shield, entered through the front door behind Officer Hoge.⁸ (This is visible in the mirror Officer Hoge was facing.) Officers moved in toward Mr. Eid, Officer Casey pulled Mr. Eid's left hand from behind him to the front of his body, and officers pulled Mr. Eid away from the gun. Officer Casey left the barber shop, later saying she was "in shock." Officers provided medical aid to Mr. Eid.⁹ Emergency medical personnel arrived and transported Mr. Eid to San Francisco's Zuckerberg General Hospital, where he was pronounced dead at 10:14 p.m.

Officer Endo and the injured civilians also received medical treatment for their non-fatal gunshot wounds.

6. Mr. Eid's Injuries and Cause of Death

The Medical Examiner determined Mr. Eid died as a result of multiple gunshot wounds. The Medical Examiner identified 18 gunshot wound trajectories. Mr. Eid sustained gunshot wounds to various parts of his body, including his head, abdomen, and chest. He was also shot in the buttock and in each thigh. Eight rounds struck his legs or knees.

7. Crime Scene Investigation

SFPD Crime Scene investigators responded to the scene and recovered evidence, including the Glock model 22 handgun that is visible in Officer Hoge's BWC footage. Investigators determined Mr. Eid fired nine .40-caliber rounds from his handgun, injuring Officer Endo and

⁸ The CAD memorializes a call for shots fired at 4:35 p.m. and a call of "officer down" at 4:36 p.m. By 4:44 p.m., the scene was "secure for medics to go in."

⁹ Additional BWC footage shows officers applying gloves within seconds of officers securing Mr. Eid; checking Mr. Eid, who was breathing, for injuries; and applying gauze and pressure to wounds. It further shows EMT personnel arriving shortly thereafter – approximately three minutes after Mr. Eid was handcuffed – and officers removing Mr. Eid's cuffs so additional medical personnel could provide aid to Mr. Eid.

several civilian bystanders.¹⁰ Each of the two officers discharged 13 rounds (12 in the magazine and one in the chamber).

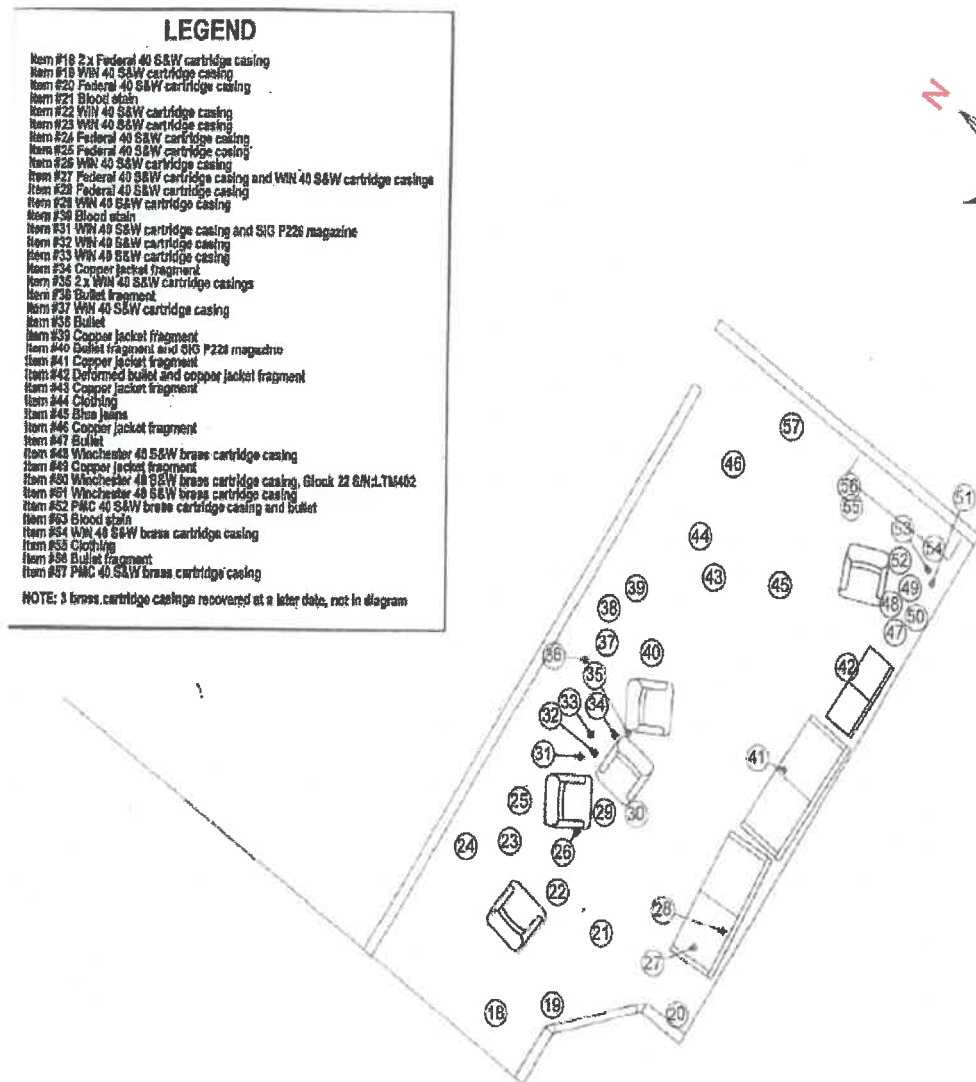


Figure 5: Crime scene sketch of the Amazon Barber Shop documenting bullet casings, bullet fragments, and other evidence. (Source: CSI)

¹⁰ Those bystanders who were struck included Mr. E.V., a minor; Mr. E.A., one of the barbers; Mr. D.S.; and Mr. E.C., also a barber at the shop. Based on their statements, the available BWC footage, their physical positioning behind the officers when the shooting started, and the available bullet trajectory evidence, it is likely they were injured by gunfire from Mr. Eid. It is unclear whether Mr. D.S., who was grazed by a round, was struck by gunfire from Mr. Eid or from one of the officers because he was sitting on the bench between Mr. Eid and the officers when the shooting occurred.



Figure 6: The gun used by Mr. Eid during the incident. (Source: CSI)

LEGAL STANDARD

The question presented is whether the officers committed a crime by shooting and killing Mr. Eid. Possible criminal charges against an officer involved in a fatal shooting include murder and voluntary manslaughter. A prosecutor must be satisfied that the evidence will show beyond a reasonable doubt that no legal justifications existed for an officer's actions. When an act is legally justified, a person is not criminally liable even though the act would otherwise constitute a crime. Here, both involved officers asserted they acted in self-defense or defense of others when they shot Mr. Eid.

California law permits any individual to use deadly force “[w]hen resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person.” Cal. Pen. Code § 197; *see also Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333. Specifically, self-defense or defense of others serves as a complete defense to murder and to voluntary manslaughter so long as the person (1) subjectively believed in the need to resort to force in order to avert a threat of imminent and great bodily injury, and (2) the person's perceptions and actions were objectively reasonable under the circumstances. *See People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *People v. Viramontes* (2001) 93 Cal. App.4th 1256, 1262.

The subjective prong of the self-defense standard examines the person's belief in the need to use force. The objective component of the self-defense inquiry asks what a reasonable person would have done in their position. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-83. The reasonable person is an abstract individual of ordinary mental and physical capacity who is as prudent and careful as any situation would require him or her to be. *People v. Jefferson* (2004) 119 Cal.App.4th 508, 519. In making the determination as to whether an officer's conduct was

objectively reasonable, one must consider all the “facts and circumstances . . . in determining whether the defendant acted in a manner in which a reasonable man would act in protecting his own life or bodily safety.” *People v. Humphrey* (1996) 13 Cal.4th at 1083. Self-defense law “grants a reasonable margin within which one may err on the side of his own safety, and so long as he is found to have done so reasonably, no abuse of the right of self-defense should be found to have occurred.” *People v. Ross* (2007) 155 Cal.App.4th 1033, 1057. California law requires the prosecution to carry the legal burden of proving beyond a reasonable doubt that the officers’ use of deadly force was not in defense of themselves or of others.

LEGAL ANALYSIS

We examine the evidence regarding both the officers’ subjective belief and the objective reasonableness of using deadly force under the circumstances.

Officers’ subjective perception

Both Officers Endo and Casey said they believed Mr. Eid posed a lethal threat when they used deadly force. Officer Casey said Mr. Eid “started shooting at us” so she “returned fire.” As discussed above, Officer Casey described in detail the fear she felt and her thinking during the shooting and how she stopped shooting once she reloaded and determined the threat from Mr. Eid had ended. Similarly, Officer Endo saw Mr. Eid shoot at him and felt the impact of a gunshot to his leg. He returned fire “in self-defense and to protect others.” Officer Endo believed he might be “disabled the rest of my life,” bleed out, or be struck additional times. Officer Endo stopped shooting “[b]ecause the subject had fallen backwards and was no longer firing back.”

Our investigation did not uncover any credible evidence that undermines the officers’ accounts. As discussed below, the objective circumstances support the officers’ accounts that they shot in response to an immediate lethal threat and stopped shooting once they determined the threat had ended.

Objective reasonableness

The investigation revealed that Mr. Eid – whom the officers had identified as matching the description in a report provided by his relative who called 911 – pulled his gun and fired at the officers. BWC footage shows Mr. Eid getting up from the bench with a gun in his hand, prompting officers to unholster and point their weapons. Officers and witnesses indicated Mr. Eid fired first and officers returned fire.

Officers Endo and Casey were confronted with a dangerous circumstance in a small space occupied by multiple innocent civilians. Mr. Eid ultimately fired nine shots, hitting four people, including three civilians and Officer Endo. One of the injured civilians was a juvenile. Several other civilians, including a young child, were present in the small room and emerged unharmed. The exchange of gunshots started and ended within approximately seven seconds, with Mr. Eid firing first and the officers returning fire. After the gunfight ended, the officers fired no additional shots, even though Mr. Eid appeared to reach for his gun and disregard the officers’ commands after he had been shot.

CONCLUSION

For the reasons discussed above, the District Attorney’s Office declines to file criminal charges in the fatal officer-involved shooting of Mr. Eid.