REPORT ON THE FATAL SHOOTING OF
WILLIAM RAFF
ON DECEMBER 25, 2015

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PREAMBLE

The summary of this incident is drawn from reports prepared by the Palo Alto Police Department and submitted to this office by case agent, Acting Lieutenant Kara Apple. The submission included various narrative reports, documenting interviews of the involved officers and civilian witnesses, audio recordings of those interviews, audio and video of the incident and crime scene details. This review is being conducted pursuant to the Officer-Involved Guidelines adopted by the Santa Clara County Police Chief’s Association on October 11, 2012.

FACTUAL SUMMARY

On December 25, 2015, at approximately 9:16:51 p.m., William Raff called the Palo Alto Police Department 911 Communication Dispatch Center and stated there was an emergency at 652 Forest Avenue in Palo Alto. Raff told officers that “there’s someone who is really violent and intends to harm others.” Raff identified that person as “Andre Seal” and that “Andre Seal” stayed with Raff at 652 Forest Avenue. Raff said “Andre Seal” stated he was going to try to harm someone. Raff was unable to give more detail but reiterated to dispatchers that it was an emergency.

Officers were dispatched to La Selva House at 652 Forest Avenue. La Selva House was known to all three officers as a transitional housing facility caring for residents suffering from mental illness and/or substance abuse. They were told that the reporting party (Raff) was a resident there and called to report that a person was violent and intended to do harm to others. They were told the person who intended to harm others was also a resident. The names of the caller and the possible suspect were not broadcast over the police radio but rather typed into the mobile data computers in the police cars.

Dispatchers also told the officers that they were going to call La Selva House to get further information. A dispatcher called a worker at La Selva House, Kevin McKellar, who confirmed William Raff lived there but there was no one by the name of Andre Seal. Kevin McKellar said he asked Raff what was going on because McKellar heard Raff on the telephone. Raff told McKellar that somebody was in danger but that he couldn’t say who. McKellar described Raff as “definitely sick and psychotic.” Kevin McKellar stated that they were worried about Raff but to his knowledge Raff was not dangerous. The dispatcher asked Kevin McKellar if he wanted the officers to speak to Raff. Kevin McKellar stated it was probably okay if the officers didn’t show up. The dispatcher told him that officers were already at the house and would probably want to talk to Kevin McKellar to insure that everything was fine. Because of the timing of the simultaneous arrival of the officers and this conversation with dispatch, the officers who responded were not told the substance of the Kevin McKellar conversation from the dispatcher. The only information the officers received right away was that no one “by that name” lived at the residence.
Palo Alto Police Officers Zachary Wicht, Nicolas Enberg, and Khalil Tannous were on duty when they were dispatched to 652 Forest Avenue at approximately 9:20:37 p.m. Each officer was in full uniform driving a marked patrol car when they responded to the call for service. Officer Wicht was the first to arrive at approximately 9:22 p.m. Officers Tannous and Enberg arrived moments later. According to the video record of the incident all three officers were out of their patrol cars approaching the 652 Forest Avenue at 9:22:53 p.m. All three patrol cars were parked one residence to the west of 652 Forest Avenue. As the three officers got to the front of 652 Forest Avenue a man ran out from the east, or far side, of 652 Forest Avenue with a silver object in his hand, screaming. One of the officers immediately identified the silver object as a knife. Officers called for immediate back up and retreated back to the area where they had parked their patrol cars. One of the officers put out a call over the radio for a less lethal device. The other officers commanded Raff to drop the knife. Raff ran to the middle of the street, oriented himself toward the officers and took a fighting stance. Raff bounced from foot to foot, jumped in the air and began screaming. As Raff was in the street the officers commanded him to drop the knife. Raff raised his right hand with the knife in it and charged at the officers. Two officers opened fire with their handguns and the other with a Taser. Raff was shot four times. Officers provided first aid. Raff was transported to Stanford Hospital where he was pronounced dead. The confrontation in front of La Selva House lasted only nineteen (19) seconds.

**STATEMENT OF FACTS**

**911 call**

On December 25, 2015, at 9:16:51 William Raff called 911 and spoke with a Dispatcher from the Palo Alto Police Department.

Dispatcher: 9-1-1- what’s the nature of your emergency?

Raff: Hi, um, it’s an emergency. Uh, I need to uh, I need you to come to 652 Forest Ave.

Dispatcher: Okay, what’s going on there?

Raff: Uh, there’s someone that’s really violent. That, that uh, that intends to do harm to others.

Dispatcher: Okay, and who’s that?

Dispatcher: And your name?


Dispatcher: And does he stay with you?

Raff: Uh, yea.

Dispatcher: And where is he now?

Raff: Um, at 652 Forest Ave.

Dispatcher: Okay, is he in the building with you or?

Raff: Yeah, yeah.

Dispatcher: Hold on just a second, okay?

Raff: Okay.

Dispatcher: And what did they say they were gonna do?

Raff: They said they were gonna try to harm someone.

Dispatcher: Okay, and they told you that?

Raff: Yeah

Dispatcher: And what did they say they were going to do? Did they give a specific ideation or?

Raff: Uh, no. But it’s an emergency.

Dispatcher: And you’re a resident there?

Raff: Yeah.

Dispatcher: Alright we’ll send someone to check on it.

Raff: Okay, thank you.

Dispatcher: Thanks, bye.
TIMELINE OF EVENTS

The computer aided dispatch logs and cameras in the various patrol cars were used to produce the timeline of events. All times are p.m. and are approximate.

At 9:16:51 on December 25, 2015, William Raff called Palo Police Department 911 dispatch center. The duration of the call was approximately two (2) minutes. Immediately after the call, the dispatcher began orally dispatching officers to the scene.

At 9:20:37 the dispatcher sent a computer aided dispatch notice to officers to go to 652 Forest Avenue. Detective Sergeant Adrienne Moore of the Palo Alto Police Department was working in the dispatch center and dispatched the officers. The officers were told that a person was violent and intended to do harm to others at the residence and that the caller was a resident. The name of the caller was not dispatched but sent to the mobile computers in the patrol cars.

At 9:22:57 Raff is first seen on patrol car cameras on the east side of 652 Forest Avenue. At approximately 9:23 officer asks for emergency back up and for the radio to be clear. An officer then requests a Sage gun (less lethal device) Code 3 (emergency) to the scene. Also heard is “10-99” which also refers to an emergency.

At 9:23:02 Raff is standing in the street. Raff is holding a knife which is clearly visible in his right hand.

At 9:23:16 Raff charges toward the officers.

At 9:23:17 Officers fire their weapons and the incident is concluded.

At approximately 9:23:21 dispatch is notified that shots were fired.
LAW ENFORCEMENT OFFICER STATEMENTS

STATEMENT OF OFFICER KHALIL TANNOUS

Officer Tannous was interviewed by Acting Lieutenant Kara Apple and Agent Detective Max Nielepko at the Palo Alto Police Department on December 28, 2015.

Officer Tannous is a two-and-a-half (2 ½)-year veteran assigned to the patrol division, who is crisis intervention trained. On December 25, 2015, Tannous was on patrol in full uniform in a marked patrol car. Just prior to getting dispatched to this incident Tannous was parked near the police department to go inside to have dinner with his co-workers while on break from patrol duties.

Officer Tannous responded to a call for service regarding a resident at La Selva House. Tannous had been dispatched there on multiple occasions prior to this night for welfare checks, for people who are dangerous to themselves or others, and had taken individuals to Valley Medical Center for their own safety in the past. Tannous was told that a resident at La Selva House was threatening other residents at La Selva House. On the way to La Selva House Tannous was told the person named as being dangerous, “Andre Seal,” was not a resident at La Selva House. Tannous asked dispatch to call and clarify if the person who called 911 was a resident or employee at the house.

Tannous parked his car pointing east on the south curb just west of 652 Forest Avenue. Tannous saw Officer Zachary Wicht and Officer Nicolas Enberg who parked across the street from Tannous. All three walked toward 652 Forest Avenue. Tannous had a flashlight in his left hand as he crossed the grass toward the front of the residence at 652 Forest Avenue. As he got onto the grass Tannous heard a male (Raff) screaming at the far corner of the residence. When the person appeared, Tannous illuminated the man with a flashlight and could see that Raff was carrying a knife in his right hand. The knife appeared to be a large kitchen knife with a five (5)-inch blade. Tannous told the other officers over his radio that he could see the knife and that Tannous told Raff to drop the knife.

At this point all three officers tactically retreated back toward their vehicles to give them time and distance from Raff. Officers Wicht and Enberg had their handguns out so Tannous took out his Taser. When the officers got back near their patrol cars Raff ran out into the middle of Forest Avenue. Raff was yelling but it was incomprehensible. Raff did not respond to any of their commands to drop the knife and Raff really wasn’t responding to anything. Tannous was concerned that Raff could run back toward the house where there were other people. Someone was yelling from the house but Tannous
could not tell what that person was yelling. Tannous was concerned about that person because the call came in as someone threatening another resident in the home, as a result Tannous felt the officers could not retreat any farther.

An officer requested a Sage gun over the radio. A Sage gun is a less lethal device that fires large rubber projectiles. Raff walked about ten (10) feet in their direction and stopped. Officers were instructing Raff to drop the knife. When Raff stopped walking, Tannous turned on his Taser. Raff then ran directly at Officer Enberg so Tannous discharged his Taser in an attempt to protect Officer Enberg. Tannous knew that Officer Enberg was wearing bullet-proof body armour that would not stop a knife were he stabbed. Tannous saw one of the probes from the Taser hit Raff in the leg but the other probe missed. Tannous holstered his Taser as it was ineffective. Tannous knew the Taser was ineffective because Raff kept moving. Tannous said he fired his Taser before the other officers fired their handguns. Tannous saw Officers Enberg and Wicht fire their firearms and saw Raff spin to the side and fall to the ground. Tannous ran to his car to get latex gloves and then began administering first aid to Raff. Tannous had no doubt that Raff posed an imminent threat to Officer Enberg and that Raff intended to hurt or kill Officer Enberg.

## STATEMENT OF OFFICER NICOLAS ENBERG

Officer Enberg was interviewed by Acting Lieutenant Kara Apple and Agent Detective Max Nielepko at the Palo Alto Police Department on December 28, 2015.

Officer Enberg has been a Palo Alto Police officer since July of 2013. Prior to that he worked as a deputy sheriff in Santa Barbara County from 2010 to 2012 when he became a California Highway Patrol Officer.

On December 25, 2015 Officer Enberg was working as a patrol officer in full uniform driving a marked patrol car. Just prior to being dispatched to 652 Forest Avenue, Officer Enberg was at the police station. When Officer Enberg was dispatched all that he knew was that somebody at La Selva House reportedly wanted to hurt themselves or others. Officer Enberg said that he had responded multiple times to La Selva House on calls of people being violent or suicidal. Officer Enberg had transported individuals from La Selva House to hospitals on holds because they presented a danger to themselves or others.

Officer Enberg drove from the police department and parked on the north side of the street facing east, toward La Selva House. Officer Enberg saw Officers Wicht and Tannous arrive and the three officers met in the middle of the street. The three officers walked toward 652 Forest Avenue and as they got close Officer Enberg could hear leaves crinkling. As the sound got louder and quicker a male subject ran out from the east side of the residence. It was dark on that side of the property and Officer Enberg could not tell what or who was coming toward them.
The male (Raff) was running and screaming loudly and had a knife in his right hand. Officer Enberg put out a call for immediate back up and said the suspect had a knife. Officer Enberg could see Raff had the knife in his hand with the blade pointing down. Raff ran toward the middle of Forest Avenue and the officers retreated back toward their cars to create space and time from Raff. As they got to the front of Officer Tannous’ car Raff was in the middle of the street approximately parallel with the east side of La Selva House. At this point, Officer Enberg could see there were two to three people in front of La Selva House but could not hear whether they said anything.

Officer Enberg heard someone call for a Sage gun and he put out other radio traffic requesting more officers. Raff made it to the middle of the street and was screaming. Officer Enberg and the other officers yelled for Raff to drop the knife. Officer Enberg pointed a flashlight on his gun at Raff. Raff was screaming and jumping up and down in the middle of the street. Officer Enberg described Raff’s screaming at the top of his lungs screaming hysterics. Raff oriented himself toward Officer Enberg, paused for a moment and sprinted directly at Officer Eberg. Officer Enberg saw Raff raise the knife as he started to sprint toward him. Officer Enberg knew from his training that the vest he was wearing was bullet-proof but not stab-proof. Officer Enberg was concerned that Raff could stab him in the neck, chest or through the vest and felt Raff was an imminent threat of death or great bodily injury to himself or fellow officers. Officer Enberg could not hear anyone else saying anything in the street. It should be noted he was wearing an earpiece relaying dispatch communications at the same time as Raff was yelling and other officers and he were shouting commands.

Officer Enberg said at that point he pointed his firearm at Raff. Officer Enberg said he was hoping Raff would stop because he didn’t want to shoot Raff. Officer Enberg said as he was backing up Raff was sprinting at him and as a result he had no where to go. Officer Enberg estimated Raff was within ten (10) feet when he first fired. Officer Enberg had to move to his left as Raff fell at Officer Enberg’s feet. Officer Enberg fired four (4) rounds from his handgun. Officer Enberg holstered his firearm, put on latex gloves and began administering first aid to Raff.

STATEMENT OF OFFICER ZACHARY WICH

Officer Wicht was interviewed by Acting Lieutenant Kara Apple and Agent Detective Max Nielepko at the Palo Alto Police Department on December 28, 2015.

Officer Wicht has been an officer with the Palo Alto Police Department two (2) years. On December 25, 2015, Officer Wicht was working patrol in full uniform and driving in a marked patrol car. Officer Wicht was on Lytton Avenue in Palo Alto when he received a call for service at La Selva House regarding a mentally distraught person who wanted to hurt himself or others and was violent. Officer Wicht understood La Selva House to be a home for mentally ill individuals and had responded there on prior occasions for
similar calls. Officer Wicht was not dispatched to the call for service, but upon hearing the details, responded to the scene to assist the other officers. Officer Wicht knew, based on his training and experience, that anytime someone may be violent or harm others more officers are needed for officer safety, subject safety, and to insure the interactions go smoothly.

Officer Wicht arrived at the location and drove past La Selva House facing the opposite direction as the other arriving officers. Officers Wicht, Tannous, and Enberg approached the front of La Selva House. The front of the house was dark. When they got to the front of the house the male subject (Raff) ran out from the east side of the building. Officer Wicht heard Officer Tannous say that the subject has a knife. Officer Wicht then saw a flash of silver in Raff’s hand. Officer Wicht drew his firearm as Raff ran into the middle of Forest Ave. All three officers retreated back to the front of Officer Tannous’ patrol car. Officer Wicht and Tannous were standing next to each other at the front right of the patrol car. Officer Enberg was to his left more into the middle of Forest Avenue.

Officer Wicht saw Officer Tannous draw his Taser and could see Officer Enberg had drawn his handgun. Raff ran out in the middle of the street and faced the officers. Officer Wicht could see Raff was holding a silver knife with a four (4) to six (6) inch blade in his right hand. Officer Wicht and other officers were giving commands to drop the knife. Officer Wicht requested the less lethal Sage gun over the radio to have another less than lethal option on scene. Officer Wicht did not hear anyone else in the street say anything.

Officer Wicht could see Raff lock his eyes on Officer Enberg. Officer Wicht had his firearm out and was concerned with what Raff was going to do as he was not listening to commands. Officer Wicht said that as he was yelling he was hoping that Raff would comply and drop the knife. Raff then ran at Officer Enberg with the knife in his right hand at shoulder height. Officer Wicht was scared for Officer Enberg’s safety because the bullet proof vests officers wear do not stop edged weapons which means that a knife will go through the vest. Officer Wicht considered Raff an imminent threat to Officer Enberg and believed that Raff was going to hurt or kill Officer Enberg.

Officer Wicht heard a shot and then fired at Raff from his firearm. Officer Wicht estimated that it took Raff about two seconds to close the distance between where he started in the middle of the street to the officer’s location. Officer Wicht estimated Raff started about fifty to sixty (50 to 60) feet away and was within twenty-five (25) feet when he first discharged his gun. Officer Wicht estimated the suspect got within six (6) feet of Officer Enberg as they were discharging their weapons. Officer Wicht fired five (5) rounds.
STATEMENT OF OFFICER DAVID TCHANG

Officer David Tchang was interviewed at approximately 4:30 a.m. on December 26, 2015, at the Palo Alto Police Department by Agent John Alaniz. Officer Tchang was on duty in full uniform driving a marked patrol vehicle on the evening of December 25, 2015. Officer Tchang was eating dinner on a break at the Police Department when a dispatch regarding threats at La Selva House came over the radio. Officer Tchang recalled no further information.

Officer Tchang and Officer Enberg responded to the call with Officer Enberg leaving first. As Officer Tchang was driving on Forest Avenue he heard Officer Enberg put out a “Code 3” (emergency) then a “Code 33” (clear this radio channel, emergency communications only). As Officer Tchang arrived on scene he heard Officer Wicht request a “Sage.” When Officer Tchang arrived at Forest Avenue he could see the male subject (Raff) holding something in his hand although Officer Tchang could not see what it was. Officer Tchang heard officers saying “drop the knife, drop the knife” although he was not certain which Officers were speaking.

Officer Tchang got out of his car and saw Raff posturing like he was going to advance. Officer Tchang heard Raff yell but it was undiscernible. Officer Tchang watched Raff advance rapidly on the other Officers and he heard four (4) to five (5) shots and saw Raff fall to his back.

OFFICER MARCUS BARBOUR

Officer Marcus Barbour was interviewed at approximately 4:00 a.m. on December 26, 2015, by Agent John Alaniz. Officer Barbour was on duty on December 25, 2015, he was in full uniform driving a marked patrol car. Officer Barbour responded to a call at 652 Forest Avenue and understood the call to be about a subject that intended to do himself harm.

Officer Barbour was en route to Forest Avenue when he heard a call for a “Code-3 fill,” requesting emergency backup. Officer Barbour also heard a “Code 33” and a request for a “Sage,” “Code 3.” When Officer Barbour arrived on Forest Avenue he heard shots being fired and saw Officer Enberg retreating backwards. Officer Barbour did not hear a Taser but noticed that Officer Tannous had his Taser holstered and that the wires were out the driver’s side of his patrol car as though they had been discharged.

Officer Barbour saw Raff on the ground with Officer Enberg holding his head. While the Officers were providing first aid one of the individuals from La Selva House saying “you didn’t have to shoot him; all he had was a butter knife.” Officer Barbour asked Officer Enberg what happened and Officer Enberg said Raff charged at him with a knife.
CIVILIAN STATEMENTS

STATEMENT OF GAROLD RAFF

On December 30, 2015, Acting Lieutenant Kara Apple interviewed Garold Raff. Garold Raff is the father of William Raff. Garold spent Christmas Eve and Christmas day with William and was familiar with La Selva House. Garold said that he didn’t think La Selva House was a good placement for William because William was deteriorating and a locked facility would be more appropriate.

On December 25, 2015, Garold took William to a market. Garold was very concerned about William because William was “quite agitated.” Garold felt William shouldn’t have been in the La Selva House facility. Garold said this was not the first psychiatric facility that William had been placed. On that morning, Garold met with William and William would not speak to Garold. Garold left the facility. William called later in the day and apologized. Garold asked William what was wrong and what William did not want to talk about. William was somewhat evasive and mumbled but ultimately said something about suicide.

Garold said that William was diagnosed with Schizoaffective Disorder and that William suffered from schizophrenia. William also suffered from paranoia and grandiosity. William had difficulty relating to the real world and that that drove some of his anger problems. William was in his twenties (20s) when he was diagnosed with mental illness.

William had attempted suicide on at least two prior occasions. The first occurred when William was staying at his mother’s home. William was excitabile and mad at his mother. William called Garold who went to his mother’s home. William calmed down. William got agitated later, got into a vehicle, did not buckle his seat belt, and drove the vehicle into a wall. Garold quoted William as saying since “he, (William), was a Buddhist he would be reincarnated and it didn’t matter.”

William’s second suicide attempt was as a result of moving into a new home in Felton, California. William took a knife and stabbed himself in the neck three times.

Medication only worked for William insofar as William would take them. One medication that was settled on made William not feel like himself so he resisted taking the medication. In the past, William would take steps to wean himself off of medication to the point where he would stop taking them and his condition would deteriorate. In the past few years William moved around quite a bit and had not had a stable living environment for some time until Garold purchased a home for William in Santa Cruz County.

1 In this section Garold will be used for Garold Raff and William will be used for William Raff. The use of first names is for clarity only. No disrespect is intended.
Acting Lieutenant Kara Apple again spoke with Garold on January 5, 2016. Garold said that William had been moved from a locked psychiatric facility in Fremont, California to La Selva House. On Christmas day, Garold spoke with one of the employees at La Selva House about talking to the CEO of La Selva House because Garold wanted to warn them that William was not right, he was significantly agitated, and to watch his medication. William had recently been given more medication because he had a seizure on December 22, 2015. Garold felt that the excess medication he was given may have been making him worse.

STATEMENT OF KEVIN McKELLAR

Kevin McKellar was interviewed by Detective Max Nielepko on December 25, 2015, at the Palo Alto Police Department.

McKellar is employed as a registered nurse at La Selva House. McKellar has worked at La Selva House since early 2012. La Selva House is an open facility, meaning that patients are there voluntarily and the facility is not locked. The facility caters to individuals with acute mental illnesses. These patients may include people who have been suicidal, depressed, unable to care for themselves and may have been hospitalized for being a danger to themselves or others.

Raff arrived at La Selva House on December 21, 2015. On December 25, 2015, Raff was “not totally there.” On December 22, 2015, staff had to call 911 for a seizure incident. McKellar saw similar signs on December 25, 2015. On December 25, 2015, Raff was flush, red and staring into space. Raff seemed to have a lot on his mind. McKellar tried to speak to Raff about how Raff was doing and Raff told him he was trying to keep his heart beating. As the day went on Raff said he was doing better because he “just let it go.”

After providing Raff his medication on December 25, 2015, McKellar overheard Raff speaking on the phone about not being safe. McKellar assumed that Raff was calling 911. McKellar asked Raff whether he was called 911. McKellar told Raff he was safe. Raff essentially ignored McKellar. McKellar told Raff he would have to explain himself for “crank calling the cops.” Around this time the staff phone rang.

McKellar answered the phone and it was Palo Alto Police Department Dispatch calling back to determine whether there was a legitimate emergency. McKellar told the dispatcher that everything was fine but that he had a client who was sick and experiencing paranoia and delusions. The dispatcher asked whether they should still send officers and McKellar was unsure. While they were on the phone the dispatcher told McKellar that officers were already on scene.
After McKellar hung up he heard “elevated” voices outside. When he went outside he saw Joseph Carter speaking to Raff trying to calm Raff down. McKellar walked out of the house through the back and when he got to the front of the house he saw Raff in the street and Raff seemed “really amped up.” Something was in Raff’s hand but he could not tell what it was. Raff was moving around “like a boxer, getting ready for a fight or something.” Carter came to the front of the house and yelled “I am staff, it is a butter knife.” McKellar didn’t remember whether the officers were giving commands. Raff then sprinted towards the officers. Raff let out a “primal yell” as he ran at the officers. At that point, the officers opened fire.

**STATEMENT OF JOSEPH CARTER**

On December 25, 2015, Joseph Carter was contact by Palo Alto Police Department Agent Anjanette Holler. Carter refused to be interviewed. In the early morning hours of December 26, 2015, Acting Lieutenant Kara Apple contacted Carter. Again, Carter refused to be interviewed.

On December 29, 2015, Carter was interviewed at the Palo Alto Police Department by Detective Max Nielepko. Carter stated that he has worked for the County of Santa Cruz in group homes and as an adult and child mental health counselor. Carter works at several different groups homes as a second and third job. Carter has no formal training in the field so he spends the majority of his time interacting with clients and managing their cases. Carter worked at La Selva House for about five months prior to the incident and works around three days a week. The clients at La Selva House are a step down from hospital level and suffer from a wide range of mental illness and many have substance abuse problems. Carter had not seen any dangerous clients during his employment.

Raff had been at La Selva House for three (3) days and on his first day he had a “self-psychosis seizure.” For about an hour Raff was saying repeatedly “I wanna go in a coma, I wanna go in a coma.” Just prior to this Raff was helping Carter with the dishes when Raff went beet red and began sweating profusely. Raff was instructed to go outside and get some air. Raff went outside and a short time later another staff member told him that Raff was having a seizure. Paramedics were called and Raff was transported to the hospital. Carter believed this happened on December 23, 2015. Carter believed Raff returned to La Selva House the following day.

Carter did not recall having any interaction on December 24, 2015 with Raff as his attention was with other clients.

Carter returned to La Selva House on December 25, 2015 at around 4:00 p.m. Carter was told that Raff had been tapping his chest earlier that day for two (2) to three (3) hours. Carter and Kevin McKellar, another staff member on duty, decided to focus their attention on Raff. They were concerned that Raff might put himself into a “self-psychosis” like he had a couple of days earlier. McKellar took Raff for a walk after
which Raff no longer tapped his chest. A little later music was played at the house, Raff danced and seemed okay for about an hour to an hour and a half.

McKellar was focused on Raff from around 6:30 p.m. to around 9 p.m. while Carter dealt with the other clients. Around 9:15 p.m. or 9:20 p.m. Carter heard Raff on the phone but did not hear what was said or know to whom Raff was speaking. Carter saw McKellar approach Raff and say repeatedly that Raff was safe. A few moments later, Carter heard the phone ring in the staff office and McKellar answered. Carter went into the staff office but still was not aware of who was on the phone or what the call was about. Carter’s attention was drawn to the kitchen and he saw Raff walk quickly over to the kitchen drawer. Raff “whip[ped] open the drawer” and grabbed a knife. Carter believed that Raff was going to hurt himself and was concerned that if he got involved Raff would hurt him.

Carter could tell that Raff grabbed a knife because of the way Raff held it in his hand. Carter asked Raff what he was doing? Raff said “I am outta here.” Raff went out the back door and proceeded to the east side of the residence. Carter followed Raff out the back door with the intent of perhaps de-escalating the situation or disarming Raff. Raff moved quickly out of the house and Carter was about twenty to twenty five (20-25) feet behind Raff saying “William, William stop! William, let’s talk! Make a good decision.” Carter was doing anything to get Raff to stop. Raff ignored Carter and proceeded rapidly up the east side of the house toward the street.

Carter followed Raff toward the front of the house and when he got to the front he could see that Raff was already in the street. At that point the officers were not near Raff. The officers were near their cars and Raff was in the middle of the street. Carter’s impression was that Raff knew what he was doing and that Raff was going to have an issue with the police officers.

Carter saw the police officers and raised his hands and yelled “Staff, I’m the staff.” Carter then yelled “He has a butter knife, it is a butter knife.” Carter believes, but is not certain, that he yelled “Don’t shoot.” Raff screamed, and “he did the incredible hulk with the knife, ‘rwaah,’ and just started beat feet-ing towards the cops.” Carter estimated that he was between thirty to forty (30 to 40) feet away from the officers when Raff began running at the officers.

Carter did not hear anyone other than himself say anything during the confrontation. Carter did not hear the officers say put down the knife or anything else. Carter’s intent at all times was to stop anything from happening.

Carter heard four to six (4-6) shots and believed Raff fell a safe distance from the officers where the officers could not have gotten hurt. Carter estimated that Raff fell ten (10) feet from the officers. The officers immediately tended to Raff. The officers were not checking or worrying about themselves but immediately turned their attention to helping Raff. The paramedics were pretty fast in arriving and removed Raff from the scene. Carter estimated the entire incident from the time Raff rounded the corner of La Selva
House and headed to the middle of the street to the shooting as being approximately twenty (20) seconds.

**STATEMENT OF ANJALI KHURANA**

Anjali Khurana was interviewed at 12:20 a.m. on December 26, 2015 by Palo Alto Police Department Sergeant Adrienne Moore. Khurana lives in the neighborhood on Forest Ave. At approximately 9:20 p.m., she and two friends decided to go for a walk to see some Christmas lights in the neighborhood. As they passed the gate to the town house complex where she lives she saw two police cars pull up silently with their lights out. One patrol car was already in the vicinity. All three officers walked toward the house across the street. Khurana and her friends continued walking. They were headed the same direction as the police officers. The officers walked up to the front of the house and then a man appeared in the shadows along the corner of the lawn. The officers told him to stop but he kept running. The man ran to the center of the street directly across from where Khurana and her friends were walking. The man did not stop and speak with the officers.

Khurana heard the officers tell the man to “stop, drop the knife, drop the knife.” Khurana and her friends turned and ran back towards her town house complex. The officers repeatedly told the man to drop the knife. As Khurana got to the gate at her complex she looked back and saw the man had gotten closer to the officers. Khurana then heard cracking sounds and then four to five (4-5) popping sounds. Khurana described the man as being all lit up and frozen and it appeared electrical lights were going on around him.

Khurana could see something shiny and reflective in the man’s right hand which was closest to her. Khurana went inside her apartment and a short time later she went back outside and learned the man was shot with a gun and was dead.

**STATEMENT OF ALINA LIBOVA**

Alina Libova was interviewed on at 12:15 a.m. on December 26, 2015, by Palo Alto Police Department Agent John Alaniz. Libova went to her friend Ajali Khurana’s house on Forest Avenue to exchange Christmas presents. At some point they decided to go look at Christmas lights. As they left the residence they saw two patrol cars with their lights off. As they walked eastbound towards Middlefield Road Libova saw a guy walk out into the street who was acting erratically.

The man was on the opposite side of the street and walked toward the middle of the street. Libova thought he came from between two houses but there were a lot of trees and it was really dark so she could not be certain. Libova could see something in reflective in his right hand that he was holding like a knife. Libova thought it was a knife but could not tell what type of knife it was because it was so dark out. Libova heard the police say “put the knife down.” The man ran into the middle of the street and continued to brandish the knife. Libova described the man as acting like a crazy person who was
erratic and aggressive. Libova heard the officers repeatedly instruct the man to “drop the knife” and to stop walking toward them. The man then ran at the officers. Libova and her friends were running away from the scene back to the apartment and initially Libova could not tell whether the man with the knife was running at them or the officers. Libova felt it looked like the man could have done harm with the knife. The officers shot the person carrying the knife.

**STATEMENT OF EUGENE LETUCHY**

Eugene Letuchy was interviewed at 12:23 a.m. December 26, 2015, by Palo Alto Police Agent Jesus Paneda. Letuchy lives on Forest Avenue and was leaving his condominium with friends Libova and Khurana to see Christmas Lights on Middlefield Road. As they walked on Forest Avenue he noticed two police cars pull up and saw another already parked on the street. Letuchy saw the officers walk toward a house across the street. As they walked a man ran out of the side area of the house across the street. When the man walked out of the shadows and in to the light provided by the street lamps, Letuchy could see something in the man’s hand reflecting light. Letuchy could not recognize what the object was. Letuchy did not know what the object was until he heard officers repeatedly command the man to “drop the knife.”

Letuchy and his friends ran back to their complex gate. When he got to the gate Letuchy turned around and noticed the man had changed directions and was now walking toward the middle of the street. The man ran at the officers as the officers repeatedly told him to drop the knife. The officer’s commands were very clear. It appeared as though all of the officers were trying to communicate with the man. Letuchy did not hear or could not discern anything the man was saying. Letuchy then heard “crack, crack, crack, and saw “bits of light in the air.” The officer in the street had his weapon out as the man ran at him with the object in his hand. Approximately four (4) shots were fired. Letuchy then saw the man fall near the “lead officer.” Letuchy saw the officers begin to provide medical assistance to the man including removing his shirt.
SUMMARY OF PRIOR INCIDENTS

Santa Cruz Police Department Report #14S-07560
On September 13, 2014, officers were called to contact an individual acting strangely and delusionally. Autumn Turley was contacted and told officers that William Raff was having a psychotic break over the past week and was speaking incoherently and to people who were not there. Raff refused all help and told Turley he had attempted suicide in the past by driving his car into a brick wall. Raff denied suicidal thoughts to the officers but did tell them he had taken himself to a mental health unit in both Huntington Beach and Santa Cruz in the recent past. Raff was placed on a hold and hospitalized because he was gravely disabled.

Westminster Police Department Report #13-07810
On October 24, 2014, Officers were informed that William Raff had previously been hospitalized for psychiatric difficulties. On this day he had suffered a seizure and had been in conflict with his mother. Raff packed his belongings, told his mother he forgave her and that God will forgive her. Raff then got in his truck and sped away. Officers located his truck and attempted a car stop. A car chase ensued that covered 3.8 miles. Raff then swerved across all lanes of traffic and crashed into a wall. Raff told police that he thought his mother was possessed and needed to get away from her. Raff told officers that he removed his seatbelt and decided to die for God and purposefully crashed into the wall. Raff told police he was diagnosed as a schizophrenic but does not believe in taking medication. Raff was placed on a hold and hospitalized because of his danger to himself or others.

Santa Cruz County Sheriff’s Office Report # 1510077
On December 6, 2015, Deputies responded to a call of a male who stabbed himself in the neck. Deputies spoke with William Raff who said he had been feeling “bad” all day and decided to stab himself with a knife to end his life. Deputies located an 8” long knife. Deputies interviewed Elizabeth Sears who told them that Raff was acting paranoid and his mood fluctuated up and down that day. Raff told Sears he was going to kill himself and walked into the home. She followed him in and saw him grab a steak knife from the kitchen counter and stab himself three times in the neck. Raff was placed on a hold and hospitalized because of his danger to himself or others.
MEDICAL EXAMINER

On December 28, 2015, Dr. Michelle Jordan performed an autopsy on the body of William Raff. William Raff died from multiple gunshot wounds.

Four (4) gunshot wounds were noted on the body of William Raff.

Three (3) projectiles were recovered from the body of William Raff.

It cannot be determined in what order the following wounds occurred.

The first gunshot wound was a wound that is described as a through and through wound to the right arm/shoulder. The wound coursed from right-to-left, front to back and slightly downward.

The second gunshot wound was a gunshot wound of the right chest/abdomen area. The wound coursed from left to right. A lead bullet was recovered from this area.

The third gunshot wound was a gunshot wound of the right lower abdomen. The wound coursed from right-to-left, front-to-back and slightly upward. A lead bullet was recovered from this area.

The fourth gunshot wound was a gunshot wound of the right back. The wound coursed from right to left. A lead bullet was recovered from this area.

William Raff had no illicit drugs or alcohol in his system.
VIDEO REVIEW

The Palo Alto Police Department utilizes a Mobile Vehicle Recording system in each patrol car. Each patrol car has cameras that record contact from the front, rear, and sides. The system also had audio recording capability.

The video recordings from this incident show the officers arriving on scene and shows them park their patrol cars one house away from 652 Forest Avenue. The three officers then approach 652 Forest Avenue where the front yard appears to be quite dark. The officers appear to be in the middle of the front yard when an individual runs out from the east side of the house screaming. A flashlight illuminates the individual and an officer immediately says “whoa, whoa, whoa.” The shadow cast by the flashlight suggests that Raff is holding an object in his hand. A call for emergency back up is made along with the statement that the subject has a knife. Shortly thereafter it is apparent that Raff has a knife in his right hand. Officers demand that Raff drop the knife.

The officers immediately retreat back to the area where their patrol cars are parked. The officers can be heard asking for back up, asking for a Sage gun, and repeatedly instruct Raff to drop the knife. An individual who is out of the frame can be heard to say “I am staff.” Presumably this is Mr. Carter.

William Raff then goes to the middle of the street where he, for lack of a better description, can be seen bouncing like a boxer back and forth across the street. The knife is plainly visible in his right hand. Officer Enberg can be heard on the radio requesting emergency back up and to keep the radio clear. During this point in the video Mr. Carter can be heard to say it is a “butter knife.” As Mr. Carter is saying this the officers are communicating with one another and shouting commands to Raff.

Raff then appears to orient himself toward Officer Enberg. Raff screams and sprints at Officer Enberg holding the knife variously at chest and hip level. The sound of the Taser is heard as well as illumination that is consistent with the discharge of a Taser as Raff sprints at Officer Enberg. The video shows that Raff is very close to Officer Enberg when Officer Enberg opens fire. Officer Wicht also fires his handgun at Raff.

Contrary to statements by witnesses that Raff is far away when he is shot, Officer Enberg must step to the side to avoid being contacted by Raff as Raff falls to the ground. Raff comes to rest in the front of Officer Tannous’ patrol car. At that point, the officers begin to provide first aid to Raff as more officers arrive on scene. From the time Raff is first seen on video until the discharge of weapons approximately nineteen (19) seconds elapse.
William Raff armed himself with this nine (9) inch kitchen knife.
This still shot from the video recorder in Officer Enberg’s car show William Raff running at Officer Enberg with his right hand raised pointing the knife at Officer Enberg.

This still shot photo shows the moment immediately before Officer Enberg fired his weapon. William Raff is holding the knife in his right hand. This picture appears to show William Raff standing still. That is not the case. William Raff is sprinting at Officer Enberg.

Officer Enberg must take steps to his left to avoid William Raff as he falls where Officer Enberg is standing. Officers Wicht and Tannous are just out of the picture at the right front of the patrol car.
RELEVANT LEGAL PRINCIPLES

This review was conducted pursuant to the joint protocol between this office and all Santa Clara County law enforcement agencies, which calls upon the District Attorney to conduct an independent assessment of the circumstances surrounding the use of deadly force. This review does not examine issues such as compliance with the policies and procedures of any law enforcement agency, ways to improve training or tactics, or any issues related to civil liability. Accordingly, such a review should not be interpreted as expressing an opinion on these matters.

Possible criminal charges against an officer involved in a fatal shooting include murder (Penal Code section 187) and voluntary manslaughter (Penal Code section 192). In order to convict an officer of any of these charges, however, it would be necessary to prove beyond a reasonable doubt that no legal justifications existed for the officer’s actions. (People v. Banks (1977) 67 Cal.App.3d 379.) Several justifications may apply in any given case and they are set forth in Penal Code sections 196 and 197. The justification pertinent to this case is found in Penal Code section 197: use of force in self-defense/defense of others.

Penal Code Section 197: General Right to Self-Defense

California law permits all persons to use deadly force to protect themselves from the threat of death or great bodily harm. Penal Code section 197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others. The relevant Criminal Jury Instruction as written by the Judicial Council of California and set forth in CALCRIM 3470 permits a person being assaulted to defend himself from attack if, as a reasonable person, he had grounds for believing and did believe that great bodily injury was about to be inflicted upon him or upon another person. In doing so, such person may immediately use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to defend against that danger and to prevent the injury which appears to be imminent.

One may resort to the use of deadly force in self-defense where there is a reasonable need to protect oneself from an apparent, imminent threat of death or great bodily injury. Perfect self-defense requires both subjective honesty and objective reasonableness. (People v. Aris (1989) 215 Cal.App.3d 1178, 1186.) “Imminence is a critical component of both prongs of self-defense.” (People v. Humphrey (1996) 13 Cal.4th 1073, 1094.) Response with deadly force must be predicated on a danger that portends imminent death or great bodily injury. The person’s right of self-defense is the same whether the danger is real or merely apparent. (People v. Jackson (1965) 233 Cal.App.2d 639.)

Reasonableness and immediacy of threat are intertwined. Self-defense “is based on the reasonable appearance of imminent peril of death or serious bodily injury to the party assailed . . . .” (People v. Turner (1948) 86 Cal.App.2d 791, 799.)
In *Aris*, the trial court’s clarifying instruction to the jury on the subject was to the point and later cited with approval by the California Supreme Court: “An imminent peril is one that, from appearances, must be instantly dealt with.” (*In re Christian S.* (1994) 7 Cal.4th 768, 783.)

What constitutes “reasonable” self-defense is controlled by the circumstances. The question is whether action was instantly required to avoid death or great bodily injury. In this regard, there is no duty to wait until an injury has been inflicted to be sure that deadly force is indeed appropriate. In one case, a robber pointed a gun at his victim and a deputy sheriff was called to the scene of the robbery. Before the robber could get off a shot, the deputy fired his weapon, wounding the robber. The appellate court remarked that “[s]uch aggressive actions required immediate reaction unless an officer is to be held to the unreasonable requirement that an armed robber be given the courtesy of the first shot.” (*People v. Reed* (1969) 270 Cal.App.2d 37, 45.)

**PENAL CODE SECTION 417: THREATENING WITH A WEAPON**

Any person who, except in self-defense, in the presence of any person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner is guilty of a misdemeanor.

**PENAL CODE SECTION 245(c): ASSAULT WITH A DEADLY WEAPON**

Any person who commits and assault with a deadly weapon or instrument on a person he knew, or should have known, was a peace officer engaged in the performance of his duties is guilty of a felony. An assault is an unlawful attempt, coupled with the present ability, to commit a violent injury on another person. (Penal Code Section 240)
ANALYSIS

Determining whether Officers Enberg, Wicht and Tannous, were legally justified under principles of self-defense and defense of others to discharge their firearms and a Taser involves a two-part analysis: (1) was each of their belief in the need to protect himself or the other officer from an apparent, imminent threat of death or great bodily injury objectively reasonable and (2) did they each, individually, subjectively and honestly believe he needed to protect himself or his partner from an apparent, imminent threat of death or great bodily injury.

The following facts support concluding that Officer Enberg’s fear of imminent danger was objectively and subjectively reasonable.

Dispatch informed Officer Enberg that someone at 652 Forest Avenue was threatening to do harm to other residents. Officer Enberg knew from his training and personal experience that La Selva House is a facility for individuals suffering psychiatric difficulties and/or substance abuse issues. Officer Enberg had previously responded to that location and taken individuals from that location to hospitals on psychiatric holds. As Officer Enberg was responding he was thinking about prior calls for service he had had there and the lack of details he received on this call. Officer Enberg was in full uniform wearing approximately twenty (20) pounds of gear and driving a marked patrol car.

Officer Enberg parked on the north side of the street facing east. Officer Enberg’s car was parked directly across from Officer Tannous’ patrol car. Officers Enberg, Wicht and Tannous met up on Forest Avenue and approached the residence. Officer Enberg noted a group of people in front of the house. Officer Enberg noted that no one was flagging them down, no one seemed alarmed and no one said anything to them. The location in front of La Selva House was dark. Officer Enberg did not have any more information about the subject of the dispatch or whom they were supposed to contact.

There is a driveway on the west side of the residence and as they got to that location Officer Enberg heard crinkling sounds, similar to leaves being stepped on, coming from the east, or far side of the residence. Officer Enberg looked to the far side of the residence and saw William Raff come out from that side of the house, approximately fifteen (15) feet away. Raff was yelling at the top of his lungs but Officer Enberg could not tell what was being said. Officer Enberg could clearly see a knife in Raff’s right hand as he ran toward the street. Officer Enberg heard Officer Tannous say “Whoa. Whoa. Whoa. Whoa.”

All three officers retreated approximately fifty (50) feet back toward Officer Tannous’ patrol car. As they got to that location Raff had run into the middle of the street. Officer Enberg could still see the knife in Raff’s right hand. Officer Enberg took out his firearm and used the flashlight on his firearm to illuminate Raff. Officers repeatedly commanded Raff to drop the knife. Officer Enberg called for more officers because he was not sure if
there were other suspects and to perhaps gain Raff's compliance with a show of officers. Significantly, even with multiple officers commanding Raff to drop the knife he did not comply nor did he acknowledge the commands.

At this point, Officer Enberg did not know whether Raff was the person who was the subject of the 911 call or what Raff was going to do. Officer Enberg was wearing an earpiece in one ear and could hear someone call for a less lethal device. Officer Enberg was also communicating with dispatch and as a result he did not hear anyone on the street say anything.

When Raff got to the middle of the street he oriented himself toward the officers. Raff began bounding, akin to a boxer, back and forth in the street with the knife clearly visible in his right hand. At times Raff had his hand up with the knife pointing toward the officers and at other times he had the knife at his side. Moments after Raff oriented himself towards the officers he screamed and ran directly at Officer Enberg.

Officer Enberg was wearing a ballistic or "bullet proof" vest and knew from his training and experience that vests worn by patrol officers are not stab proof and a sharp edged weapon will penetrate such a vest. Officer Enberg was concerned as Raff ran at him that he might be stabbed. Officer Enberg believed that a person carrying a knife posed an imminent threat to himself and his fellow officers as they could be stabbed through their vests or in an area of the body which was unprotected. Officer Enberg hoped Raff would stop because he "didn't want to shoot him." Raff, however, continued at Officer Enberg so when Raff crossed "the halfway point, the point of no return" Officer Enberg fired his gun at Raff. Officer Enberg had no doubt in his mind that Raff was an imminent threat to himself and his fellow officers and that Raff wanted to hurt one of the officers.

The following facts support concluding that Officer Wicht's fear of imminent danger was objectively and subjectively reasonable.

Officer Wicht heard a call for service to 652 Forest Avenue. Officer Wicht was not dispatched on the call but upon hearing the details he responded to assist officers to control the scene and insure things went smoothly during the contact. Officer Wicht was driving a marked patrol car and was wearing a marked uniform carrying approximately twenty (20) pounds of gear. Officer Wicht remembered the call as a call for service to La Selva House. Officer Wicht knew from personal experience responding to calls at La Selva House as it being a place where those who are mentally ill or drug addicted attempt to transition into more traditional housing. Officer Wicht remembered the call as being about an individual who was distraught or violent and wanted to hurt others in the house.

Officer Wicht parked on the north side of Forest Avenue facing west. Officer Wicht walked near Officer Tannous in the middle of the street and approached La Selva House. When they reached the grass in front of La Selva House Officer Wicht saw Raff run out to the front on the east, or far side, of the house. It was dark in front of the house. Officer Wicht heard Officer Tannous say "he has a knife." Officer Wicht could not see
the knife but did see a flash of silver. Officer Wicht did not hear anything other than Officer Tannous’ statement that Raff had a knife.

Officer Wicht drew his firearm and saw that Officer Tannous had pulled out his Taser. Officer Wicht then retreated back toward Officer Tannous’s patrol car. Officer Wicht saw Officer Enberg to his left in the street. Officer Wicht called for a Sage gun. Officer Wicht could see a 4-6” inch knife in Raff’s right hand. Officer Wicht was wearing an earpiece and heard calls for other officers. Officer Wicht did not hear anyone else say anything. Officer Wicht and other officers gave multiple commands to Raff to drop the knife. Raff did not respond.

Raff made his way to the middle of the street and Officer Wicht became concerned that Raff was not responding to the commands the officers were giving. Officer Wicht remembered hoping that Raff would comply with the commands. Officer Wicht was standing next to Officer Tannous’ car while Raff was in the middle of the street moving back and forth. Officer Tannous was next to Officer Wicht on the right front of the patrol car and Officer Enberg was positioned on the left side of the patrol car more to the middle of the street. Officer Wicht estimated that Raff was between fifty (50) and sixty (60) feet away from the officers when Raff was in the middle of the street. Officer Wicht could see the knife in Raff’s right hand holding the knife with a “pistol grip,” as if Raff were going to stab down at someone.

Raff seemed to lock onto Officer Enberg. Raff then ran at Officer Enberg. Officer Wicht was scared for Officer Enberg’s safety and each of their safety. Officer Wicht knew from his training and experience that they were all vulnerable to stab wounds as their vests would not stop a stabbing implement. Officer Wicht was convinced that Raff intended to kill Officer Enberg as Raff ran at Officer Enberg. Raff closed to approximately twenty-five (25) feet when Officer Wicht heard a gunshot. Officer Wicht then raised his gun and shot at Raff. Officer Wicht estimated that Raff fell approximately six (6) feet from Officer Enberg. Officer Wicht intended to stop Raff because he was in fear for Officer Enberg’s life and believed that Raff intended to kill Officer Enberg.

The following facts support the conclusion that Officer Tannous’ decision to use his Taser was subjectively and objectively reasonable. It should be noted that Officer Tannous’ use of the Taser did not have an effect on the death of Raff. One reason for this is because the Taser’s probes did not both hit Raff, making the Taser ineffective. The other reason is that because the Taser use was when Raff was charging the officers with a knife, closing distance quickly and having his momentum continue to carry him forward, that the use of the Taser, even if it had been effective, would not have changed the reasonable reactions of the other officers. The use of the Taser is reviewed here, as it would be in any situation where a Taser was used and also there was a death.

Officer Tannous was in full uniform driving a marked patrol car. Officer Tannous could not remember the nature of the call for service to La Selva House. On the way to the call Officer Tannous asked clarifying questions of the dispatcher to determine more information about the call and requested dispatch to call back to the house.
The nature of that dispatch conversation with Kevin McKellar was not relayed to the officers in the seconds during which this incident was occurring. It is reasonable to conclude that by the time the dispatcher hung up with McKellar events in front of the house were already unfolding.

Officer Tannous parked just west of La Selva House and joined up with Officer Wicht and Officer Enberg to approach the residence. As they got to the dark front yard Officer Tannous heard a male screaming. The screaming was coming from the far side of the house. Officer Tannous saw a suspect come out from the back of the house and he shined his flashlight on Raff. Officer Tannous was able to see a silver, approximately five (5) inch blade knife in Raff’s right hand. Officer Tannous told the other officers he saw a knife and told Raff to drop the knife. At that point, all three officers retreated back toward their cars to gain distance from Raff.

Officer Tannous saw the other officers take out their handguns so he felt comfortable using his Taser, a less lethal option. While the officers retreated to the area of their cars Raff made his way to the middle of the street. Officer Tannous saw other people in front of La Selva house and was concerned that Raff might attack them. Officer Tannous felt the officers could retreat no further and still be able to keep Raff from attacking the individuals in the front of the house.

Raff was in the middle of the street yelling. Officer Tannous could not understand what Raff was yelling. Officer Tannous could hear someone yelling from the front of La Selva House but could not tell what that person was saying. Officer Tannous and the other officers were telling Raff to drop the knife. Officer Tannous was wearing an ear piece and could hear a request for other officers and heard a request for a Sage gun, or another less lethal force option. After the incident, Officer Tannous was convinced there would not have been time to get a Sage gun out of the trunk of a patrol car where they are stowed, load, and deploy the Sage gun. There simply would not have been enough time.

Raff started walking toward the officers and Officer Tannous decided to turn on the Taser. The Taser shoots out two probes and would hopefully immobilize Raff. Raff sprinted at Officer Enberg and Officer Tannous fired his Taser at Raff. Officer Tannous believed that Raff was trying to kill Officer Enberg with the knife. Officer Tannous knew, based on his training and experience, that the gear they were wearing would not stop a knife wound. Officer Tannous could see that one of the Taser probes hit Raff in the leg and the other missed completely. Officer Tannous could tell the Taser failed because Raff continued to run at Officer Enberg. Officer Tannous then heard Officers Enberg and Wicht fire at Raff. Officer Tannous thought that they would have more time to come up with a plan of action when Raff was in the middle of the street but that they did not because Raff charged at Officer Enberg. There was no doubt in Officer Tannous mind that Raff intended to kill Officer Enberg.
The following facts support the conclusion that each of the officer’s fear of imminent danger was both objectively and subjectively reasonable.

William Raff called the Palo Alto Police Department Dispatch center and reported an individual was threatening to harm others at 652 Forest Avenue. The person Raff reported was making threats was not a resident at La Selva House. Dispatch sent officers and told the officers that someone was threatening to hurt other residents at La Selva House. Each of the officers had at some point previously in their careers responded to La Selva House and taken or assisted in taking a resident to the hospital because that person was a danger to themselves or others. Each officer understood that situations at that location could be unpredictable and volatile due to the nature of the residents and their potential psychiatric problems.

Each officer understood the call was made to request law enforcement to contact an individual who was threatening harm to other residents. As the officers approached the house it was dark in the front yard. Suddenly, a man, William Raff, ran out to the front of the house, screaming, holding what was immediately apparent to one of the officers as a knife. The officers manifested their concern for their safety when they retreated away from Raff back to the area of their patrol cars. The officers chose to back away rather than engage Raff at that point and made the decision individually and collectively to attempt to deescalate the situation. The officers verbally commanded Raff to drop the knife. Officer Enberg had the wherewithal to request more officers for assistance, Officer Wich requested a less lethal Sage gun and Officer Tannous chose to deploy his Taser as a means to subdue Raff. The officers all were attempting to avoid a violent confrontation with Raff as their actions at the scene make clear.

Each officer became concerned that Raff was not responding to their commands and appeared to be orienting himself toward them. Officers Wicht and Tannous became concerned that Raff was locked onto Officer Enberg who was positioned more to the middle of the street than they were.

Officer Tannous perceived the threat Raff posed by discharging his Taser, a less lethal option. Officer Enberg perceived the danger of the threat posed by Raff as he fired his weapon only when Raff was so close he had no other option. Officer Wicht perceived the threat that Raff posed to Officer Enberg when Raff was within approximately ten (10) feet of Officer Enberg but only started shooting after he heard a shot fired.

Each officer mentioned that the entire incident took place so quickly that they did not have time to come up with a plan of action for the incident. Moreover, the incident took place so quickly that the officers felt they would not have had time to utilize other force options had they been available.

The fact that the knife used by Raff was a dinnerware knife does not make the situation less threatening for the officers, or their actions less justified. The knife used could be used to inflict a fatal wound or serious injury on the officers whose faces and necks were exposed and whose vests were not designed to protect from knife strikes. None of the
officers heard a staff member stating that the knife was a “butter knife” and if they had, they would not have had the time or ability to assess the credibility of that statement. What the officers saw was a man yelling and charging at them with a knife in his hand, in an attack.

The officers could not have known and did not know, William Raff was apparently in a fragile mental state on December 25, 2015. The day of the incident Raff’s father was concerned about Raff’s mental well-being because Raff did not handle the change to La Selva House well. Garold Raff felt that La Selva House was not a restrictive enough environment under the circumstances for William Raff and based on Williams Raff’s state of mind Garold Raff believed William needed to be in a locked facility. William Raff had been both uncommunicative earlier in the day and mentioned suicide.

The officers could not have known and did not know, that William Raff also had a history of suicide attempts, the most recent being approximately three weeks earlier. On that occasion William Raff stabbed himself repeatedly in the neck.

The officers could not have known and did not know, that William Raff had been released on December 23, 2015 after he was taken to the hospital for a seizure the day before.

Raff called 911 and made the report of a resident at 652 Forest Avenue threatening to harm someone. This false report was designed to solicit an armed response by law enforcement. Raff hung up with 911 and went to the kitchen and armed himself with a knife from the kitchen just prior to police arrival. Raff told McKellar and Carter that he was in danger just prior to walking out of the house. Raff ran out of the house and headed to the east side of the residence screaming incoherently. Raff carried the knife in his right hand. Raff ran to the middle of Forest Avenue and appeared to take a pugilistic stance. Raff hopped from one side of the street to the other before focusing on the officers. Officers repeatedly told Raff to drop the weapon. Raff did not comply. It appears from a review of video of the incident, that Raff paused, focused his attention on Officer Enberg, and screamed incoherently as he ran at Officer Enberg, knife in hand.

The totality of the evidence leads only to the conclusion that William Raff was intent on dying at the hands of police officers on December 25, 2015. In the months and years leading up to the incident it was clear that Raff suffered from devastating psychiatric issues and had attempted to commit suicide on multiple occasions. William Raff called 911 that night to create a fake emergency and draw an armed response from the police. Raff then committed suicide by attacking the officers, who shot him in self-defense.

As summarized in the previous section, California law permits any person to use deadly force where there is a reasonable need to protect oneself, or another, from an apparent, imminent threat of death or great bodily injury. Furthermore, it specifically permits police officers to use deadly force when arresting a person who has committed or is committing a violent felony (such as assault on a police officer with a deadly weapon) and the officer has probable cause to believe the person poses a threat of future or
imminent death or great bodily injury, either to the officer or to others. Courts do not require officers to wait until they are physically attacked before they are entitled to take action.

**CONCLUSION**

Under the facts, circumstances and applicable law in this matter, Officers Enberg, Wicht and Tannous were justified in their use of force in response to an immediate threat of great bodily injury or death. Therefore, their conduct is legally justifiable and no criminal liability attaches.

Dated: 5/24/16

Respectfully submitted by Charles Gillingham Deputy District Attorney.
Approved by,

[Signature]

JEFFREY F. ROSEN
DISTRICT ATTORNEY