



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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March 31, 2014

Chief Jacqueline A. Seabrooks
Santa Monica Police Department
333 Olympic Drive
Post Office Box 2200
Santa Monica, California 90401

Albert Vasquez, Chief of Police
Santa Monica Campus Police Department
1718 Pearl Street
Santa Monica, California 90405

Re: J.S.I.D. File #13-0423
SMPD File #13-66448

Dear Chief Seabrooks and Chief Vasquez:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 7, 2013 fatal shooting of John Zawahri by Santa Monica Police Department (SMPD) Officers Jason Salas and Robert Sparks and Santa Monica Campus Police Department (SMCPD) Sergeant Raymond Bottenfield. We have concluded that the officers acted in self defense and in the defense of others.

The District Attorney's Command Center was notified of the shooting on June 7, 2013. The District Attorney Response Team, comprised of Deputy District Attorney Stephanie Sparagna and District Attorney Supervising Investigator Lawrence Dimmick, responded to the scene and was given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports submitted by SMPD Detective Michael Bambrick. The voluntary statements of the officers were considered in this analysis.

FACTUAL ANALYSIS

On June 7, 2013, at 11:50 a.m., John Zawahri (age 23) walked out of his home, located on the corner of Yorkshire Avenue and Kansas Avenue in the City of Santa Monica, after shooting and killing his father, Samir Zawahri (age 56) and his brother, Christopher Zawahri (age 26).¹

¹ Zawahri had been living at the home with his father. Christopher had been residing with their mother, Randa Abdou, who was separated from Samir and out of the country at the time of the incident.

Jerry Cunningham-Rather, a neighbor, heard gunshots, went outside and saw Zawahri in possession of a rifle shooting at the house which was on fire. Zawahri was wearing a black shirt with "POLICE" written in white letters across the front, black pants and a "Blackhawk" load-bearing vest.² Cunningham-Rather called 9-1-1 notifying dispatch of the initial actions of Zawahri's rampage that day.

Zawahri walked into the street, encountered Saffiya Hasan driving toward him, raised his rifle and fired one round into the front grill of her car. Hasan reversed her car, drove backwards at a high rate of speed and called 9-1-1 while hearing additional gunshots. Zawahri walked to the sidewalk as three other cars, driven by Laura Sisk, Yakira Rodas and Deborah Fine respectively, drove on Yorkshire and stopped at the stop sign on Kansas. Zawahri motioned for Sisk to turn onto Kansas and pull over. Sisk complied because she thought Zawahri was an officer. Rodas "knew something was wrong" as Zawahri waved Rodas over to him and walked toward her car. Rodas made a u-turn, drove away, and called 9-1-1 while hearing more gunshots.

Fine was behind Rodas and believed Zawahri was a police officer. Fine stopped in the street near Sisk's car and began to maneuver around Sisk onto Kansas when she realized Zawahri was not an officer. She yelled, "No!" at Zawahri who was pointing the rifle at Sisk. Zawahri looked at Fine with a "clear, ferocious, gaze like a person on a mission." Fine's car was rolling forward when she heard gunshots and bullets strike her car and felt objects hit her. Fine ducked toward the center console and sensed Zawahri moving around the front of her car. Gunfire changed direction and objects hit her on different sides of her body. Fine stayed down hoping Zawahri would think she was dead. Eventually, Fine did not hear anything until Cunningham-Rather came to her aid.³

After shooting Fine, Zawahri opened the passenger door and entered Sisk's car with his rifle and a large, black duffle bag. Zawahri told Sisk he would not kill her if she did what he said. Zawahri ordered Sisk to drive until they stopped at a red light at the corner of Pico Boulevard and Cloverfield Avenue. Zawahri exited the car and "just started shooting in a circle" never walking away from Sisk's car. Irene Atkinson and Diane Atkinson were stopped at the light behind Sisk's car. Zawahri turned toward the Atkinsons and fired a round at their car shattering the windshield. They sped away, called 9-1-1 and heard additional gunshots.⁴ Santa Monica Big Blue Bus #4057 was also stopped at Pico and Cloverfield. Zawahri fired multiple rounds striking the side panels and windows of the bus and injuring passengers. The bus driver drove away and waited for police assistance as the frightened passengers ducked and hid to avoid being shot.⁵

² Although capable, the vest did not carry ballistic panels.

³ Fine was transported to Ronald Reagan UCLA Emergency Hospital and treated for gunshot wounds to her shoulder, chest, face and ear.

⁴ The Atkinsons were not injured.

⁵ Lissette Perez and Tina Littlejohn suffered injuries from glass fragments inside the bus. Sheena Richardson was struck by a bullet fragment. Each of these victims was later treated at the hospital.

Zawahri continued to randomly shoot numerous rounds from his rifle around the intersection striking nearby buildings. Sinia Shaw was stopped two cars behind Sisk's car. Zawahri aimed his rifle at Shaw who ducked and heard a bullet hit her car.⁶ Zawahri re-entered Sisk's car and ordered her to drive.

Zawahri continued to fire his rifle out the window as Sisk drove on Pearl Street to Santa Monica College. Zawahri directed Sisk to turn into the driveway of Parking Lot #1 and stop the car. Zawahri told Sisk, "Your job is done. You are free to go." Zawahri exited the car with his duffel bag and fired his rifle at vehicles exiting the lot. Sisk drove onto the campus, reached an area where she could no longer drive, exited her car and ran to the safety of the police who were responding to the many calls for help as they tracked Zawahri's trail of destruction.

David Galdjie, a student, was sitting on a bench near Parking Lot #1 when he heard a gunshot, looked up and saw Zawahri pointing a rifle at him. Zawahri fired another round at him as Galdjie ran into the Science Building for cover.⁷

Zawahri walked along the alley adjacent to Parking Lot #1 where he encountered a Ford Explorer driven by Carlos Franco (age 68). Marcela Franco (age 26), Franco's daughter, who was a Santa Monica College student, occupied the front passenger seat. Zawahri fired three rounds at the Explorer killing both Carlos and Marcela. The Explorer sped away and crashed into a wall.⁸

Zawahri proceeded down a walkway, dropped his duffel bag and entered the Liberal Arts Building. Zawahri walked past the Bursar's Office and fired more shots. Marian Hanna, a student, saw Zawahri checking closed doors as he walked down the hallway. Gabriella Morales was working at KRCW radio station located in the building. Several students ran into her office saying there was a man shooting at people. She heard gunfire and headed for the door when Zawahri walked past her. Morales ran to the studio and hid with other students until they were rescued by the police. Students were running, screaming for help and warning other students as Zawahri proceeded into the first floor hallway and exited the building to the main walkway of the campus.⁹

Christopher Brisson, a student, unaware of the tragedy unfolding, walked toward the clock tower ringing twelve o'clock noon. He saw frightened students running toward the library and heard an explosion. Zawahri, "walking at a steady gait", followed the students holding his rifle at waist level and pointing it in their direction.

⁶ Shaw was not injured.

⁷ Galdjie was not injured.

⁸ Carlos Franco suffered a single gunshot wound to his head and was declared dead by the Santa Monica Fire Department at the scene. Marcela Franco was transported to Ronald Reagan UCLA Emergency Hospital and died the following morning from a single gunshot wound to the head.

⁹ Over three hundred students and staff members were later interviewed by the police. Many witnesses described being shot at by Zawahri as he moved across the campus.

Enkhjin Chimeddori, a student, was standing near the entrance of the library when two women frantically ran inside. The women attempted to speak as they ran past Chimeddori but were unable to express themselves. Chimeddori looked out the glass doors and saw Margarita Gomez (age 68) pushing her cart. Chimeddori recognized Gomez as the lady who regularly collected recyclables from the campus trash cans. Chimeddori saw Zawahri fire one shot at Gomez who stumbled backward and fell to the ground.¹⁰ Chimeddori hid in the library as Zawahri proceeded across the walkway and entered the main entrance of the library.

Zawahri walked toward the circulation desk to the unsecured, double-swinging doors located at the end of the desk which allowed entry behind the counter. Zawahri walked through the doors toward students who were working at the circulation desk. Myron Kabwe heard students yelling, "He's got a gun!" Kabwe saw Zawahri and ran with students to a room located down the hall. They saw Zawahri coming toward them as they slammed the door shut and locked it. Zawahri knocked on the door and said, "Open the door. I'm the police. I'm going to count to five." Zawahri counted to five and shot several rounds into the wall and the door. Kabwe heard additional shots and remained in the room until rescued by the police.¹¹

Zawahri returned to the circulation desk area and walked through a swinging door to the public area. He turned his back on the main entrance and aimed his rifle at a student. At 12:03:24 p.m., less than fifteen minutes after Rather-Cunningham first saw Zawahri outside his home, SMPD Officers Jason Salas and Robert Sparks and SMCPD Sergeant Raymond Bottenfield entered the library, confronted Zawahri and discharged their firearms striking and killing him.

Statement of Officer Jason Salas

SMPD Officer Salas was in uniform and on patrol when he heard the initial broadcast of shots fired. Salas received additional information from dispatch describing multiple shooting scenes. He also monitored radio transmissions from other officers who relayed information they were receiving from victims and witnesses. Information was updated continuously as one call for help and assistance followed another. The information absorbed by Salas included "shots heard", "shots fired", "lady hit and possible carjacking", "hostage situation", "bus shot at", "additional victims at Cloverfield and Pico" and ultimately "active shooter in black paramilitary style fatigues and in possession of an assault weapon on the campus at Santa Monica College."

Salas arrived on campus and saw the Francos in the crashed Explorer. Salas spoke to Sergeant Bottenfield who stated that the gunman was headed toward the library. Salas heard gunshots as he and Sergeant Bottenfield quickly headed toward the main walkway where they saw victim Gomez on the ground. Salas explained that officers always render aid to those who need it. However, in an active shooter scenario, officers are trained to do the opposite: "[B]ypass any

¹⁰ Gomez was later transported to Ronald Reagan UCLA Emergency Hospital where she was pronounced dead from a single gunshot wound to the upper abdomen, lower chest area.

¹¹ No one inside the room was injured.

typical officer training...such as perimeters, rendering aid to people...and engage the suspect without hesitation.” Salas thought “we are going to diamond up...we need to put a team together.”¹² Sergeant Bottenfield was in civilian clothes and without a vest. Salas looked for another uniformed officer and within seconds spotted Sparks who joined the team. As the three officers hurried toward the gunfire, they briefly discussed their plan “to engage the shooter and stop the threat immediately.” As they headed toward the library, they saw more terrified students running from the building.

The entrance of the library contained two sets of automatic sliding glass doors with a vestibule between them. Salas was point person and could not see inside the building through the doors because of the sunlight reflecting off the doors. Salas could see his reflection on the glass and “silhouettes of movement” behind the doors. When the first set of doors opened, Salas saw Zawahri holding a rifle and walking away back into the library past the second set of doors. Salas was so close to Zawahri, he was unable to discern whether it was he or Zawahri who caused the doors to automatically open. Salas also saw a student talking to Zawahri. Salas momentarily hesitated thinking Zawahri was an officer because of his dress and gear. However, Salas realized Zawahri was not carrying his rifle as an officer would in this situation. Salas was barely able to yell, “Police!”, when Zawahri turned around and pointed his rifle at the officers.

Salas discharged his semiautomatic rifle at Zawahri who simultaneously stepped back and discharged his rifle at the officers. Zawahri turned while still pointing the gun at the officers and fell to the ground. Zawahri fell on his back and lost his grip on the rifle. He turned and grabbed the rifle. Salas believed Zawahri was gaining control of the rifle and continued to discharge his rifle at Zawahri who was “not relenting.” Zawahri held his rifle in a threatening manner pointed at Officer Sparks. Salas was in fear for his life, the lives of partners, and the lives of the numerous students in the library. Once his rifle was empty, Salas transitioned to his semiautomatic handgun. Salas approached Zawahri who had the rifle in his right hand. Salas thought Zawahri also had something in his left hand. Salas believed there was a high probability that Zawahri was in possession of explosives in his vest or in the pouches of his pants. Zawahri’s left hand was pulsating as though his hand was on a detonator which he was trying to press with his thumb or squeeze in his hand. Salas continued to shoot Zawahri with his handgun to stop the threat. Assisting officers arrived, handcuffed Zawahri and removed him from the library after Sparks removed the rifle from Zawahri’s hand.

Officer Salas discharged twenty-nine rounds from his Colt model AR-15 lightweight, .223 caliber semiautomatic rifle and thirteen rounds from his Heckler and Koch model USP, .45 caliber semiautomatic pistol.

¹² Salas is describing a rapid deployment tactic that he, Sparks and Sergeant Bottenfield would use prior to entry into the library.

Statement of Officer Robert Sparks

Officer Sparks heard the many broadcasts regarding the shooter who had made his way onto the campus. Sparks was aware the shooter possessed an assault weapon and was actively shooting victims. Sparks was a SWAT team instructor who taught rapid deployment tactics and explained that officers must engage the active shooter and neutralize the situation where several victims have been shot and the shooter appears to be on a mission to shoot more innocent people.

Sparks arrived at the campus, parked his car and grabbed his shotgun. Sparks heard gunshots and saw students running in fear. Sparks ran through the campus where he met Salas and Sergeant Bottemfield. Sparks asked, "Where is he?" and Sergeant Bottemfield pointed toward the library. The officers looked at each other and said, "Let's go!" Sparks stated, "Without any delay, [we] just charged toward the library" passing victim Gomez who had been shot and was lying on the ground as they moved across the walkway.

The automatic doors to the main entrance of the library opened as a student ran out. When the second set of doors opened, Sparks saw the back of Zawahri who was dressed like a SWAT officer in full tactical gear with magazine pouches on the side of his fatigues and wearing a bulky vest. Zawahri turned around and pointed his rifle at the officers with one hand on the pistol grip and the other hand on the stock "up and ready to shoot." Salas yelled, "Police, stop!" Momentarily, Sparks thought Zawahri was an officer but realized he was the suspect when he did not identify himself and continued to point the gun at them. In fear for his life and the lives of the other officers, Sparks discharged his shotgun at Zawahri who retreated toward the circulation desk while "maintaining control" of the rifle and pointing it in their direction. Salas continued to fire his weapon at Zawahri who fell to the ground with his rifle an inch from his hand. Zawahri grasped for his rifle. Sparks believed Zawahri was still alive "trying to stay in the fight and wanted to get his weapon to keep shooting." Salas engaged Zawahri and discharged his firearm ending the threat. Sparks kicked the rifle away from Zawahri as other units arrived in the library.

Officer Sparks discharged one round from his shotgun, a 12 gauge pump action Remington Model 870.

Statement of Sergeant Raymond Bottenfield

Sergeant Bottenfield was on a scheduled day off attending a meeting on campus. He was not in uniform but was carrying his personal handgun. After the meeting, Sergeant Bottenfield went to SMCPD station to complete paperwork. He heard a broadcast of "shots fired" at Yorkshire followed by another broadcast of "shots fired" at Pico and Cloverfield and became concerned because of the close proximity to the college. He drove to Pearl Street to monitor the situation and heard gunshots followed by a car collision. Sergeant Bottenfield ran toward the collision where he saw victim Franco's Explorer crashed into a wall. He followed the sound of more gunshots and encountered students who describe the suspect in possession of a rifle heading toward the library. SMPD units arrived and Sergeant Bottenfield teamed up with two unknown

uniformed SMPD officers, one of whom stated, "Let's start going." As they got closer to the library, he heard more gunshots and within seconds saw victim Gomez on the ground.

Sergeant Bottenfield was slightly behind the two SMPD officers as they entered the front doors of the library. The SMPD officers yelled commands to Zawahri who stood in the vestibule before the second set of doors. They ordered him to get down and drop the gun at least three times. Zawahri turned toward the officers with the rifle in his hands and the officers fired their weapons. Glass from the doors shattered. Sergeant Bottenfield and the officers momentarily backed up looking for cover. Fire alarms were sounding and students were screaming. In the chaos, Sergeant Bottenfield could not determine if the gunfire was exclusively coming from the officers. When the officers moved forward, Zawahri ran and fell to the floor from being hit. He was lying on the floor trying to get his rifle and moving it around. Sergeant Bottenfield believed that Zawahri tried to retrieve his rifle in order to kill them. Fearing for his life and for the lives of the other officers, Sergeant Bottenfield discharged his firearm striking Zawahri.

Sergeant Bottenfield discharged his semiautomatic firearm seven times.

Statement of Alfonso Mendez

Alfonso Mendez walked down the stairs of the second floor of the library where he saw Zawahri standing near the front doors holding his rifle. Zawahri stared directly at Mendez who at first thought Zawahri was an officer. Within seconds, officers entered the library shouting at Zawahri who turned and pointed the rifle at the officers. Mendez dropped to the floor and heard at least twenty gunshots. Mendez could not discern if Zawahri actually fired shots at the officers. Zawahri moved further into the library after the initial shooting and fell to the floor. Mendez saw one of the officers approach Zawahri and fire a single shot at him.

Video Evidence

Cameras mounted outside various buildings captured victim Gomez falling to the ground after being shot by Zawahri who was off camera. Cameras mounted inside and outside the library captured Zawahri entering the library and walking past the circulation desk through a set of doors and out of sight to the room where Kabwe and other students hid. Moments later, Zawahri returned to the desk area and exited to the general area of the library. The automatic door opened as Mendez attempted to leave. Zawahri, whose back was to the camera, walked toward Mendez with his rifle pointed at Mendez. Zawahri abruptly turned and faced the officers who were entering the library. Salas entered first, followed by Sparks and Sergeant Bottenfield. Zawahri pointed and discharged his rifle at the officers. All three officers fired rounds at Zawahri who retreated into the library toward the circulation desk while pointing the rifle at them. Zawahri fell to the ground on his side and pointed the rifle at the officers. Zawahri continued to move on the floor and Salas discharged his handgun at Zawahri. Sparks kicked the rifle away from Zawahri as other officers entered the library.

Firearms Evidence

Excluding the .223 casings fired by the police, Zawahri fired at least forty-three rounds from his rifle including four rounds inside the residence killing his father and brother, eight rounds outside his residence in the area of Yorkshire and Kansas, sixteen rounds in the area of Pico and Cloverfield, three rounds at the Francos, three rounds inside the Liberal Arts building near the Bursar's Office, one round at Gomez and eight rounds inside the library. Two of the casings recovered from the library were located in the lobby where the officers first encountered Zawahri. The other six casings were recovered near the storage room where Kabwe hid. There were five bullet holes on the storage room wall and one bullet hole on the door to the room.

Zawahri carried fourteen loaded magazines in his vest and four loaded magazines in his thigh pouches. Zawahri's duffel bag, located on the walkway, was analyzed and rendered safe by the Los Angeles County Sheriff's bomb disposal unit. The bag contained an upper receiver to an assault rifle (AR-15 type), a loaded Pietta, model "1858 New Army" .44/.45 caliber converted revolver¹³, thirty-four full .223 rifle magazines, seven boxes of .223 ammunition and thirty-six live .45 rounds. Leather gloves, an ammunition belt and knee pads were found nearby.

Special Agent David Hamilton with the Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) examined the AR-15 type rifle used by Zawahri. SA Hamilton found what he called "shoddy" workmanship inconsistent with commercial firearms manufacture. Hamilton opined that the rifle was put together and milled by a novice and in working order.¹⁴

Coroner's Evidence

On June 9, 2013, Los Angeles Deputy Medical Examiner Ogbonna Chinwah performed an autopsy on Zawahri and concluded his death resulted from multiple gunshot wounds. In total, Zawahri sustained twenty-five gunshot wounds.

¹³ The revolver was originally marketed as a .44 caliber black powder revolver. However, the gun had an after market conversion cylinder which can accept and fire .45 Colt caliber cartridges loaded with smokeless powder.

¹⁴ SA Hamilton reported that the lower receiver was manufactured from what is commonly called an "80% lower" - a partially machined AR lower receiver casting or forging that requires additional machining before meeting the definition of a "firearm." Because it is not a "firearm", the sale of an 80% lower is not subject to the same controls as that of a firearm, such as background checks and record keeping by the Federal Firearms Licensees. The lower receiver of Zawahri's firearm could have been finished using a manually operated milling machine but was probably finished using a simple drill press. All of the parts used to assemble the rifle can be purchased over the internet. The ease in which 80% lower can be acquired and manufactured into a complete firearm, as well as the anonymity in manufacturing and possessing such a weapon, makes it an option for people prohibited from purchasing a firearm through legal channels.

Other Evidence

In a three page note recovered from his person, Zawahri wrote, "Well, here it is. The day has finally come." He expressed his knowledge that he would be killed, apologized to his father and brother for killing them, and acknowledged his mother would be devastated. Zawahri also wrote about the online gaming world and the game "WoW," referring to the multiplayer online role-playing game, "World of Warcraft." Zawahri had logged on to his "Battle.net" account early on the morning of June 7, 2013 and left an in-game message from "Junkmode", the character used by Zawahri in WoW. The message was sent to an on-line friend and stated, in relevant part: "...I'm going to miss playing games with you guy[s]...my only friends...Have a good life, don't be a conformist, just be yourself...Take care."

2006 Incident

[REDACTED]

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; CALCRIM No. 505.

CONCLUSION

SMPD Officers Salas and Sparks and SMCPD Sergeant Bottenfield responded to an active shooter on campus. The officers were aware the shooter was in possession of a rifle and randomly shooting at innocent victims. Moments before entering the library, the officers saw the Francos and Margarita Gomez, heard continual gunfire and saw students running in fear as they turned to the officers for help. The officers rapidly assessed the situation, relied upon their training and assumed a diamond formation as they "without hesitation charged toward the library." Zawahri disregarded their commands, turned and discharged his semiautomatic rifle at

the officers. In reasonable fear of great bodily injury or death, the officers discharged their weapons at Zawahri to end the threat. As Zawahri continued to reach for the rifle with unrelenting determination and exhibited behavior consistent with attempting to detonate a bomb, Officer Salas and Sergeant Bottenfield were justified in discharging their weapons and striking Zawahri until they were convinced he no longer posed a threat.

Zawahri expressed in 2006 [REDACTED]

[REDACTED] The note found on Zawahri at the time of his death acknowledging that he would soon die, coupled with his actions on June 7, 2013, were consistent with [REDACTED]

We find that Officer Jason Salas, Officer Robert Sparks and Sergeant Raymond Bottenfield acted in lawful self-defense, in defense of each other and in defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
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By 

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c: SMPD Officer Jason Salas #3628
SMPD Officer Robert Sparks #3298
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