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August 28, 2023

Chief David Nisleit  
San Diego Police Department  
1401 Broadway  
San Diego, CA 92101

Chief Kelly Martinez  
San Diego Sheriff's Department  
9621 Ridgehaven Court  
San Diego, CA 92123

**Re: Discharging of Firearm at Maurice Littlejohn on July 07, 2022, by San Diego Police Officer Trevor Gallagher; SDSO case No. 22129908; DA Special Operations Case No. 22-086PS; Deputy District Attorney assigned: Carlos Campbell**

Dear Chief Nisleit and Chief Martinez:

We have reviewed the reports and other materials compiled by the San Diego Sheriff's Department's Homicide Division concerning the circumstances leading to the discharging of a firearm at Maurice Littlejohn by Officer Trevor Gallagher on July 07, 2022. A District Attorney Investigator responded to the scene and was briefed about the incident. This case was submitted to the District Attorney's Office for review on September 16, 2022.

***Summary***

On the evening of July 7, 2022, Littlejohn entered CW1's apartment uninvited. Littlejohn found CW1 alone in her bedroom. The two knew each other through Littlejohn's girlfriend. Littlejohn began making sexually suggestive comments and began groping CW1. CW1 made multiple attempts to get Littlejohn to stop and leave. When a neighbor arrived, CW1 was able to exit her apartment while Littlejohn remained inside. When CW1 later saw Littlejohn outside of her apartment with CW2, she reentered her unit and shut the door. She realized Littlejohn's phone was in her apartment, so she exited again and returned the cellphone to Littlejohn. CW1 started walking back to her apartment and Littlejohn followed. Police were called to the scene.

At approximately 7:22 p.m., LE1, LE2, and Gallagher responded to a call of a rape in progress. The call was updated that the suspect was fighting another male with a stick. LE1 contacted Littlejohn and ordered him to drop the stick. Littlejohn asked LE1, "Why?" and started walking toward LE1. LE1 drew his Taser and told Littlejohn he had received a call that Littlejohn was beating somebody with a stick. At that point, Gallagher approached LE1. Littlejohn threw the stick on the ground. LE1 told Littlejohn to turn around and that he was being detained. Littlejohn told LE1 he wasn't being detained and started walking away.

LE1 again told Littlejohn to stop and that he was being detained. Littlejohn turned to face LE1 and Gallagher and walked backward while stating he wasn't being detained. LE1 and Gallagher followed Littlejohn with their Tasers pointed at him as he walked backward. LE1 told Littlejohn he was under arrest.

Littlejohn stopped, took a fighting stance, reached into his waistband area, and pulled out a black folding knife. Littlejohn opened the knife, exposing the blade, and waved it toward the officers. LE1 advised Gallagher that Littlejohn had a knife and told him to "stay lethal." Littlejohn stood facing the officers and said, "Shoot me. Shoot me." Gallagher transitioned from his Taser to his handgun.

LE1 fired his Taser at Littlejohn and Littlejohn fell to the ground, dropping the knife. Littlejohn pulled the Taser barbs from his body and got up. Littlejohn threw the Taser barbs at LE1 and started running from the officers. Gallagher and LE1 followed. Gallagher was directly behind Littlejohn. As Littlejohn was running, he started reaching toward his waistband area. Gallagher yelled at Littlejohn several times to "stop reaching." Gallagher radioed that Littlejohn was "reaching." Gallagher yelled at Littlejohn to stop. Littlejohn slowed, turned, and pointed an object with his right hand and yelled, "Boom, boom." Gallagher thought Littlejohn was pointing a gun at him. Gallagher fired two shots at Littlejohn, missing both times. Littlejohn turned from Gallagher and continued running.

Gallagher yelled to stop. Littlejohn stopped in the middle of the parking lot, turned towards Gallagher and LE1, and stood as if pointing a gun. Littlejohn then screamed and threw a cellphone down on the ground. Littlejohn walked out onto S. Meadowbrook Drive. Gallagher and LE1 told Littlejohn to stop and get on the ground. Gallagher fired his Taser at Littlejohn, but it was ineffective. Littlejohn continued to back up while removing the Taser barbs from his person. LE2 arrived at the location. He fired his Taser at Littlejohn, but Littlejohn pulled the Taser barbs from his person and was not affected.

LE1, LE2, and Gallagher moved closer to Littlejohn to physically take him into custody. Littlejohn attempted to punch LE1. LE1 then grabbed Littlejohn and was able to take him to the ground. Littlejohn fought as LE2 and Gallagher assisted LE1 in taking Littlejohn into custody.

Littlejohn was arrested and transported to UCSD Hospital for treatment and observation. Toxicology testing of Littlejohn's blood revealed the presence of methamphetamine, amphetamine, phencyclidine (PCP), cannabis (THC), midazolam, ketamine, and norketamine.

### ***Persons Involved***

At the time of this incident, Littlejohn was a 43-year-old resident of the City of San Diego. Gallagher had been employed as an officer for two years and eight months.

### ***Statement of Civilian Witness One (CW1)***

CW1 has known Littlejohn's girlfriend for over 16 years and Littlejohn for approximately one year. Littlejohn has been in CW1's apartment on only two occasions.

On July 7, 2022, at approximately 6:00 p.m., CW1 was in her bedroom lying on her bed when Littlejohn walked into her apartment uninvited. He walked directly into her bedroom and CW1 immediately asked him where his girlfriend was and what he was doing there.

Littlejohn smiled at her and told her several times, "You know what's up," and softly rubbed her leg over her clothing. CW1 immediately told Littlejohn to leave her home and got up from the bed. As CW1 got up, Littlejohn stepped in front of her and placed his hand on her shoulder to turn her around. Littlejohn said, "You know what's up." Littlejohn turned her towards the bed and tried to bend her over the bed. CW1 stood up and told Littlejohn to leave. Littlejohn began to grope CW1's buttocks and breasts over her clothing with his hands. CW1 pushed Littlejohn away from her and grabbed his wrist in an attempt to guide him to the front door. As they got to the front door, Littlejohn shook out of her grasp and sat down in a chair in her living room.

CW1 asked Littlejohn to leave again, and he told her, "You know you want this dick." CW1 then went into her kitchen and prepared a bowl of food for Littlejohn to deliver to Littlejohn's girlfriend. She thought that would convince him to leave. CW1 then told her nine-year-old daughter to go and get her neighbor and tell him to come over to get Littlejohn out of their house. Littlejohn told CW1 several times that he was getting married the next day to get her to have sex with him.

The neighbor arrived at CW1's apartment, and CW1 told him Littlejohn refused to leave. CW1 then left her apartment with her neighbor and Littlejohn stayed behind. CW1 went to Littlejohn's girlfriend's house and told her what Littlejohn had done to her. As CW1 was walking back to her apartment, she saw her neighbor and Littlejohn walking away from her apartment. CW1 ran into her apartment and closed and locked the door. She noticed Littlejohn had left his cellphone on her bed. CW1 went outside and returned the cellphone to Littlejohn, who was sitting in the driver's seat of his vehicle. Littlejohn's girlfriend was now in the car with Littlejohn. CW1 told Littlejohn what he did was wrong and he was not come to her house again. CW1 again told Littlejohn's girlfriend what Littlejohn had done to her.

CW1 walked away and Littlejohn started to follow her. As CW1 started walking up the stairs to her apartment, Littlejohn forcibly grabbed CW1's buttocks with his hands. Littlejohn then grabbed CW1's vagina as she took a few more steps up the stairs. CW2 came out of her apartment to see what was going on and CW1 asked CW2 to call the police because Littlejohn had tried to rape her.

***Statement of Civilian Witness Two (CW2)***

CW2 is CW1's neighbor and lives directly across the hall from CW1. On July 7, 2022, at approximately 7:00 p.m., CW2 was inside of her apartment when she heard a lot of noise coming from outside of her apartment door. CW2 opened her door and saw CW1 arguing with Littlejohn. CW1 asked CW2 to call 911 because Littlejohn was trying to rape her. CW2 saw that Littlejohn was at the bottom of the stairs and she started to call 911. CW2 closed the door to her apartment and Littlejohn ran up the stairs and kicked her door.

CW2 heard Littlejohn yelling at CW1 to give him her keys. Littlejohn went back down the stairs and CW1 then went back down the stairs carrying a black stick and tried to hit Littlejohn with the stick. Littlejohn took the stick away from CW1 and walked out to the parking lot. The police arrived at the location and ordered Littlejohn to drop the stick. Littlejohn did not immediately drop the stick. Littlejohn finally dropped the stick and walked over to a garbage dumpster. Littlejohn pulled a knife out from his back pocket. The police officers ordered Littlejohn to put the knife down, but Littlejohn did not comply with the commands. One officer discharged his Taser and it made contact with Littlejohn. Littlejohn took the Taser prongs out and started to run to the other side of the apartment complex into another parking lot. CW2 couldn't see anything else from her window.

***Statement of Civilian Witness Three (CW3)***

CW3 is CW2's husband. On July 07, 2022, CW3 was in his apartment with his wife, CW2. Prior to CW2 calling the police, CW3 heard noises coming from outside of his apartment door. CW3 walked to the door to see what was happening and saw Littlejohn outside. Littlejohn became upset with him and called CW3 a "snitch." CW3 described the stick Littlejohn was holding as a weapon and said he was holding it like a bat. Littlejohn made a comment to CW3 that there was going to be a "movie" at their apartment later on. CW3 and his wife closed their door and looked out from the living room window onto the parking lot watching Littlejohn.

CW3 did not see Littlejohn swing the stick and was not sure where the stick came from, but he believed a female had previously struck Littlejohn with the stick. Law enforcement officers arrived and contacted Littlejohn. The officers told Littlejohn to "drop the stick" or "drop the weapon." Littlejohn did not appear to comply with the officers' commands. CW3 then saw Littlejohn "brandish" a knife towards the officers and the officers deployed a Taser at Littlejohn. Littlejohn got up and started to run from the officers. The officers chased after Littlejohn. CW3 later heard gunshots.

***Statement of Law Enforcement Officer One (LE1)***

As LE1 arrived on scene and parked his patrol vehicle he noticed Gallagher parked behind him. With the assistance of ABLE (San Diego Police's Airborne Law Enforcement Unit), LE1 immediately located Littlejohn and gave him five to eight verbal commands to drop the cane. Littlejohn walked towards them with the cane as LE1 continued to give him verbal commands to drop it.

A neighbor walked up and stood next to Littlejohn. LE1 told her to move away and she complied. LE1 pointed his Taser at Littlejohn because he feared the cane could be used as a weapon against him and Gallagher. After being given several commands, Littlejohn dropped the cane and started to back away from LE1. LE1 gave Littlejohn commands to turn around so LE1 could detain him. Littlejohn did not comply. LE1 informed Littlejohn he would be placed under arrest. Littlejohn stopped and took a fighting stance towards LE1 and Gallagher.

Littlejohn removed a knife from his pocket and brandished it towards LE1 and Gallagher while yelling, "Shoot me." LE1 feared Littlejohn would try to stab them. LE1 ordered Littlejohn to drop the knife.

LE1 wanted to de-escalate the situation instead of using lethal force so he deployed his Taser toward Littlejohn. LE1 did not consider other force options because they were within close proximity of each other and Littlejohn was brandishing a knife.

LE1 feared for his and Gallagher's lives when Littlejohn brandished the knife toward them. Based on Littlejohn's actions, his noncompliance, and the allegations against him, LE1 believed Littlejohn capable of causing them harm. LE1 feared if they did not detain Littlejohn, he would continue to be violent toward others.

LE1 believed Littlejohn would have caused him harm had he not handled the incident the way they did. When LE1 deployed the Taser, it was initially successful, causing Littlejohn to temporarily "lock up" and fall to the ground. However, Littlejohn quickly pulled the Taser prongs from his chest, stood, and ran from LE1 and Gallagher.

LE1 picked up his Taser cartridge and started to pursue Littlejohn not knowing whether Littlejohn still possessed the knife. Gallagher pursued Littlejohn by running directly behind him on a sidewalk of the apartment complex. LE1 wanted to maintain an "L" shape between himself, Gallagher, and Littlejohn, so he ran through the parking lot parallel to Gallagher.

There were concrete barriers around the dumpsters at the apartment complex. Just before Littlejohn ran behind one of the concrete barriers, LE1 believed he saw Littlejohn reaching for his waistband. As Littlejohn and Gallagher approached one of the concrete barriers, LE1 lost sight of them. LE1 heard two shots fired. He did not know if the shots came from Littlejohn or Gallagher. When Littlejohn and Gallagher cleared the concrete barrier, he observed Littlejohn holding a black object in his hand.

LE1 did not know if the object was a cellphone or a gun, so he elected not to fire his weapon toward Littlejohn. He estimated he was approximately 20 feet from Littlejohn and actively running when he observed the black object in his hand. Littlejohn turned toward the entrance/exit of the apartment complex and stopped running. LE1 gave him several commands to stop. Littlejohn brandished what LE1 described as a "big black square." LE1 identified it as a cellphone and then communicated to Gallagher and over the radio that Littlejohn was holding a cellphone. Littlejohn pointed the cellphone at them as if it was a gun and yelled, "Bang, bang," or "Shoot me." LE1 believed that because they did not shoot Littlejohn, Littlejohn threw his cellphone and attempted to run away again. LE1 estimated he was standing approximately 30 feet from Littlejohn when he identified the object as a cellphone.

LE1 and Gallagher continued to pursue Littlejohn into the street. Gallagher attempted to tase Littlejohn, but it was ineffective. LE2 attempted to tase Littlejohn, but it was ineffective. LE1 closed the distance to Littlejohn to approximately eight feet when Littlejohn threw items toward LE1's head. LE1 believed one of the items to be keys. LE1 did not know if the items struck his head or narrowly missed him. LE1 believed Littlejohn had no additional weapons on him so he elected to go "hands on" and tackle Littlejohn to the ground.

They struggled to handcuff Littlejohn because Littlejohn would not place both hands behind his back. Handcuffing Littlejohn took the assistance of several officers.

After Littlejohn was detained in handcuffs, LE1 noticed the neighbor was walking towards them, so he directed she remain on the sidewalk. LE1 requested medical attention for Littlejohn because of the Taser deployment and use of force that took place while handcuffing him. LE1 then left the scene where Littlejohn was detained and went to secure both the scene where the shooting had taken place and the scene where they had initially contacted Littlejohn.

***Statement of Law Enforcement Officer Two (LE2)***

LE2 arrived on scene and started running through the complex to assist the officers taking Littlejohn into custody. While running, LE2 was advised Littlejohn was threatening officers with a knife. LE2 was about 100 yards from the foot pursuit when he heard two shots come from the direction he was running toward. Shortly after, LE2 saw Gallagher and LE1 still in foot pursuit of Littlejohn. Littlejohn ran out of the complex and made it to the roadway. LE2 caught up to the other officers. Littlejohn continued walking away from LE1, Gallagher, and LE2, ignoring verbal commands to get on the ground.

LE2 did not know if Littlejohn was still armed with the knife or other weapons. In anticipation of danger, LE2 drew his department-issued firearm and pointed it at Littlejohn while giving him verbal commands. Littlejohn continued to walk away, ignoring LE2's commands. Littlejohn stopped and turned toward LE1, LE2, and Gallagher and took a bladed stance with his fists clenched. Littlejohn threw a sharp object at LE1 while backpedaling.

Due to Littlejohn's active resistance, being possibly armed, and taking a bladed fighting stance, LE2 drew his department-issued Taser. LE2 aimed his Taser at the center of Littlejohn's chest and fired. The barbs did not make impact. Littlejohn continued to hold his bladed stance and told officers, "Just shoot me." LE1 performed a take down on Littlejohn and officers were able to take him into custody. As Littlejohn went to the ground, he was lying on his left side. LE2 attempted to use physical strength to push him flat onto his stomach. Littlejohn immediately grabbed LE2's Taser attached to his duty belt, ripping at it violently.

Knowing the Taser could be used as a deadly weapon and could incapacitate LE2 and the other officers, LE2 held his Taser with his left hand, pushing it into the holster while he delivered nine strikes to Littlejohn's face area to get him to let go. After the ninth strike, Littlejohn let go of the Taser and LE2 was able to reposition himself on Littlejohn's left side.

Littlejohn put his left arm underneath his torso and refused to move it to his back. At that point, LE2 still believed Littlejohn could be armed. Based on his training and experience, LE2 knew that people who flee and fight with the police are often armed with deadly weapons. LE2 attempted to use physical force to pry Littlejohn's left arm from underneath him, but Littlejohn would not move his arm. LE2 delivered six knee strikes to Littlejohn's left torso area to get Littlejohn to comply with commands and move his arm from underneath his torso where he was possibly concealing additional weapons.

Littlejohn continued to physically resist until additional officers arrived to assist. LE2 used physical strength to move Littlejohn's left arm to the small of his back and place him into handcuffs.

LE2 conducted a pat down of Littlejohn immediately after placing him in handcuffs. He did not find additional weapons. Littlejohn was still kicking and physically resisting officers after being placed in handcuffs. LE2 assisted with putting Littlejohn into a Wrap restraint device by securing the leg fasteners to the lower portion of the Wrap. While the Wrap was being applied, Littlejohn spit at LE2 and other officers who were putting the device on him. LE2 pushed Littlejohn's face away from officers and toward the ground to stop him from spitting on any officers. A spit sock was placed on Littlejohn shortly after.

***Statement of Law Enforcement Officer Three (LE3)***

LE3 arrived on scene and saw several officers on top of Littlejohn attempting to place him in handcuffs. LE3 took a position at Littlejohn's head and began to apply pressure using his left hand. LE3 directed officers to start working on Littlejohn's left arm, which was pinned underneath his stomach. LE3 directed an officer to wedge his knee between Littlejohn's armpit and start using leverage to pry the arm out from underneath him. During the struggle, Littlejohn kept spitting and yelling at officers. While Littlejohn was on his stomach, he attempted to bite LE3's right knee, and LE3 delivered a light knee strike with his right knee to prevent Littlejohn from doing so. Once Littlejohn was in handcuffs, LE3 assisted in putting him in the Wrap by ensuring the handcuffs were clipped into the carabineer.

***Statement of Officer Trevor Gallagher***

Gallagher arrived on scene with LE1. LE1 immediately started giving Littlejohn commands. Littlejohn was holding a large wooden stick. ABLE was flying above the incident and referred to the stick as a cane. Gallagher relayed to dispatch they had one at "Taser point" who was uncooperative. Littlejohn eventually dropped the stick, however, he was non-compliant when Gallagher and LE1 attempted to detain him. Every time they moved closer to Littlejohn, he would backpedal and repeat he wasn't going to jail, wasn't going to be touched, and wasn't going to be detained.

As Gallagher moved, Littlejohn backpedaled and took an assaultive fighting stance. Littlejohn stopped, squared his shoulders, balled his fists, and started growling. Gallagher and LE1 stepped back as Littlejohn produced a black folding knife from his right front pocket. LE1 maintained less lethal coverage with his Taser. Gallagher drew his department-issued handgun. Both Gallagher and LE1 gave Littlejohn commands and Littlejohn continued to be non-compliant.

LE1 deployed his Taser. The Taser connected and Littlejohn locked up and fell backwards, dropping his knife on the ground. Littlejohn ripped the barbs off, got up, and backpedaled further into the apartment complex. Gallagher picked up the knife and tossed it behind LE1 and himself to create space between Littlejohn and the knife. Littlejohn began running through the complex.

Gallagher and LE1 pursued Littlejohn on foot. Both officers kept giving him commands. Littlejohn began reaching in his waistband and front right pocket. Gallagher yelled out, "He's reaching," and told Littlejohn to stop. Littlejohn continued to reach in his right pocket and ignored commands.

As Littlejohn neared a dumpster, he produced a black object from his pants. Littlejohn put the object in front of himself, concealing what it was. Littlejohn turned and displayed the black object in what appeared to be a firing position.

Gallagher immediately thought it was a handgun and feared for his and LE1's safety. Gallagher heard the suspect say "bang" and Gallagher fired two rounds towards Littlejohn, missing both times. Littlejohn continued running, exiting the complex. Littlejohn stopped and again displayed the black object which LE1 then identified as a cellphone. Littlejohn threw the cellphone on the ground and ran into traffic.

Gallagher drew his Taser and attempted to discharge it toward Littlejohn. It was ineffective because as soon as the barbs made contact, Littlejohn ripped them out. Another officer tried to discharge his Taser at Littlejohn, but it was also ineffective.

Littlejohn ran towards Brookhaven Road. Gallagher, LE1, and LE2 were able to grab him and attempt to take him into custody. While they were on the ground, Littlejohn began fighting the officers. Littlejohn had his left arm under his body, reaching towards his waist band. Gallagher delivered two to three knee strikes into Littlejohn's left side while trying to pry the left arm out. He believed Littlejohn was possibly trying to reach for another weapon. Eventually, they were able to detain him in handcuffs. No other weapons were located on him.

Gallagher said when he was initially dispatched to the call, he was concerned for the safety of the victim. Once the call was updated that the suspect was outside fighting someone with a stick, he became concerned for his safety, other officers, and citizens. The severity of the contact escalated quickly as the suspect was immediately noncompliant. When Littlejohn took a fighting stance, Gallagher was concerned he or LE1 would get injured detaining the male. When Littlejohn produced the folding knife, Gallagher was concerned he would use it against officers or others. Gallagher pursued him because he was concerned for the safety of responding officers and the public. Littlejohn kept looking back at him and reaching in his waistband and pocket. Gallagher gave him commands to stop reaching. Littlejohn reached in his pockets and produced a dark object, then spun around and took a shooting stance.

Gallagher believed the object was a handgun and feared for his and LE1's safety. He was afraid either of them could be wounded or killed and the same could happen to any bystanders if the male fired the gun. Gallagher fired two rounds from his firearm. Littlejohn continued running. Gallagher stopped firing because the object was in front of the suspect and was not a threat to him at that moment. As Littlejohn exited the apartment complex, LE1 observed the dark object he was holding was a cellphone. Littlejohn threw the cellphone and walked into traffic.

Littlejohn was still showing assaultive behavior, so Gallagher attempted to tase him, but it was ineffective. A third officer arrived and attempted to tase Littlejohn, but that was also ineffective. Gallagher, LE1, and LE2 pursued him until they went hands on with him. Gallagher believed Littlejohn was still going to try to resist arrest and potentially had other weapons. Littlejohn's left hand was underneath his body and he was digging in his waistband. Gallagher delivered two to three knee strikes to his left side to get him to release his hand. Gallagher believed had he not used the force he did, Littlejohn would have continued to evade officers or injure someone.



### ***Investigation***

The incident took place at a large apartment complex located in San Diego. All officer and detectives' reports, crime scene investigators' reports, audio-recorded witness interviews, body worn camera footage, ABLE helicopter video footage, and available medical reports were reviewed. These items were found to provide evidence corroborating the officers' statements. During the incident, Littlejohn was armed with a black Husky locking folding knife with a 3" blade.

Gallagher was armed with his department-issued Glock 17 Gen 4 9mm semi-automatic pistol. The pistol contained a fully loaded 17-round magazine, with an additional live round in the chamber. A Sheriff's Department Criminalist retrieved Gallagher's Glock pistol after the incident and determined there were 16 unexpended cartridges remaining in the firearm. Based on the number of unexpended rounds remaining in Gallagher's firearm following the incident, it was determined Gallagher fired two rounds from his firearm.

Gallagher was also armed with his department-issued Taser X26P. The Taser was collected after the shooting incident. An application download was conducted on Gallagher's Taser by an officer in the San Diego Police Operational Support Unit. The download showed the Taser had been fired once during the incident.

Toxicology testing of Littlejohn's blood at UCSD Hospital revealed the presence of methamphetamine at 799 ng/mL, amphetamine at 128 ng/mL, phencyclidine (PCP) at 21 ng/mL, cannabis (THC) at 59 ng/mL, midazolam at 40 ng/mL, ketamine at 109 ng/mL, and norketamine at 26 ng/mL.

### ***ABLE Video***

The video footage recorded by the San Diego Police ABLE helicopter was reviewed in its entirety. Before Littlejohn is contacted by the police, he is seen in the footage in the parking lot holding a cane while talking to a resident. The resident walks away and Littlejohn walks about pointing the cane in several directions.

Littlejohn then walks toward a police unit that has entered the parking lot. LE1 exits the police vehicle and the resident walks to Littlejohn as Littlejohn walks toward LE1. LE1 draws his Taser and motions for the resident to move away from Littlejohn. The resident walks away and Littlejohn raises the cane with both hands. Littlejohn then drops the cane and faces LE1 and Gallagher, who is to LE1's left. LE1 and Gallagher approach Littlejohn, and Littlejohn starts backing away. LE1 and Gallagher are approximately five feet from Littlejohn when Littlejohn stops, removes his hat, and hunches down in what appears to be a fighting stance. Littlejohn reaches in his right pants pocket, pulls out a knife, and flips it open. LE1 discharges his Taser at Littlejohn and Littlejohn falls. Littlejohn pulls the barbs out and stands back up. Littlejohn throws the barbs from the taser back at LE1.

Littlejohn runs from LE1 and Gallagher through the complex. Littlejohn's right hand is holding or grabbing something from the right pocket area of his pants. Gallagher is approximately 25 feet behind Littlejohn.

Littlejohn turns toward Gallagher and uses both hands to point an object in Gallagher's direction. LE1 is paralleling Gallagher and Littlejohn appears to be out of LE1's view. Littlejohn continues to run until reaching the middle of a parking lot, where he turns toward LE1 and Gallagher and uses both hands to point an object toward them. Littlejohn then throws the object to the ground and continues onto Meadowbrook Drive. Littlejohn throws an object at LE1 and continues to backpedal away from LE1, LE2, and Gallagher. Littlejohn swings his right hand at LE1 and misses. LE1 takes Littlejohn to the ground.

### ***Body Worn Camera***

Gallagher's body worn camera footage was reviewed in its entirety. LE1 is seen talking to Littlejohn, who has a cane in his right hand and is approximately 10 feet away. LE1's Taser is pointed at Littlejohn as he orders Littlejohn to drop the cane. Littlejohn complies and LE1 tells Littlejohn to turn around, that he is being detained. Littlejohn says, "I ain't being detained," and begins walking away from LE1. Littlejohn then stops, takes off his hat, and hunches down in a fighting stance. Littlejohn pulls a black folding knife from his right front pocket and opens it. LE1 alerts Gallagher to the knife and advises him to "stay lethal." Littlejohn says, "Shoot me. Shoot me." LE1 discharges his Taser at Littlejohn. Littlejohn screams, grabs his chest, and falls to the ground. Littlejohn then pulls the Taser barbs from his skin, gets up, and throws the barbs at LE1. LE1 tells Littlejohn he is under arrest. Littlejohn yells back, "You're under arrest," and runs. Gallagher pursues him through the complex. While fleeing, Littlejohn reaches into his right pocket and Gallagher repeatedly orders he "stop reaching" and transmits on his radio, "He's reaching." Littlejohn stops, turns toward Gallagher, points an object at him, and yells, "Boom, boom." Gallagher fires two rounds, missing Littlejohn. Littlejohn continues running as Gallagher chases. Littlejohn stops at the street entrance, yells, and throws a black object on the ground. Gallagher walks toward Littlejohn with his firearm pointed at him. Commands are given to Littlejohn to get on the ground. Gallagher transitions to his Taser and discharges it toward Littlejohn with no visible effect. LE2 then discharges his Taser at Littlejohn with no visible effect. Littlejohn swings at LE1 and misses. LE1 then takes Littlejohn to the ground. LE2 hits Littlejohn in the face several times with a closed fist and strikes Littlejohn in the back several times with his knee. Additional officers arrive and Littlejohn struggles on the ground. Littlejohn is handcuffed.

LE1's footage shows the same events as Gallagher's until Littlejohn runs through the apartment complex. At that point, LE1 tells Littlejohn he is under arrest. Littlejohn yells back, "You're under arrest," and runs from LE1 and Gallagher. Gallagher pursues and yells for Littlejohn to stop. Littlejohn immediately yells, "Boom, boom." Immediately, two shots are heard. Littlejohn stops running and turns to LE1 and Gallagher. Gallagher yells that Littlejohn has a gun and LE1 yells, "It's a fucking cellphone." LE1 tells Gallagher to stay lethal as officers continue pursuing Littlejohn. Gallagher orders Littlejohn to the ground. LE1 advises LE2 to "go Taser" and LE2 discharges his Taser at Littlejohn. Littlejohn yells, "Shoot me, shoot me," and swings his right fist at LE1. He misses and LE1 takes him to the ground. It appears LE1's body worn camera is knocked off his uniform, but at timestamp 19:29:48, an officer is heard saying, "He's going for my Taser."

LE2's footage shows him run up to LE1 and Gallagher on Meadowbrook Drive as they chase Littlejohn. LE2 points his handgun at Littlejohn and orders him to the ground. LE2 transitions from handgun to Taser. LE1 is heard telling LE2, "Go Taser."

LE2 discharges his Taser at Littlejohn while Littlejohn is yelling, "Shoot me, shoot me." Littlejohn swings his right fist at LE1, who then takes Littlejohn to the ground. Gallagher and LE2 assist LE1 in taking Littlejohn into custody. Littlejohn attempts to kick the officers and LE2 says, "Get on the fucking ground." LE2 yells, "He's going for my Taser." LE2 delivers nine strikes with a closed fist to Littlejohn's face and yells, "Let go." Littlejohn appears to tuck his left hand under his chest. LE2 tells Littlejohn to give him his hand. LE2 then delivers approximately seven knee strikes with his right knee to Littlejohn's back. Littlejohn is handcuffed and searched for weapons.

LE3's footage shows LE3 arrive at the intersection where LE1, LE2, and Gallagher are attempting to gain physical control of Littlejohn. LE3 assists by controlling Littlejohn's head and directing the officers on how to bring Littlejohn's arm up from under his body. LE3 strikes Littlejohn once in the head with his left hand as Littlejohn continues to be noncompliant.

### ***Criminal Prosecution***

For the events that took place on July 7, 2022, Littlejohn has been criminally charged with multiple felony and misdemeanor charges in San Diego Superior Court case SCD295372. The charges include: one count of felony PC 220, Felonious Assault during First Degree Burglary; one count of felony PC 459/460/PC667.5(c)(21), Burglary of an Occupied Residence; two counts of misdemeanor PC243.4(e)(1), Sexual Battery; one count of felony PC 417.8, Exhibiting a Deadly Weapon to Prevent Arrest; three counts of felony PC 69, Resisting an Executive Officer; and one count of misdemeanor PC 148(a)(1), Resisting Arrest. Littlejohn was bound over on all charges at the conclusion of the preliminary hearing on October 28, 2022. A jury trial is currently scheduled for October 9, 2023.

### ***Legal Standard***

Penal Code section 835a(b) provides that "any peace officer who has reasonable cause to believe that a person they intend to arrest has committed a public offense, may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance."

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force. The law provides that "a peace officer is justified in using deadly force upon another person...when the officer reasonably believes, based on the totality of circumstances, that such force is necessary" to defend against an imminent threat of death or serious bodily injury to the officer or to another person. Penal Code section 835a(c)(1)(A).

The statute provides definitions for "deadly force," "imminent," and the "totality of circumstances" in Penal Code section 835a(e)(1) – (3).

"'Deadly force' means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).

“A threat of death or serious bodily injury is ‘imminent’ when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person.” Penal Code section 835a(e)(2).

“An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

“‘Totality of the circumstances’ means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” Penal Code section 835a(e)(3).

“In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(2).

“[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight.

The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” Penal Code section 835a(4).

“A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section “retreat” does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).

### ***Conclusion***

Officers responded to a call of a rape in progress that was updated with information that the suspect was fighting another male with a stick. When LE1 and Gallagher arrived, Littlejohn walked toward them with the stick. A short time later, Littlejohn aggressively exhibited an open folding pocketknife. The officers gave Littlejohn numerous commands throughout their contact with him, yet Littlejohn continued to exhibit threatening behavior. When Littlejohn led the officers on a tense foot pursuit, he ignored their commands and instead reached toward his waistband. Littlejohn slowed and turned toward Gallagher while holding a black object in his hand. He pointed it at Gallagher using both hands as if pointing a firearm and yelled, “Boom, boom.”

Gallagher reasonably believed Littlejohn was pointing a firearm at him. When Gallagher fired two rounds from his handgun toward Littlejohn, he reasonably believed that Littlejohn posed an imminent threat of death or serious bodily injury and that the use of such force was necessary to defend against the threat.

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A reasonable officer in the same situation would believe that Littlejohn had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury at that moment. Gallagher was forced to make a quick judgment. The law takes such situations into account. Here, Littlejohn's deliberate and sudden simulation of pointing a firearm at Gallagher forced Gallagher to immediately address what he reasonably perceived as life threatening.

Based on the totality of the circumstances, Gallagher bears no state criminal liability for his actions. A copy of this letter, along with materials submitted for our review will be retained in our files.

Sincerely,

  
SUMMER STEPHAN  
District Attorney

cc: Captain Richard Freedman  
San Diego Police Department  
Captain James Emig, Jr.  
San Diego Sheriff's Department