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Sheriff Greg Munks
San Mateo County Sheriff's Office
400 County Center, 3rd floor
Redwood City, CA 94063

RE: Officer Involved Shooting, June 3, 2014

Dear Sheriff Munks:

This letter is to formally advise you that the District Attorney's Office has concluded our investigation into the facts and circumstances surrounding the use of lethal force by Deputy Sheriff Menh Trieu on June 3, 2014 in the Moonridge Community Housing Development in unincorporated San Mateo County. It is my conclusion that the use of lethal force by Deputy Trieu, resulting in the tragic death of 18 year old Yanira Serrano-Garcia, was legally justifiable and that the actions of the involved deputy complied with the established standards governing officer and public safety. It is also my belief that the actions of Deputy Trieu may have spared his own life.

The investigation by the inspectors from the San Mateo County District Attorney's Office revealed the following information: On June 3, 2014 at approximately 2121 hours, the San Mateo County Sheriff's Office received a 9-1-1 call from Lorenzo Serrano. Mr. Serrano informed the dispatcher that his 18 year old sister, Yanira Serrano-Garcia, was acting violently towards their parents inside their home, by "acting out" and "yelling". Mr. Serrano further informed County Communications that Ms. Serrano-Garcia suffered from mental illness and had not taken her medication that day. The dispatcher stayed on the line with Mr. Serrano, while dispatching deputies to the Serrano residence at 1 Maidenhair Walk Lane within the Moonridge Community Housing Development in unincorporated San Mateo County. The dispatcher counseled Mr. Serrano on what to do until emergency services arrived.

Only moments later, Mr. Serrano informed the dispatcher that his sister had exited the house with her father and that they were going to his father's brown Land Rover, which was parked at the front of their residence. He also told the dispatcher that his mother informed him that the

decedent had just taken her medication. As the deputies arrived in the area, Ms. Serrano-Garcia re-entered the house. At 2128 hours, dispatch advised the deputies that the decedent had calmed down somewhat, and was inside of the residence. However, a very short time later, while inside of the residence the decedent armed herself with a ten and a half inch kitchen knife. Lorenzo Serrano informed the dispatcher at 2130 hours that his sister now had a kitchen knife. Deputy Menh Trieu was the first officer to arrive on the scene, arriving at 2132 hours. Deputy Trieu was unable to find the precise residence, and parked his patrol vehicle on Chamomile Drive, approximately one short block from the residence, searching for the Serrano residence on foot. A short time later, he located the Serrano residence.

Deputy Trieu was standing on the sidewalk approximately fourteen feet from the Serrano's front porch, trying unsuccessfully to communicate with the decedent's Spanish-speaking mother, when the decedent exited her residence with the kitchen knife. Suddenly, he saw the decedent run toward him from the front porch area of the residence with a large knife raised above her head. She was holding the handle and the blade was pointed at the deputy. Ms. Serrano-Garcia ran towards the deputy, screaming in what can be described as a primal, incoherent and garbled tone. Deputy Trieu repeatedly yelled at Ms. Serrano-Garcia to stop, but she continued to advance. Deputy Trieu began retreating backwards to get away from her. He retreated backwards between two parked cars and onto the street, as he was searching frantically for his partner who had not yet arrived on the scene. The deputy continued to retreat backwards to get away from the decedent, but she continued running toward him with the knife poised to strike. Because he was retreating backwards, and she was running towards him, she began to close the distance between them. At that point Deputy Trieu turned around and ran around the corner onto Chamomile Drive where his patrol vehicle was parked. He ran past his patrol vehicle and discovered that his partner had not yet arrived. Deputy Trieu simultaneously removed his firearm from his holster and turned around to face the decedent. He aimed his firearm at her and ordered her again to stop. She did not stop, but continued to run screaming towards him, with the knife raised above her head. Fearing that he was going to be stabbed by Ms. Serrano-Garcia, he fired one shot at her, striking her in the upper center of her chest. She immediately fell to the ground, and with the sole of his boot, he dragged the knife along the pavement away from her hand. At the moment the shot was fired, she was eight to ten feet away from him. The shooting occurred within thirty seconds of Deputy Trieu's arrival on the scene. Other responding deputies began arriving within seconds after the shooting.

Deputy Trieu immediately called for medics to render aid to Yanira Serrano-Garcia. Unfortunately, she died within minutes at the scene.

Deputy Trieu later informed inspectors that he did not believe that he could have used less than lethal force on Ms. Serrano-Garcia. He advised the inspectors that because she was closing the distance between them so quickly, he would not have the time to unsnap and unbuckle his Taser from its holster in time to deploy it. He also knew that because she was wearing a big sweater, the Taser prongs may not have an effect on her body. Because Deputy Trieu believed that Ms. Serrano-Garcia was intent on killing him with the knife, due to the ferociousness of the attack and the positioning of the knife above her head, he felt that he had no other option than to stop her by firing a shot.

Deputy Trieu's version of the events, that Yanira Serrano-Garcia was chasing after him with a knife, and that he was trying to get away from her, was corroborated by a number of witnesses at the scene. One witness watched the decedent chase Deputy Trieu with the knife over her head. She heard the decedent swearing at the deputy. Another witness also heard the decedent swearing at Deputy Trieu, and heard the decedent yell in Spanish, "You are not going to take me! You are not going to take me." The audible portion of the confrontation was also corroborated by the dispatch tape which recorded the tragic incident from the 9-1-1 call through and after the shooting of Ms. Serrano-Garcia.

Later interviews with members of the decedent's family verified that Ms. Serrano-Garcia was suffering from schizophrenia, and that she feared that she was going to be taken to the hospital. Her family members believed that she grabbed the knife and chased Deputy Trieu because she didn't want to be taken to the hospital. An autopsy was conducted by Dr. Thomas Rodgers on June 5, 2014. Dr. Rodgers determined that the cause of death was a single gunshot to Ms. Serrano-Garcia's torso.

In evaluating an officer-involved fatal shooting, Penal Code sections 196 (justifiable homicide by a public officer), 197 (justifiable homicide in self-defense) and 835a (reasonable force to effect arrest or prevent escape) are reviewed. Section 196, subdivision (2), states that a homicide by a public officer is justifiable when committed in overcoming actual resistance or in the discharge of legal duty. Section 197 is the general self-defense and defense of others statute and its principles can be applied to this situation. Section 197, subdivision (1), provides that a homicide is justifiable when done to resist an attempt to murder or inflict great bodily injury on another person. Application of these statutes to the situation facing Deputy Trieu on the evening of June 3, 2014 leads to the inevitable conclusion that the homicide of Yanira Serrano-Garcia, while tragic, was legally justifiable homicide. Deputy Trieu's belief that the use of lethal force was necessary to save his own life was a reasonable conclusion under the circumstances. Therefore it is our decision that criminal proceedings are not warranted and the case is deemed closed by this office.

Throughout the investigation into this shooting, Deputy Trieu cooperated fully with our office, including submitting to an interview by Inspector Steve Robinson. As a result of our investigation and review of all of the evidence, including statements of all percipient witnesses including the decedent's family, the recording of communications between Mr. Serrano and the San Mateo County Communications dispatcher, and the physical evidence recovered, it is my conclusion that Deputy Trieu's use of lethal force on June 3, 2014, which resulted in the unfortunate death of Yanira Serrano-Garcia was justifiable under the provisions of Penal Code section 196.

Deputy Trieu exercised his police powers in an appropriately decisive manner against a person who was imminently trying to stab him with a large kitchen knife. The knife certainly had the capability of inflicting great bodily injury or death upon the deputy. Confronted by this armed subject, Deputy Trieu was entitled to use deadly force to protect himself, as well as any others in the immediate vicinity, including arriving officers who might have been endangering by Ms. Serrano-Garcia's knife attack.

Our investigation revealed that Deputy Trieu's decision to protect himself and others against great bodily injury or death was preceded by the exercise of restraint on his part, and repeated commands for Yanira Serrano-Garcia to stop her attack. Deputy Trieu retreated approximately one hundred and fifty feet in an attempt to gain a safe distance between him and Ms. Serrano-Garcia. Deputy Trieu's retreat lasted approximately ten seconds and he repeatedly ordered Yanira Serrano-Garcia to stop during that time.

The investigation into this shooting revealed that Ms. Serrano-Garcia suffered from schizophrenia. Her four year history with mental illness is well documented. It is undeniable that Ms. Serrano-Garcia's knife attack on the deputy was a product of her mental illness. Although Deputy Trieu was aware from dispatch that Ms. Serrano-Garcia suffered from mental illness, his life was no less in danger. The swiftness of her potentially lethal attack on the deputy precluded any possibility of handling the threat in a less lethal manner.

As is the practice of the District Attorney's Office in reviewing the use of deadly force by a police officer, our complete investigative report, excluding material which is legally required to be kept confidential, will be made available to the public after you have received this letter. If you have any questions regarding our investigation or our conclusions, please do not hesitate to contact me.

Very truly yours,


STEPHEN M. WAGSTAFFE, DISTRICT ATTORNEY

Cc: Deputy Menh Trieu, San Mateo County Sheriff's Office
Judith Odbert, Mastagni Hostedt, A Professional Corporation