August 20, 2013

Chief Gregory Suhr
Office of the Chief of Police
San Francisco Police Department
850 Bryant Street, Room 525
San Francisco, CA 94103

Re: Officer Involved Shooting on October 3, 2011 (Report No. 110796498)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its review of the October 3, 2011 shooting at 636 Funston Avenue involving San Francisco Police Officer William Heppler (Star #1726). Based on evidence available, we have concluded that Officer Heppler was acting lawfully in self-defense and defense of others when he shot Peter Yin Woo. Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters.

FACTUAL SUMMARY

According to the investigation, on October 3, 2011 at about 7:15 a.m., Officer William Heppler was on duty when he received a call that an elderly man was stabbed by his son on the 600 block of Funston Avenue. When Officer Heppler arrived at the scene, police, fire trucks, and other emergency services were already present. Police made contact with the homeowner, age 78, who was on the sidewalk. was bleeding badly from his hands. There was a blood trail down the sidewalk and blood at the front door. stated that he had been stabbed with a knife by his son (later identified as Peter Yin Woo, age 44). showed police a knife in the flower pot near him and said it was the knife his son used to cut him. said his son had mental problems and was still upstairs in the home.

Uniformed and plain clothes officers lined up with Officer Heppler at the front door to the Woo home and made entry. They noticed blood on the entryway, stairs, wall and railing. The exact order of entry changed as the six officers moved up the stairs, but the general order of entry was as follows: uniformed Officer Kevin Ison (Star #176) with the ERIW, uniformed Officer Jason Hernandez (Star #1608), plainclothes Officer Troy Carrasco (Star #1599) with badge, plainclothes Officer Heppler with badge, uniformed Sergeant Lawrence Gray (Star #1304), and uniformed Officer Joseph Filamor (Star #213). As the officers entered, they yelled “Police.”

Officer Heppler had his gun in his hand, pointed down, as the other officers in front of him had their guns raised. When Officer Heppler and the other officers reached the top of the stairs, they saw a badly bleeding elderly woman (later identified as Nina Woo, age 73, wife to and mother to Peter Yin Woo) lying face down in a darkened hallway. Suddenly, a woman (later
identified as [redacted], age 49, daughter of [redacted] and Nina Woo, and sister of Peter Yin Woo) ran from one back room to another back room and locked the door. The woman did not respond to commands to come out of the back room. Officer Carrasco holstered his weapon, and pulled the injured elderly Nina Woo by her feet down the hallway towards the stairs. Officer Heppler and the other officers provided cover and attempted to clear the other rooms. Officer Heppler raised his weapon to the ready position to cover Officer Carrasco and Nina Woo.

Suddenly, Peter Yin Woo entered the hallway, holding two knives outward at chest level, as he moved directly towards Officer Heppler. Officer Heppler backed up yelling “Police” and “Drop the knife.” Officer Carrasco was approximately two feet to Officer Heppler’s left, trying to move the injured Nina Woo down the stairs. Peter Yin Woo stared, did not respond to the commands, and continued to move directly towards Officer Heppler with knives held forward. Officer Heppler fired two shots at Peter Yin Woo’s chest area from a distance of about 5 to 7 feet away. Peter Yin Woo fell forward and down onto the hallway floor just a few feet from Officer Heppler. Officer Carrasco then hurriedly dragged Nina Woo down the stairs.

Emergency personnel transported Nina Woo, [redacted] and Peter Yin Woo to San Francisco General Hospital / Mission Emergency Hospital. Nina Woo died later that morning from stab wounds to the head, neck and torso. Peter Yin Woo died later that morning from two gunshot wounds to the chest.

Officer Heppler feared that Peter Yin Woo would stab him. Officer Heppler knew Officer Carrasco and the injured woman were just a couple of feet to his left as Officer Carrasco had not yet moved the injured woman to safety. Officer Heppler stated that he was in fear for his life and the lives of others when he fired his service weapon.

CONCLUSION

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person’s resistance.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in 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 he or others were in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. CALCRIM 3470.
The facts in the present case indicate Officer Heppler fired his weapon at Peter Yin Woo from a distance of about 5 to 7 feet as Peter Yin Woo ignored Officer Heppler’s commands to “Drop the knife” and continued to move directly towards Officer Heppler with two knives held outward. Officer Heppler was aware at the time that Officer Carrasco was approximately two feet to his left, trying to move Nina Woo down the stairs. He also knew that Peter Yin Woo attacked him with a knife, and he had reason to believe that Peter Yin Woo was responsible for Nina Woo’s grave injuries.

It was reasonable for Officer Heppler to fire at Peter Yin Woo to protect himself, the other officers and Nina Woo. It is our conclusion that Officer Heppler acted lawfully.

Very truly yours,

George Gascon
District Attorney

c: Lieutenant Tim Plyer
   Officer William Heppler