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May 18, 2018

**PUBLIC REPORT ON OFFICER INVOLVED SHOOTING OF ROBERT EARL  
ADAMS BY A LAW ENFORCEMENT OFFICER ON AUGUST 22, 2017**

The Santa Barbara County District Attorney's Office has completed its review of the investigation, conducted by the Santa Barbara County Sheriff's Office, of the homicide of Robert Earl Adams, age 30, occurring on August 22, 2017, in Orcutt, California.

The following analysis is based upon investigative reports, coroner's reports, video and audio recordings, photographs and witness interviews taken during the investigation conducted by the Santa Barbara County Sheriff's Office ("SBSO") and submitted to this office by SBSO Detective Wayne Flick. The District Attorney finds the shooting was a justifiable homicide under Penal Code section 196(2).

**FACTUAL HISTORY**

**Summary**

Shortly after 9:00 a.m. on August 22, 2017, Robert Earl Adams entered the Coast Hills Credit Union on Clark Avenue in Orcutt. While armed with a kitchen knife, he demanded money from credit union employees. A customer who entered the credit union during the robbery backed out of the bank and called 911. After a credit union employee gave Adams \$1000 in cash, he left on foot. The customer followed at a distance, updating the 911 dispatcher with Adams' location and direction of travel. Within minutes, a deputy from the Santa Barbara County Sheriff's Office responded and saw Adams walking southbound on South Bradley Road in an area commonly known as "the Bradley Dip." The deputy pulled his patrol car over to the side of the road behind Adams to contact him as he walked towards an elementary school and residences. As the deputy got out of his patrol car, Adams turned toward the deputy and quickly approached him, still clenching the knife in his hand. Adams ignored the deputy's repeated demands to "drop it" and continued to quickly approach the deputy, holding the knife up in his hand and pointed at the deputy. Fearing for his life, the deputy fired his department-issued pistol three times, striking Adams twice in the chest and once in the forearm. Despite life-saving measures administered by members of the Sheriff's Office, the Santa Barbara County Fire Department and American Medical Response ("AMR"), Adams was pronounced dead at Marian Regional Medical Center at 9:53 a.m.

The night before, Adams ran away from the group home where he lived in Nipomo after throwing kitchen equipment around, attempting to cut staff members with a knife, and attempting to steal a van.

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### **Coast Hills Bank Robbery**

At 9:04 a.m. on August 22, 2017, Robert Earl Adams entered the Coast Hills Credit Union on Clark Avenue in Orcutt. Upon entering, he spoke briefly with an employee telling the employee he needed money. The employee directed Adams to stand in line to wait for a teller. As Adams turned around to get in line, the employee realized Adams was holding a knife in his left hand. The knife appeared to be a kitchen knife with a blade that was approximately 4-5 inches long and an overall length of 9 inches. Adams then said quietly, "this is a robbery." The employee caught the manager's attention and gestured towards Adams. The manager approached Adams. Upon seeing the knife in his hand, she told him that he could not have "that [the knife] in here" and that he needed to leave. Adams responded saying, "I'm robbing you." Trying to keep furniture between herself and Adams, the manager walked to the teller stand closest to the exit and told Adams to come over and she would get him "what he want[ed]." Adams followed her to the teller stand, gesturing with the knife. He said to the manager, "I don't want to hurt anyone. Don't sound the alarm, just give me money." The manager indicated to the first employee to dispense cash at the teller stand where she and Adams were located. The employee remotely dispensed \$1000 in 100-dollar bills to the manager's station. The manager handed the money to Adams who took it and left the credit union at 9:06 a.m., still holding the knife. Multiple employees and customers witnessed Adams' actions inside the credit union; security cameras also recorded the incident.

A customer who regularly does business at Coast Hills Credit Union walked into the credit union as Adams was talking to the manager. When one of the employees indicated that there was a man with a knife and the customer observed Adams holding a knife and talking to the manager, the customer walked out of the credit union. He immediately called 911. As he was speaking with the dispatcher, Adams exited the credit union. The customer followed Adams at a distance, describing to dispatch his appearance and path of travel. The customer followed Adams as he passed a gas station and a pizza parlor as Adams traveled southbound on South Bradley Road, toward an area commonly known as the "Bradley Dip." When the first Sheriff's patrol car reached the top of the hill on South Bradley Road, the customer waved at the deputy and gestured down the hill to indicate Adams' location on the sidewalk at the bottom of the dip.

### **Law Enforcement Response**

On the morning of August 22, 2017, Deputy Robert Samaniego was on duty as the school resource deputy at Righetti High School and Delta High School. At 9:13 a.m. he was in uniform typing a report at Righetti High School when he heard dispatch broadcast on the radio that the Coast Hills Credit Union had been robbed and the suspect was fleeing on foot armed with a knife. He immediately went to his marked patrol car and responded to the area. Sergeant Neil Gowing and Deputies Laurence Zepeda and Jorden Walker also responded from the Sheriff's substation, slightly further away. Sergeant Gowing requested that the Sheriff's Department air support respond to the area to assist with locating the suspect. He also sent a patrol unit to the Pine Grove Elementary School, which was located in the direction the suspect was traveling, to ensure that the suspect did not enter the campus. As updated information with Adams' location came in, dispatch notified the deputies over the radio.



As Deputy Samaniego traveled southbound on South Bradley Road after crossing Clark Avenue, he observed the credit union customer who was on the phone with 911 wave at him and gesture down the hill. Deputy Samaniego saw Adams walking southbound on the sidewalk next to the northbound lanes of Bradley Road. Deputy Samaniego crossed over the northbound lanes and stopped his patrol car next to the sidewalk, behind Adams.



### **Officer Involved Shooting**

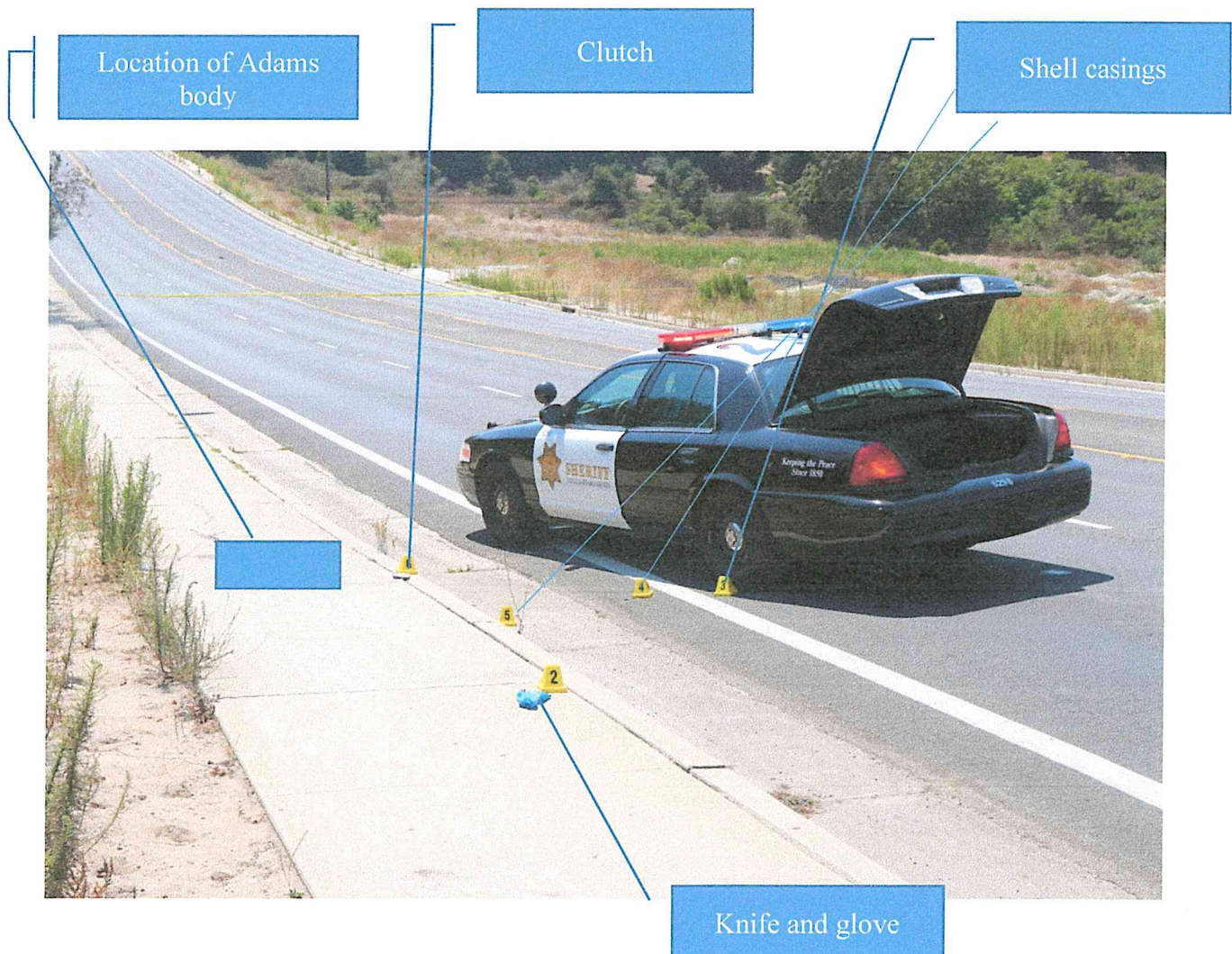
As Deputy Samaniego pulled approximately 30 feet behind Adams, Adams turned toward the deputy displaying the knife in his hand. A car occupied by a woman and her adult daughter was traveling in the southbound lanes and witnessed the entire event, as did the 911 caller who was still at the top of the dip. Deputy Samaniego drew his firearm as he exited the patrol car. As the deputy got out of his car, Adams quickly walked toward him with the knife in his raised hand. Witnesses described Adams as looking “agitated” and “nervous” and “like he had been caught and didn’t know what to do.” Deputy Samaniego was concerned for the occupants of the nearby homes and school.

Once out of the patrol car, the deputy stepped back from Adams to try to put distance between the two, but Adams continued quickly toward him, walking “with purpose” and gesturing with the knife. Deputy Samaniego ordered Adams to, “Put it down, bud! Put it down! Put it down! Put it down!” Adams ignored the commands to drop the knife. He continued closing the distance between himself and the deputy, still holding the knife in his hand with his arm extended and the



knife pointing up until he was, as one witness described “very close” to Deputy Samaniego. Another witness estimated Adams was three feet away from the deputy, while Deputy Samaniego described Adams as “less than 10 feet” away. One witness described Adams as “lunging” at the deputy, while the 911 caller said Adams “jabbed at” the deputy. In fear for his life, Deputy Samaniego fired three rounds striking Adams twice in the chest and once in his raised forearm. Deputy Samaniego advised over the radio that Adams had been shot.

Adams fell to the ground immediately, but continued holding the knife. Sergeant Gowing and Deputy Walker arrived on scene within seconds of the shooting. They parked their patrol cars behind Deputy Samaniego’s car and approached on foot. Sergeant Gowing could see Adams lying on the ground still clutching the knife and Deputy Samaniego with his firearm still pointed at Adams, moving away toward the rear of his patrol car. Sergeant Gowing and Deputy Walker ordered Adams to drop the knife multiple times, but Adams did not comply. Sergeant Gowing saw that Adams was bleeding heavily and struggling to breathe, but still firmly gripping the knife. Sergeant Gowing extended his baton and used it to knock the knife out of Adams’ hand to a location several feet away. Deputy Zepeda arrived during this time. Deputies Walker and Zepeda quickly handcuffed Adams for officer safety and began life saving measures. Deputy Walker removed a clutch wallet from Adams’ person. A later search of the clutch revealed 10 \$100 bills. Paramedics arrived within minutes and took over his care.







### **Medical Response**

When paramedics from AMR and the county Fire Department arrived, they observed multiple Sheriff's deputies performing chest compressions on Adams. Adams was breathing and had a pulse, but was bleeding heavily from several gunshot wounds. Medics decided to transport him to the airport in order to take him by helicopter to the nearest trauma center in Santa Barbara. On the way to the airport, Adams' condition deteriorated and his heart stopped. Medics decided at that point to take him to Marian Medical Center for immediate treatment. A 9:53 a.m., a doctor at Marian Medical Center pronounced Adams dead.

### **Autopsy**

On August 25, 2017, Dr. Manny Montez, a forensic pathologist employed by Santa Barbara County Sheriff-Coroner, performed an autopsy of Adams. Dr. Montez opined that the cause of death was multiple gunshot wounds. Dr. Montez observed a total of three gunshot wounds – two penetrated Adams' chest and one perforated his forearm. Dr. Montez also noted a graze wound to Adams' head. Given the entrance and exit points of the forearm wound, Dr. Montez determined a path of travel for that bullet. He opined the same bullet that caused the forearm wound also caused the graze wound to Adams' head.

Deputy Coroner Henslin certified the manner of Adams' death was a homicide.

## **Events Leading Up to Robbery<sup>1</sup>**

Subsequent investigation by SBSO revealed that on the afternoon of August 21, 2017, Adams had appeared upset or agitated for unknown reasons when a staff member of the group home where he lived in Nipomo attempted to talk to him. A short time later, he appeared out of control as he attempted to cut staff members of the home with a knife. He threw pots, pans and the stovetop grates at staff. He hit the walls and windows of the house and pulled down the window blinds while holding a knife. He demanded keys to a van, but did not obtain any. He eventually fled on a bicycle and was seen stealing a truck from a field. He later crashed the truck and then fled on foot.

## **LEGAL ANALYSIS AND CONCLUSION**

### **Applicable Law**

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of excusable and justifiable homicide which are lawful. The shooting of another person in self-defense or in the defense of others is justifiable and not unlawful. Penal Code section 196(2) defines justifiable homicide by public officers. "Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty." Under California law anyone, including a police officer, who is threatened with an attack that justifies the use of self-defense need not retreat. The person attacked may stand his ground and defend himself, if necessary, by deadly force, even if he might have more easily gained safety by flight. (See *People v. Newcomer* (1897) 118 Cal. 263, 273; *People v. Dawson* (1948) 88 Cal.App.2d 85, 95.)

A police officer may use deadly force where the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. (*Graham v. Connor* (1989) 490 U.S. 386; *Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334.) In *Graham v. Connor* (1989) 490 U.S. 386, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident "including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." (*Id.*, at 396). Further the Court stated, "[t]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight." (*Id.*, at 397). Moreover, "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving-about the amount of force that is necessary in a particular situation." (*Id.*, at 397-398). Under *Graham*, we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of an officer at the scene. "We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex

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<sup>1</sup> While this information was not known to Deputy Samaniego at the time he contacted Adams, it is included in this report to illustrate Adams' apparent frame of mind the evening directly preceding the robbery and shooting.

world that policemen face every day. What constitutes ‘reasonable’ action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.” (*Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.) *Graham*’s definition of reasonableness has been described as “comparatively generous to police in cases where potential danger, emergency conditions or other exigent circumstances are present” (*Roy v. Inhabitants of the City of Lewiston* (1st Cir. 1994) 42 F.3d 691) and also as giving police “...a fairly wide zone of protection in close cases.” (*Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334.).

### **Legal Analysis**

On August 22, 2017, shortly after 9 a.m., Adams entered the Coast Hills Credit Union on Clark Avenue in Orcutt, armed with a 9-inch long kitchen knife. He demanded money from the employees, told them not to sound the alarm and said he did not want to hurt anyone. During the robbery, a customer was able to exit the credit union and call 911 to report the robbery. Adams left the bank with \$1000 in cash, still armed with the knife. The 911 caller followed him at a distance, updating the 911 dispatcher with Adams’ location.

SBSO Deputies Samaniego, Walker and Zepeda, and Sergeant Gowing responded to the area to search for Adams. Deputy Samaniego was the first to arrive in the area. As Deputy Samaniego travelled south on South Bradley Road, he saw the 911 caller waving at him and gesturing downhill into the Bradley Dip. Deputy Samaniego saw Adams, who fit the description of the robbery suspect, walking south on the sidewalk, away from the area of the credit union, toward an area with many homes and an elementary school. As Deputy Samaniego pulled his patrol car alongside the sidewalk and behind Adams, Adams turned back toward Deputy Samaniego and moved toward the deputy as he exited the patrol car. Adams appeared agitated, had a knife in his hand and quickly closed the distance between himself and Deputy Samaniego.

Adams ignored Deputy Samaniego’s numerous commands to drop the knife, and continued to advance toward Deputy Samaniego holding the knife in his raised hand until he was less than 10 feet, possibly as close as three feet, away from the deputy. Based on these actions, Deputy Samaniego reasonably feared that Adams would cause him great bodily injury or death with the knife. Deputy Samaniego also feared for the safety of the residents and occupants of an elementary school close by. Deputy Samaniego reasonably discharged his service firearm three times in order to stop Adams from inflicting death or great bodily injury on him.

### **CONCLUSION**

When Robert Adams turned toward Deputy Samaniego and rapidly approached him holding a kitchen knife in his raised hand and ignoring commands to drop it, he created a reasonable fear of death or great bodily injury in Deputy Samaniego’s mind. Based on the investigation by the Santa Barbara County Sheriff’s Office, applying the law as set forth in PC 196(2), and the cases cited *supra* in this report, Deputy Samaniego acted reasonably in his use of deadly force; therefore, the shooting of Robert Earl Adams is a justifiable homicide.