

Salinas Police Chief Kelly McMillin's Remarks on the DA's Finding in the Osmar Hernandez Investigation

As Prepared for Delivery, July 10, 2015

Salinas Police Department, Salinas, California

As in every case like this, we would much prefer not to use force, and force is not used to punish people, or because they "deserved it" — as in all cases of use of force it would have been far better if Mr. Hernandez could have been arrested without force, so he could face a fair trial, and if he needed it, get help. The way use of force is judged is by what was needed to stop someone and make the arrest under the circumstances.

Mr. Hernandez was posing a very serious threat to the public. We had several 911 calls about a man who was very drunk or high, roaming through a crowded area and threatening to slash terrified people with a long, sharp knife, pausing to sharpen it on the pavement before continuing to threaten more people.

Officers made multiple attempts to stop him with no force and with lower levels of forces. In English and Spanish, they repeatedly ordered him to stop, drop his weapon and surrender. They attempted to Tase him three times.

Here's a very important point for people to understand about why and when lethal force is used: When someone refuses an officer's command to drop a weapon, they are immediately placing themselves in grave danger — because they have placed the officers and any bystanders in grave danger. And remember, there were hundreds of people in and around the shopping center at the time of this incident. Think about it: **If a police officer orders someone to drop a weapon and they refuse to do it, what possible reason could they have for that? Officers have to assume they intend to use the weapon.**

I understand that many people think officers should wait for an armed person to attack them. What people don't realize is that, unlike in the movies or on TV, once somebody starts to draw a gun or raise a knife, it's probably too late to respond -- you are going to be shot or stabbed before you can do anything about it. There's no "out-drawing" the other person, because human reaction times are not fast enough. People armed with knives can lunge forward over a long distance in a fraction of a second — again, it's only in the movies and on TV that police somehow have faster-than-human reflexes.

For these reasons, **Mr. Hernandez placed his own life was in grave danger from the moment he refused to drop his weapon** -- especially after he had been so aggressive

and had ignored repeated verbal orders and three attempted Taser shots. **But our officers did not fire at him until he reached for his knife.** Only at that point did they fire, for the reasons I just described. At that moment, the closest officer was only about two feet away from him — Mr. Hernandez could easily have stabbed or slashed him, before the officer would have any chance of protecting himself.

That officer and the other officers nearby recognized the extreme, immediate danger, not only to themselves but to the many innocent people nearby. That's why they fired.

#