

Date of Investigation: January 16, 2015

Incident: Officer Involved Shooting

Location: Sylvester P. Harvey Park - 3850 Grand Lake Dr., Fremont, CA 94555

Suspect: Zaki Shinwary, 48 year old Transient

Officer Involved: Officer Jeffrey Lawrence, a 10 year veteran police officer at the time of the incident.

This is a summary of the findings from the January 16, 2015, Officer Involved Shooting that occurred in the 3800 block of Grand Lake Drive with suspect Zaki Shinwary. The investigation was conducted by the Fremont Police Department's Crimes Against Persons Unit. The Alameda County District Attorney's Office conducted a parallel and independent investigation. All critical incidents are closely scrutinized and thoroughly investigated. We value the sanctity of life and place high priority on training to ensure our officers have the skills, tools and resources they need in the performance of their everyday duties.

The criminal investigation completed by the Fremont Police Department determined Officer Jeffrey Lawrence acted lawfully in defending himself from immediate harm when suspect Shinwary advanced at him with a raised knife. On June 22, 2017, the Alameda County District Attorney Nancy O'Malley issued a final report affirming the above conclusion. The internal use of force review process concluded this use of force was within department policy.

This summary and the accompanying video are being provided pursuant to Senate Bill 1421 and the amended California Public Records Act. It is our intent to ensure public access and transparency in policing. Some of the information provided in the summary is graphic in nature and not appropriate for children. Regardless of the circumstances, the loss of any life is tragic. These incidents have a lasting effect on family, friends and loved ones, as well as the officers who are involved and their family members.

On January 16, 2015, at 7:02 p.m., the Fremont Police Department dispatch center received a 911 call from a resident in the 32000 block of Great Salt Lake Dr. The caller advised a man, later identified as Zaki Shinwary, was walking down the street brandishing a knife. The man was described by the caller as wearing a distinctive green military jacket, denim pants and a hooded sweatshirt. The caller added that the man had a "big knife" and he had been pointing it at a

“younger kid.” The man was last seen walking in the direction of Great Salt Lake Dr. from Lake Arrowhead Ave.

Officer Jeff Lawrence and two additional patrol units were dispatched to the call. In addition, Sgt. Jared Morrison and Sgt. Dan O’Connell, riding as a double unit, also responded to the area to assist with the call.

Officer Lawrence was the first officer to arrive on scene at 2:13 p.m. He activated his in-car camera and contacted the original caller. Officer Lawrence confirmed the caller saw the man with a knife and as well as the last direction he was seen walking. Officer Lawrence updated the responding units over the radio and relayed that he was going to continue to check the area for the man.

Officer Lawrence drove north on Great Salt Lake Dr. and turned east onto Lake Arrowhead Ave. As he turned the corner, Officer Lawrence immediately spotted a man wearing a distinctive green military style jacket he believed to be the suspect. Officer Lawrence advised via his police radio he had spotted a possible suspect at the south side of Sylvester P. Harvey Community Park. At that same time, Sgt. Morrison and Sgt. O’Connell pulled behind Officer Lawrence as he was driving towards the suspect.

Officer Lawrence activated his overhead emergency lights and gave a short burst from his police siren. Following the quick siren activation, Shinwary, who had been walking towards the middle of the park, redirected his attention toward Officer Lawrence and began to walk rapidly at Officer Lawrence. Officer Lawrence stopped his patrol vehicle, stepped out and drew his service weapon. The moment Officer Lawrence exited his patrol vehicle, he immediately gave Shinwary commands to stop and show his hands. Sergeants Morrison and O’Connell also stepped out of their vehicle to assist. Sgt. Morrison drew his service weapon.. Sgt. O’Connell initially drew his service weapon, then transitioned to his TASER after he noticed the other two officers had drawn their service weapons. Shinwary continued to walk towards Officer Lawrence at a fast pace and was fumbling his hands, particularly his right hand, in his front jacket pocket. It appeared he was trying to remove something from the pocket. Officer Lawrence continued his commands, raising his voice as Shinwary got closer. Shinwary was yelling unknown words as he was speed walking directly at Officer Lawrence.

Shinwary suddenly pulled a knife out of his right jacket pocket with his right hand as he approached and closed the distance with Officer Lawrence. Officer Lawrence saw the knife and continued to give Shinwary commands to “stop.” Fearful the suspect was going to attack him with the knife and kill him, Officer Lawrence fired his service weapon at Shinwary five times, striking him three times. The approximate distance from Officer Lawrence to the suspect at the time of the shooting was eight to twelve feet. During the shooting, Sgt. O’Connell fired his TASER from across the patrol vehicle hood at Shinwary. One probe struck the Shinwary's jacket and the second missed. It was later located on the ground. Sgt. Morrison immediately broadcast “shots fired” over his radio and requested an ambulance to respond.

Following the shooting, the knife was still in the grasp of Shinwary's right hand. Sgt. O'Connell moved to disarm Shinwary by placing his foot on Shinwary's arm and removing the knife from his hand. Fremont Fire Department personnel arrived and pronounced Shinwary deceased.

The response and initial interaction between Officer Lawrence and Shinwary was captured via Officer Lawrence's in-car camera. However, the actual shooting was not captured due to Shinwary's advance toward the officers on the side of the vehicle and out of range of the camera.

During the preliminary investigation into the officer involved shooting, it was learned that just prior to the shooting Shinwary had attacked two contractors on Great Salt Lake Ct. During that incident, Shinwary approached one of the victims and made mention about killing his brother. Shinwary was armed with a knife and had lunged/thrusted the knife towards the victim. The first victim was able to put a large tree between him and Shinwary to prevent injury. The second victim contractor witnessed the altercation and attempted to intervene. Shinwary was holding a silver knife in his hand when he began to run towards the second victim. Both victims ran off as they believed they would be harmed by Shinwary. Both victims escaped the attack and were uninjured.

The Alameda County Coroner confirmed Shinwary had been struck by three of the rounds fired by Officer Lawrence. Shinwary was hit in the left side under his armpit and twice near his belly-button. During his interview Officer Lawrence explained he discharged his service weapon at Shinwary because he feared he would be stabbed and killed by the suspect if he did not act.

Shinwary was a local transient known to frequent and possibly even live in the vicinity of Sylvester P. Harvey Community Park. Family members of Shinwary were contacted and provided officers with detailed information about him. Family members believed Shinwary had been suffering from an unknown (and undiagnosed) mental disorder and had also been known to use methamphetamines. Family members attempted to help Shinwary numerous times over the years, and he would not accept their assistance.

Further information revealed Shinwary had been arrested on several occasions previously for drug possession. In addition to our department, several surrounding law enforcement agencies had several prior contacts with Shinwary including incidents where weapons/stabbings were involved. Below are some of the incidents:

- Fremont Police Department report # 970924040: In 1997, Shinwary stabbed a victim whom he knew. Shinwary stated he had been hearing voices which told him to kill the victim. Shinwary told detectives he was supposed to take medications but had not taken any the day of the incident.

-Fremont Police Department report # 071101011: In 2007, Shinwary began hallucinating and believing people were trying to hurt him with guns and knives. Shinwary believed the knives were "coming through the door" at him.

- Fremont Police Department report # 101009005: In 2010, Shinwary was involved in a battery. During that battery, Shinwary grabbed a machete type knife from the kitchen and chased the victim around the apartment. Shinwary was arrested for being under the influence of a stimulant and taken to the hospital for treatment. After the arrest, Shinwary began to slam his head against the walls of the hospital and stated he wanted to kill himself. During his pre-booking into jail, Shinwary told deputies he was currently hearing voices and would kill others at the jail.

- Union City Police report # 141102005: In 2014, a citizen was running on the creek trail near Lowry St/Cordero St when he was threatened by Shinwary. Shinwary was holding a 6" thick steel stake and began running towards the victim while threatening to "get him." Shinwary was contacted by police and claimed the victim had "always threatened him" and he threatened to "shoot him." The victim had never had prior contact with Shinwary.

The members of our department deeply value the sanctity of life and dedicate themselves to protecting others at the risk of their own safety. This event highlights the life and death decisions officers must make under rapidly evolving and dangerous situations.



Zaki Shinwary; 48 years old; Transient



Knife recovered from Shinwary following OIS