

Date of Investigation: July 20, 2015

Incident: Officer Involved Shooting

Location: 4700 block of Baffin Ave, Fremont

Suspect: Troy Francis, 54 year old Fremont resident

Officers Involved:

Officer Timothy Ferrara, 10 year veteran police officer with the City of Fremont at the time of the incident

Officer Markkel Smith, 6 year veteran police officer with the City of Fremont at the time of the incident

This is a summary of the findings from the July 20, 2015, Officer Involved Shooting that occurred in the 4700 block of Baffin Ave with suspect Troy Francis. 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 that Officers Ferrara and Smith acted lawfully in defending officer Ferrara from immediate harm when suspect Francis 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 July 20, 2015, at 6:51pm, Fremont Police Dispatch received a 911 call of a reported suicide threat at a residence in the 4700 block of Baffin Ave. Patrol Officer Timothy Ferrara, Crime Scene Investigator (CSI) Marrkel Smith and several additional Fremont officers were immediately dispatched to the call. The female caller reported her roommate Troy Francis, a 54 year old man, had threatened to stab her with a large knife. The reporting party told dispatch Francis stated he was 'either going to slice his throat or hers.' It was further relayed that Francis chased his wife, who had also been inside the house, with a knife and was upset about not getting more pills today from his doctor. The reporting party and Francis' wife fled the residence and last saw Francis sitting on the porch still holding the large knife in his hand.

As the call was broadcast over the radio, police units immediately responded towards the Baffin Ave address to assist. This included patrol officers, traffic officers, K9 officers and members of our Hostage Negotiations Team.

Officer Ferrara and CSI Smith arrived at the residence at the same time. Officer Ferrara parked his fully marked patrol vehicle facing the residence while CSI Smith parked his vehicle two houses west of the residence, along the north curb-line. A woman, later identified as Francis' sister, was walking up to the residence at the same time officers arrived. Officer Ferrara attempted to get the woman's attention and asked where Francis was.

Without warning, Francis suddenly appeared from the porch area holding a very large kitchen knife and yelled out profanities at the officers. Francis began walking aggressively towards Officer Ferrara with the kitchen knife held in his right hand high above his waist and pointed toward the officers. Both officers drew their service weapons and gave Francis multiple commands to drop the knife. Francis never stopped or paused as he continued advancing directly toward Officer Ferrara with the knife held high. Seconds later, Officer Ferrara and CSI Smith both discharged their service weapons at Francis to stop the advance. The shots caused Francis to fall to the ground near the front bumper area of Officer Ferrara's police vehicle. Francis was later found to have sustained gunshot wounds to the right upper femur/hip area and the right flank/hip area.

This incident unfolded quickly: the time between officers arriving on scene and firing their weapons was only five seconds. There was no opportunity for de-escalation or negotiation as suspect Francis quickly advanced over 25 feet, coming within about 8 to 10 feet of Officer Ferrara before he was stopped.

After securing the knife and checking for additional weapons, officers immediately provided medical aid and requested an ambulance. Additional officers arrived and assisted with providing medical aid, interviewing witnesses and preserving the scene.

Francis was transported to a trauma center via ambulance. During transportation, Francis spoke to Fremont officers about the incident. Francis acknowledged he came at two police officers with a knife. When asked why he went towards the police with a knife in his hand, Francis stated, "Because I'm in pain. I want it to stop."

The shooting was captured by Officer Ferrara's in-car camera system.

Several neighborhood witnesses were contacted and interviewed. The community members stated they witnessed Francis rush the officers with a knife prior to the shooting and that from a distance; they heard the officers give multiple commands to drop the knife.

Crime Scene Investigators recovered the knife at the scene. The knife's blade was 8" long. A photo of the knife can be viewed below.

Members of the Fremont Police Department Crimes Against Person(s) Unit conducted the primary criminal investigation. An independent and parallel investigation was also conducted by members of the Alameda County District Attorney's Office.

The investigation revealed that on the day of the shooting, Francis was upset that his doctor would not give him more pain medications. Francis had recently been undergoing treatment for several serious medical issues, and had also recently been suffering from depression. Francis became mad at his wife, believing she conspired with the doctor on that decision. Francis' sister relayed that shortly before the officer involved shooting she had a conversation with Francis via telephone where he made statements regarding suicide and potential suicide-by-cop.

During Officer Ferrara's interview, he stated he discharged his service weapon because he was in fear of his life and believed he would be stabbed by Francis if he didn't take immediate action to stop the advance. During Officer M. Smith's interview, he stated he feared for Officer Ferrara's life, which was the reason he discharged his service weapon at Francis.

During the days following the shooting, Troy Francis' medical condition deteriorated.

On July 22, 2015, the case was presented to the Alameda County District Attorney's Office for review/charging as pertained to Troy Francis. The Alameda County District Attorney's Office relayed Francis would be charged with one count of felony PC 245(a)(1) - Assault upon the person of another with a deadly weapon or instrument other than a firearm, against victim Officer Ferrara. Due to Francis' poor medical condition, the Alameda County District Attorney's Office held off on filing charges pending recovery to the point that Francis could be housed in a jail facility without the need for extensive medical care.

In the weeks that followed, Francis remained hospitalized at Eden Medical Center (Castro Valley, Ca) and was transferred to Kaiser (Oakland, Ca). During the week of August 18, 2015, Francis' medical condition further deteriorated and his short-term medical prognosis became grim. At that point Francis was allowed to go home under hospice care. In the morning hours of August 21, 2015, Francis passed away at his residence. The Alameda County Sheriff's Office Coroner's Officer responded to take custody of Francis for the purposes of a medical exam and

autopsy. The cause of death was listed as "sequelae of multiple bullet wounds, remote and chronic renal failure."

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.



Troy Francis
54 year old male
Fremont resident

