

PROBABLE CAUSE DECLARATION

Mehserle, Johannes

13Jan09

On 1Jan09, at about 0200hrs, Oscar Grant was detained on Platform 1 of the Fruitvale Bart Station by Bart Police Officers who were responding to a reported fight. The large portion of the detention was captured on video that was later turned over to police for viewing. During the detention, a struggle ensued between Grant and two Bart Police Officers, one being Johannes Mehserle. The video shows Grant lying on his stomach and a Bart Officer holding Grant down with the Officer's knee on Grants head and neck area. Officer Mehserle is seen trying to pull Grant's right arm which appeared to be underneath Grants body. Suddenly, Officer Mehserle, pulls out his service pistol and fires a single shot into the back of Grant. After careful analysis of the video, it is clear that both Grant's hands were behind his back, a position hands are commonly placed in by police officers in order to handcuff individuals, when the shot was fired into his body. Grant was determined to be unarmed during the incident. Grant was taken to a local hospital and was pronounced dead. An examination by the Alameda County Coroner's Bureau confirmed the death was caused by the gunshot wound.

BART Police Department conducted an investigation into the shooting and took numerous statements from witnesses that observed Mehserle shoot Grant with his service pistol. Mehserle invoked his right to remain silent and declined to give a statement. Mehserle subsequently resigned from BART Police Department and has not provided any explanation for his actions.

It appears from the available evidence that former Bart Officer Johannes Mehserle shot and killed Oscar Grant while Grant was restrained and unarmed. Therefore, I believe probable cause exist to arrest Johannes Mehserle for the crime of Murder-187(a)PC.