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The Humboldt County District Attorney's Office has completed review of the investigation into the law-enforcement-officer-involved shooting that resulted in the death of Ervin Eugene Sweat, Jr. in September, 2017. The review included video recordings, autopsy and toxicology reports, and the report of the Critical Incident Response Team (CIRT), a team of local law enforcement agency personnel trained to investigate officer-involved injuries and deaths. The CIRT for this investigation included employees of the Eureka Police Department, Humboldt County Sheriff's Office, Humboldt County District Attorney's Office, California Highway Patrol, California Department of Justice Bureau of Forensic Services Laboratory, Arcata Police Department and Humboldt State University Police Department. A summary of the incident follows.

On September 9, 2017, shortly before 1:30 am, Arcata Police officers responded to a 911 call reporting a fight adjacent to the bars on the Arcata Plaza. Officers arrived to find that the physical fighting had subsided. A bystander reported hearing a man exclaim something like, "Who wants some of this?" as he brandished a handgun. That bystander then directed the police to the vehicle the man with the gun had entered.

The dashcam video from the patrol vehicle of Arcata Police Department Officer Kent Falkenstine clearly captured ensuing events. As officers contacted the people in and around the vehicle identified by the bystander, Ervin Sweat emerged from the rear passenger seat and pointed a handgun at Humboldt State University Police Officer Louis Altic. No officer had yet contacted Sweat when he got out of the vehicle and aimed his .40-caliber semi-automatic pistol at Officer Altic. Sweat then fired two shots, one of which struck Officer Altic in the upper thigh, as he moved rapidly toward Sweat. Sweat stumbled backwards but maintained the capability to use his weapon. Officer Altic and Arcata Police Officer Matthew O'Donovan closed to within a few feet of Sweat before returning fire.

Eyewitness statements correspond with the video evidence that Sweat fired first. Officer Altic later stated that he quickly advanced on Sweat because he thought closing the distance between himself and Sweat's gun might allow him to take control of the assailant's weapon without firing his own.

Detectives interviewed Sweat's companions. Each confirmed the report of a preceding fight and claimed no knowledge of Sweat's possession of a gun until he brandished it just before the shooting started. Additional investigation revealed that Sweat had been sentenced to probation in November, 2016 for felony evasion and the handgun he used in the incident had been stolen.

All the evidence collected by a forensic scientist and evidence technicians corresponded with video evidence and eyewitness statements. An autopsy conducted by Dr. Mark Super confirmed that Mr. Sweat died of multiple gunshot wounds. Toxicological analysis revealed Mr. Sweat had a blood alcohol level of 0.12 and cocaine metabolite in his system.

District Attorney (DA) Maggie Fleming has concluded the shooting was legally justified. The applicable legal standard focuses on whether the officers reasonably believed that they were in imminent danger of being killed or suffering great bodily injury. In summarizing the case, the DA stated: "Officer Altic received a bullet wound before he and Officer O'Donovan fired their weapons, removing any doubt about the justification for the actions of the two officers. I'm sure the community shares my great appreciation for the exceptional efforts of officers Altic and O'Donovan to protect the public." Mr. Sweat's family has been informed of the DA's conclusion.

In keeping with [the Humboldt County policy on release of video evidence in officer-involved shootings](#) developed by DA Fleming in collaboration with the Sheriff's Department along with cities and their law-enforcement agencies, [the dashcam video from Officer Falkenstine's vehicle](#) is being made available to the public.

