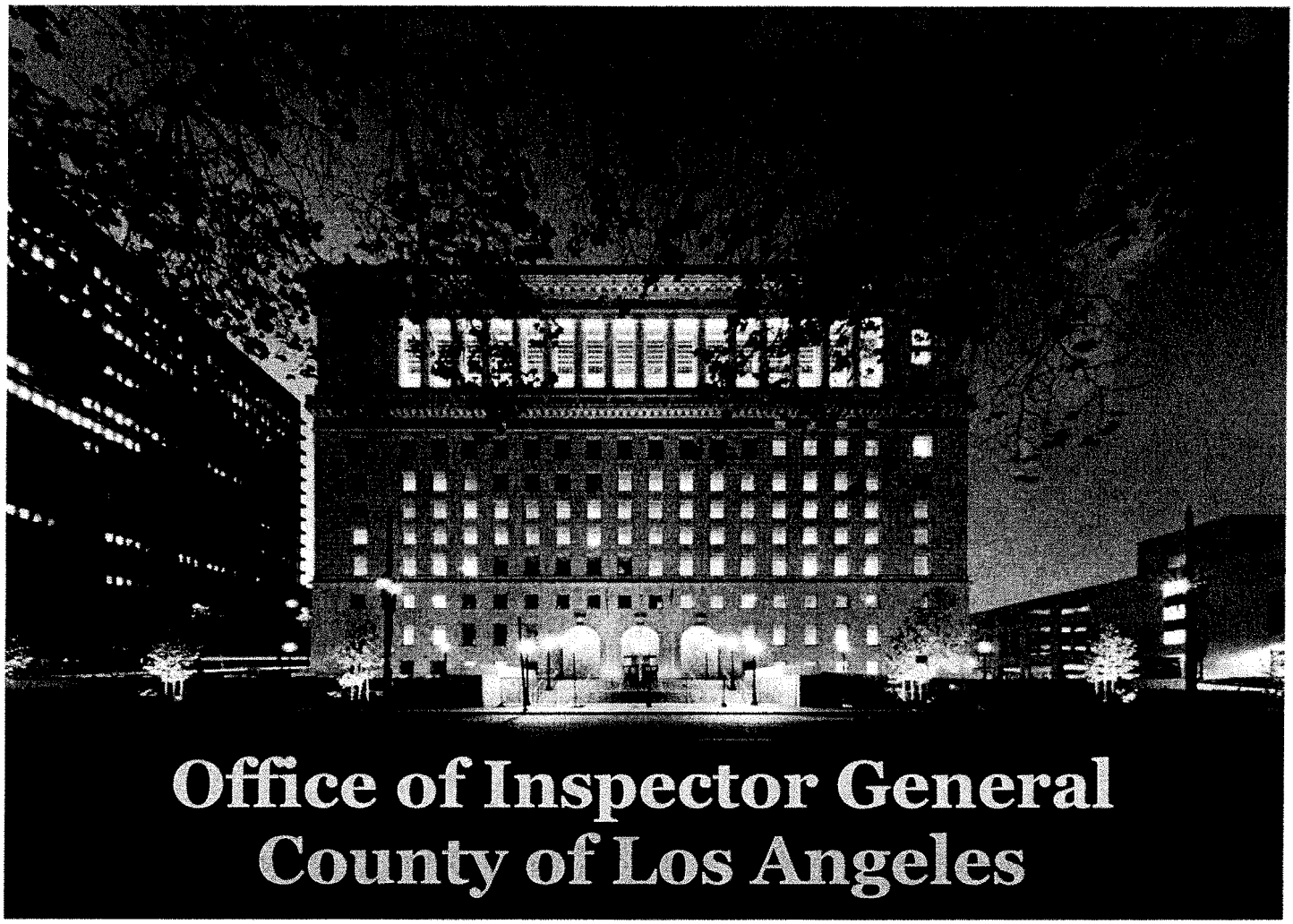


ANALYSIS OF THE CRIMINAL INVESTIGATION OF ALLEGED ASSAULT BY BANDITOS

October 2020

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Introduction

Deputy secret societies have existed since at least 1970, being noted in a report by Special Counsel James G. Kolts in 1992.[1] The 2012 Report by the Citizens Commission on Jail Violence (CCJV) noted, "for years management has known about and condoned deputy cliques and their destructive subcultures that have undermined the Core Values articulate [sic] by the Sheriff. These factors have contributed to force problems in the jails as well as numerous off-duty force incidents involving deputies." The Office of Inspector General's 2018 quarterly report on Reform and Oversight Efforts encouraged the Los Angeles County Sheriff's Department (Sheriff's Department) to implement CCJV recommendation 5.8: *The Department should discourage participation in destructive cliques*. Yet, as evidenced by the investigation which is the subject of this report, Sheriff Villanueva continues to promote a Code of Silence regarding these sub-groups.

The Kennedy Hall incident investigation uncovered evidence that a group of veteran Sheriff's Department deputies have undue influence over the daily activities and assignments at the East Los Angeles (East LA) station. Several of the witnesses interviewed identified this older group of deputies as having ties to the "Banditos," a secret society of deputy sheriffs at the East LA Station. Some younger deputies at East LA allege that the secret group they identified as the Banditos used their influence, and sometimes force and violence, to push deputies out of the station for failing to live up to the Banditos' work ethic. These witnesses also stated that they were assaulted by Banditos members after an East LA station party at Kennedy Hall. Yet the Sheriff's Department's criminal investigation of the Kennedy Hall incident maintained the Code of Silence which has protected deputy secret societies for decades.

Following the incident, the LASD Internal Criminal Investigation Bureau (ICIB) conducted an investigation which almost completely ignored evidence of the involvement of the Banditos which led to the assaultive conduct at Kennedy Hall. ICIB interviewed nearly seventy-three witnesses. In those interviews minimal questions were asked about the Banditos and in the interviews during which the witnesses brought up the Banditos by name, very few follow-up questions were asked. Twenty-three witnesses declined to give statements against their fellow deputies despite the Sheriff's Department Manual of Policy and Procedures (MPP)

[1] An internal LASD memo dated December 5, 1973, documented an investigation of a group called the "Little Devils." The Little Devils employed a sequentially numbered tattoo of a devil on the left calf. The investigation found that the group began in 1970 when four deputies were drinking at the Fujiyama Inn (referred to in the memo as the "Jap Shack" without quotations) and decided to tattoo themselves. The investigation concluded there were forty-seven members by 1973 and identified at least thirty-eight of them by name.

section 3-01/040.85, requiring their cooperation.[2] Having received what appears to be a purposefully perfunctory investigation by ICIB (which did not gather evidence of the motive behind the alleged assault at Kennedy Hall), the Los Angeles District Attorney's Office (LADA) did not request statements be taken from the uncooperative witnesses or empanel a grand jury to compel statements.

In examining documents, photographs, videos, recorded interviews, and transcripts provided by the Sheriff's Department, the Office of Inspector General has developed recommendations for a more complete investigation into the incident and how a secret society has come to disrupt the daily operations at the East LA station by fostering tensions between those deputies who are invited to join the Banditos and the deputies who are not.

The Kennedy Hall Incident

On September 28, 2018, the East LA Sheriff's station hosted an "Off Training" celebration party for new deputies at Kennedy Hall in East Los Angeles. During that party, multiple assaults occurred involving Sheriff's Department personnel in the Hall parking lot. An ICIB investigation was conducted to determine if any of the assaultive behavior by LASD personnel violated the law. The initial LASD incident report listed the following deputies as victims: Victim Deputy A, Victim Deputy B, Victim Deputy C, and Victim Deputy D.[3] The incident report listed the following deputies as suspects: Suspect Deputy W (also known as G-Rod), Suspect Deputy X, Suspect Deputy Y, and Suspect Sergeant Z (also known as Bam Bam).[4]

Seventy-three witnesses to the incident were identified and forty-six of the witnesses were interviewed by ICIB. The following is a summary of the incident based upon a review of the statements made by witnesses to the ICIB investigators.

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[2] The four target deputies also did not give statements, as is their right under the United States Constitution's Fifth Amendment right against self-incrimination.

[3] Names have been redacted due to ongoing investigations and for the safety of witnesses.

[4] Note: two of the suspects, Suspect Deputy W and Suspect Deputy X, in a prior unrelated incident had been arrested and prosecuted by the Los Angeles District Attorney's Office for individual incidents occurring while they were active deputies. Suspect Deputy W was prosecuted in 2016 for an on-duty incident involving perjury and false statements. A mistrial was declared due to a hung jury and the Deputy District Attorney declined to proceed with a retrial. Suspect Deputy X was prosecuted and acquitted of an assault with a firearm charge in 1999.
Further, all of the suspect deputies have numerous suspensions for violating the Performance to Standards and Obedience to Laws, Regulations, and Orders policies of the MPP. Suspect Deputy X has an allegation of "hazing" that was "unresolved." It was mentioned by one of the witnesses that Suspect Deputy W had just returned to work after having been relieved of duty.

A series of confrontations reportedly occurred during the party. Victim Deputy D told investigators that during the party Suspect Deputy Y complained to him that he "was not good" at the station. Victim Deputy D stated that Suspect Sergeant Z (Bam Bam) called him a "pussy" and a "rat." Victim Deputy C stated that Victim Deputy D told him that Suspect Sergeant Z told Victim Deputy D that he had "no problem slapping him or anyone because nobody is going to say anything." According to Victim Deputy C, Suspect Sergeant Z further stated to Victim Deputy D that "if he couldn't get to him, he can get to his family."

The physical incident started when Suspect Deputy W demanded to talk to Victim Deputy D about his work ethic and transferring to another station because he fell short of the East LA Sheriff's station standards. Victim Deputy C intervened and an argument between Victim Deputy C and Suspect Deputy W developed into a physical fight. That fight developed into multiple physical altercations resulting in injuries to Victim Deputy A requiring sutures to his lip.[5] Victim Deputy B was choked and began to lose consciousness. He suffered pain to his head and neck. By most accounts, the initial aggressors were the suspects. The evidence supports the conclusion that alleged assaultive behavior by the victims was in self-defense or defense of others. The four suspect deputies were relieved of duty.

Allegations of a Banditos Subculture at East Los Angeles Station

Based on the Kennedy Hall incident an eleven-count civil lawsuit was filed by the deputies identified as the victims in the incident report. The lawsuit alleges causes of action that include harassment, battery, and intentional infliction of emotional distress against defendants alleged to be members of a secret society in the East LA station identified as the Banditos. This lawsuit is still pending.

According to the lawsuit, the Banditos are a group of approximately 90 deputies who are inked with matching tattoos of a skeleton with a thick mustache, sombrero, pistol, and bandolier. The complaint states that approximately thirty members and prospective members work at the East LA station, adding the others work elsewhere or have retired. The lawsuit alleges that the Banditos control the East LA station "like inmates running a prison yard." It describes members of the group as

[5] Penal Code section 832.7(b)(1)(A(ii) states: "the following peace officer or custodial officer records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection ... [if they relate to] the report, investigation, or findings of ... an incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury." For the legal definition of great bodily injury see Penal Code § 12022.7 and the California court decisions which have held that whether a person suffered great bodily injury is a question of FACT for the jury to decide, and that injuries which require sutures may constitute great bodily injury within the meaning of the law. See *People v. Medellin* (2020) 45 Cal. App. 5th 519.

maintaining control by intimidation of other deputies and control of key positions including dispatchers, scheduling deputies, and training officers.[6]

The investigation by ICIB, did not delve into the allegations that a sub-culture existed at the East LA Station, as claimed in this lawsuit filed in September 2019. The Kennedy Hall plaintiffs filed a claim with the County of Los Angeles in March of 2019, prior to the submission of the ICIB investigation to the Los Angeles District Attorney in June of 2019. The Sheriff's Department Manual of Policy and Procedures section 5-07/290.00, requires that if a Unit Commander determines that the allegations in a lawsuit warrant discipline or a criminal prosecution, an administrative or criminal investigation should be initiated and that if a claim relates to an incident that has been previously reviewed, the investigation should focus on any "additional or different information or allegations provided by the claim." In this case a criminal investigation was already underway when the claim was received and the allegations of the claim should have been investigated by ICIB.

This is not the first lawsuit filed involving the Banditos. In 2014, a lawsuit was filed against the County of Los Angeles which alleged harassment of a female deputy by the Banditos. After the filing of the 2014 lawsuit, Interim Sheriff John Scott vowed to conduct a thorough investigation into the claims. He would not comment on the specific allegations but pledged to publicly share the findings at the conclusion of the investigation. The Inspector General is aware of no investigation conducted by the Sheriff's Department independent of county counsel's advocacy and if one occurred the results have not been made public.[7] That lawsuit settled for $1.5 million.

In 2015, Suspect Deputy W was charged with one count each of perjury and submitting a false police report. Suspect Deputy W arrested a man named Christopher Gray. He said that Mr. Gray was attempting to free two men already arrested from the back seat of a patrol car. Suspect Deputy W also accused Mr. Gray of inciting the crowd and threatening deputies, although, according to prosecutors with the LADA's Office Justice System Integrity Division, according to an article by CBS Los Angeles a video capturing the incident showed

[6] See United States District Court Central District of California case 2:19-cv-09823, Notice of Removal of Action under 28 U.S.C. § 1441(a) exhibits, Plaintiffs' complaint, page 20 at line 2 and first amended complaint, page 115 at line 12.

[7] https://www.nbcnews.com/news/investigations/l-deputies-secret-club-demanded-sex-female-trainees-says-suit-n66026, last accessed September 2, 2020.

Mr. Gray[8] mostly standing with his arms folded, doing nothing. When the case went to trial, the jury deadlocked with eight voting to acquit, after which the prosecutors announced they would be unable to proceed with the prosecution, resulting in its dismissal. Later that year, the Los Angeles County Board of Supervisors voted[9] to award Mr. Gray, who said his shoulder was injured in the encounter, $549,000 for the matter.[10]

In addressing the problem of LASD secret societies, the Los Angeles County Board of Supervisors passed a motion in April 2019, requesting that County Counsel report on lawsuits settled by Los Angeles County. In that motion the Board laid out in detail the history of LASD secret societies.[11] Further, the Federal Bureau of Investigation has reportedly opened an investigation into the Banditos, all of whom are or were assigned to the East LA station.[12] Sheriff Villanueva himself has acknowledged the pervasive influence of the Banditos at the East LA station, saying they "ran roughshod" over the previous captain and dictated where deputies would be assigned, enabled by the weak leadership of past administrations.[13] "Pretty much they were calling the shots, they were dictating the decisions of the station and that has a very bad outcome obviously," Sheriff Villanueva said.[14]

Some of the information told to the ICIB investigators suggests that the Banditos act in ways that are comparable to a criminal street gang and some witnesses described the veterans as 'OGs', which is the term used for older gang members who have paid their dues and earned the respect of the younger members. Much like those who refuse to join a gang, Victim Deputy D was concerned that if he did not obey the orders of the veteran deputies, they might refuse to respond to his aid if he put out a call for help while on duty. One of the suspects, Suspect Deputy X, was described as having the "aura of a person in charge," the way one might describe an OG. At least two of the suspects were referred to by monikers, G-Rod for Suspect Deputy W, and Bam Bam for Suspect Sergeant Z; using monikers is common in gang culture. Another witness referred to this group as thugs and Deputy 1 mentioned that the older group used manipulation, "*like a gang*." More than one witness mentioned that the veterans at East LA station did not want

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[8]See Superior Court of the State of California, County of Los Angeles, certified copy of court docket in BA236858 and https://losangeles.cbslocal.com/2015/06/10/la-county-sheriffs-deputy-faces-jail-time-after-allegedly-filing-false-report-committing-perjury/, last accessed September 2, 2020.

[9] http://file.lacounty.gov/SDSInter/lac/1017003_070615.pdf

[10] http://file.lacounty.gov/SDSInter/bos/supdocs/96039.pdf

[11] http://file.lacounty.gov/SDSInter/bos/supdocs/135078.pdf

[12] https://www.policeone.com/officer-misconduct-internal-affairs/articles/fbi-investigating-tattooed-deputy-gangs-in-lasd-XLl2RxmOfxPG2WWk/?utm_source=email-to-friend&utm_medium=email

[13] https://www.lawenforcementtoday.com/fbi-gang-members-are-hidden-in-the-ranks-of-police-departments/

[14] https://abc7.com/lasd-deputy-describes-attack-by-banditos-clique/5370629/

Victim Deputy D wearing East LA gear, much like a non-gang member would not be permitted to wear gang attire.

Suspect Sergeant Z mentioned the word "rat" to Victim Deputy D and others mentioned that no one will talk, both of which suggest the type of silence expected of gang members and those intimidated by them.[15] Deputy 2 allegedly sent out a text that he had "EV" (a term used by deputies to refer to evidence) from the fight in his truck but then disposed of it ensuring that there was not only silence but also a lack of physical evidence.[16] Victim Deputy A stated that he had heard from an unnamed deputy that Suspect Deputy Y and Suspect Deputy X left Kennedy Hall for the East LA station looking for the victims of the assault, similar to a gang's post-assault behavior. Victim Deputy A related that once there, they reportedly searched the cars in the parking lot to see if anyone was hiding there. Although Suspect Sergeant Z was Victim Deputy D's supervisor when Victim Deputy D was assigned to custody, the allegations of harassment are only in the context of the East LA Banditos subgroup.

The Lack of ICIB Questioning on Banditos Involvement in Kennedy Hall Incident

During the course of the ICIB investigation, numerous witnesses referred to the suspects as part of a group of veteran deputies, with some identifying that group as the Banditos. The following is a summary of statements made by some of the witnesses who were interviewed during the investigation.

Suspect Deputy W, Suspect Deputy X, Suspect Deputy Y, and Suspect Sergeant Z, as well as Deputies 3 and 4, neither of whom was listed as a suspect in the ICIB investigation, are all part of a group of veteran deputies who, according to Deputy 1, attempt to manipulate deputies "like a gang" into transferring to other stations. Deputy 1 made this unsolicited statement to ICIB Investigator 1[17] during their September 28, 2018 interview.

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[15] A recent claim involving another alleged deputy gang, the Executioners of Compton, also alleges intimidation of a deputy perceived as a "rat."

[16] At least two witnesses told ICIB investigators that they had seen a text message from Deputy 2 stating that a shirt worn by someone at the incident had been left in his truck. One of the witnesses specifically stated that Deputy 2 used the term "EV."

[17] ICIB Investigator 1 was the lead investigator in this case and conducted all interviews referred to in this report.

ICIB INTERVIEW – DEPUTY 1
EXCERPT 1

Deputy 1: ...I don't think, I don't think that [Victim Deputy D] has a problem with them, as far as that there's beef, I think it's the other way around. They try to manipulate people. It's like, you know, like a gang, I guess, you know? But, I mean, it shouldn't be like that.

ICIB Investigator 1: Partner, do you have anything?

ICIB Investigator 2: How long has this been going on?

Deputy 1: What? The...?

ICIB Investigator 2: This feud between these...[Suspect Deputy X], [Deputy 3], G-Rod, [Suspect Deputy Y], how long has that been going on right there?

Deputy 1: Oh, it's been going on for a while. As far as them, they single people out and they talk to them, they, they pull them aside or they send messages, and if they can meet somewhere, I mean, but....

ICIB Investigator 2: Just to go back a little bit, you said it was an off-training party?

Deputy 1 did not specifically mention the Banditos by name. Although he related gang-like behavior, he was not asked by ICIB about the Banditos. This lack of questioning about the Banditos' involvement and lack of follow up questions, where follow up was obviously needed, is thematic of the entire investigation.

On January 25, 2019, Sergeant 1 was asked by ICIB if "there is tension between [the] younger and older generation [of deputies]?" Sergeant 1 stated that the East LA deputies have groups that talk amongst themselves. There are two groups of deputies with tenure and influence, and they do not get along with each other. These two groups of deputies divide deputy personnel at the station in half. The deputies with tenure who are assigned to the north end of East LA generally side with the subculture group the "Banditos." The newer deputies are usually assigned to the south end of the station's patrol area, Cudahy and Maywood. Those deputies will generally side with the other tenured deputies with influence, who do not belong to the Banditos. Sergeant 1 stated in his interview: ". . . there's a couple of

main players that have been here for a long time that don't get along and one of them kind of gravitates more to the **Bandito** side and the East L.A. side." Sergeant 1 was not asked any follow up questions about the Banditos. He was not asked by ICIB to identify members of the Banditos or if the suspects in this case were members of the Banditos. Below are selected sections of Sergeant 1's interview transcript:

ICIB INTERVIEW – SERGEANT 1

EXCERPT 1

ICIB Investigator 1: Okay. This is ICIB Investigator 1. My employee numbers are [employee number]. Today's date is January 25th, 2019, at 2211 hours. Today we're at the Captain's conference room at East L.A. Station. My partner today is [ICIB Investigator 3]. His employee numbers are –

ICIB Investigator 3: [Employee number]

ICIB Investigator 1: Sitting next beside me is -- sir, what's your name?

Sergeant 1: [Sergeant 1].

EXCERPT 2

ICIB Investigator 1: Okay. And are you aware of any tension between the new generation of deputy and, and the older generation of deputies occurring here?

Sergeant 1: Oh, yeah.

ICIB Investigator 1: There is tension between the older gen, younger and older generation?

Sergeant 1: Definitely.

ICIB Investigator 1: Can you tell me, elaborate on that?

Sergeant 1: So there, there's some, some of them here that haven't trained here that tend to be part of, you know, what they'll kind of say is like that newer generation. So you'll even have a couple of guys that are maybe a couple of

years older than that quote, unquote new generation that kind of, kind of roll with them. One of the divides here is you kind of have like the East L.A. unincorporated cars. So you'll hear people say like north and south. I don't, I don't know where or why that has started or where it comes from, but so I didn't understand that north and south thing when I first got here. But what they're talking about is they're talking about like the Maywood Cudahy cars that are single deputy cars. All down, down south, they'll say. And then up here is just the East L.A. usually two person car. And you will end up with more of your older generation, but there are guys that may have three, four, five years on that are up in East L.A. that are accepted that might be considered part of that older generation. And then there are part, there are guys that are a little bit older that are kind of the new generation. So they'll say newer or old or you can kind of look at it like one side or the other. There, there's –

ICIB Investigator 1: Based upon the RD district, districts north, between the north and south?

Sergeant 1: Sort of the district thing and then just kind of how they run. There's, there's a couple, there's a couple of main players that have been here for a long time that don't get along and one of them kind of gravitates more to the **bandito [sic]**[18] side and the East L.A. side. And the other guy kind of gravitates more towards the newer south end kind of side. And it just depends on who gets along with who. There's a lot of little bickering and some of it's really, really childish and some of it will simply come down to who they trained with and who, you know. If, if this group or that group likes those people. So that's another thing we have to watch for as a supervisor. We have to watch who, who trains with who because even people on training or freshly off of training can sometimes have issues with others and all they did was simply be trained by someone else. And they're just not accepted now by the other group. That's how, that's how childish it can get. It's, it's pretty bad.

[18] The failure to capitalize Bandito comes from the LASD transcription.

On January 25, 2019, Sergeant ICIB Investigator 1 interviewed Sergeant 2, a twelve-year veteran at LASD. She was asked by ICIB, "is there like a rift between the younger generation deputy and the older generation deputies here?" In response she stated, "No. I wouldn't necessarily say the older and the younger . . . [m]ore like there's the other ones that don't want to be a part of it." According to her, deputies who were not liked by or didn't get along with the Banditos were assigned to Cudahy and Maywood. No follow up questions were asked about the Banditos or any sub-cultures at ELA. Below are selected sections of Sergeant 2's interview transcript (references to Banditos are underlined):

ICIB INTERVIEW – SERGEANT 2

EXCERPT 1

ICIB Investigator 1: Okay. This is ICIB Investigator 1. My employee numbers are [employee number]. Today's date is January 25th, 2019, at 2144 hours. We're sitting inside the East L.A. Captain's conference room. My partner today is [ICIB Investigator3]. Employee numbers, sir –

ICIB Investigator 3: [Employee number].

ICIB Investigator 1: And his last name is spelled [spelling of ICIB Investigator 3's last name]. Sit, sitting next to me is Sergeant 2. ... your employee numbers?

Sergeant 2: [Employee number].

EXCERPT 2

ICIB Investigator 1: And then are you aware of, is there like a rift between the younger generation deputy and the older generation deputies here?

Sergeant 2: No. I wouldn't –

ICIB Investigator 1: That you're aware of?

Sergeant 2: -- necessarily say the older and the younger. I think it's just they're not separated. More like there are those that kind of side with these **bandito [sic]** people and then

there's the other ones that don't want to be part of it. So they kind of keep to themselves and they were all being sent to work like down south. Yeah. Cudahy and Maywood. If they didn't like you or you didn't get along with, you know, the banditos then that's where you worked.

On November 13, 2018, ICIB asked Deputy 5 if she was aware of any subculture groups in East LA. She stated she had heard about the Banditos even before she began working at East LA. ICIB asked her "the Banditos, what are they about?" She said, "Honestly sir, I don't know." ICIB asked, "what makes them a Bandito?" She answered, "I don't know. . . . [female deputies] don't get involved." ICIB asked, "What do Banditos do at the station?" She answered "I don't know." ICIB followed up, "Do you know what the ink looks like?" Deputy 5 answered, "No . . . I have never seen it." ICIB then asked if Suspect Deputy W, Suspect Deputy X, Suspect Deputy Y, Victim Deputy A, Victim Deputy D, Victim Deputy B or Victim Deputy C were **Banditos**. Deputy 5 answered that she didn't know to each question. ICIB asks, " What have you heard about the **Banditos**? Are they good or bad?" Deputy 5 says she heard about a sexual harassment case on the news before she got to East LA. She heard **Banditos** were involved in that case. She hasn't heard about them while at the station. ICIB asked if she knew of any female **Banditos**. She said she did not know. Below are selected sections from Deputy 5's interview transcript (references to Banditos are underlined):

ICIB INTERVIEW – DEPUTY 5

EXCERPT 1

ICIB Investigator 1: This is [ICIB Investigator 1]. Employee number is [employee number]. Today's date is November 13, 2018, at 1509 hours. With my partner [ICIB Investigator 4]. Employee numbers?

ICIB Investigator 4: [Employee number].

ICIB Investigator 1: We are at ICIB Headquarters in the captain's conference room. Sitting next to me is [Deputy 5].

EXCERPT 2

ICIB Investigator 1: Are you aware of any subcultures at East LA Station? Different types of groups at East LA Station.

Deputy 5: I mean you hear about it, but....

ICIB Investigator 1: What are they?

Deputy 5: Obviously the, the **Bandidos [sic].**

ICIB Investigator 1: **The Bandidos [sic]**?

Deputy 5: Yeah.

ICIB Investigator 1: And who else?

Deputy 5: That's all.

ICIB Investigator 1: And what are, what are the, the **Bandidos [sic],** what are they about?

Deputy 5: Honestly sir, I don't know.

ICIB Investigator 1: Well what do you...

Deputy 5: Yeah.

ICIB Investigator 1: ...hear?

Deputy 5: Just...I mean, that they've been there for a long time and....

ICIB Investigator 1: And **Bandidos [sic]** are who, are deputies?

Deputy 5: Yes.

ICIB Investigator 1: And who are the...like who...what, what cause...what makes them a **Bandido [sic]**?

Deputy 5: To....

ICIB Investigator 1: Like....

Deputy 5: That....

ICIB Investigator 1: What do you know?

Deputy 5: I don't know. All I know is that from a girl's point of view, girl's, they don't really or they're not part of that, so we don't....

ICIB Investigator 1: So they don't let you be part of that?

Deputy 5: It's not that they don't let you, it's just something that it's separate. Like we don't get involved. That's whatever.

ICIB Investigator 1: And what do they do at the station?

Deputy 5: I don't...I don't know, sir. I don't...yeah.

ICIB Investigator 1: What do you...it's, it's all what you know. This is nothing what you assume.

Deputy 5: Yeah. That's...I don't know. Honestly, I just...I mean you hear about it. It's like a legend, I don't...it's not that I...

ICIB Investigator 1: Do you know any of the...

Deputy 5: ...see them.

ICIB Investigator 1: ...deputies?

Deputy 5: No, no.

ICIB Investigator 1: Do you know any deputies who are **Bandidos [sic]**?

Deputy 5: I couldn't tell you, sir. I don't....

ICIB Investigator 1: You don't know? Do you know what the ink looks like?

Deputy 5: No.

ICIB Investigator 1: No?

Deputy 5: I've never seen it.

ICIB Investigator 1: Do you know how many **Bandidos [sic]** there are?

Deputy 5: (NO AUDIBLE RESPONSE).

ICIB Investigator 1: Is [Suspect Deputy W] a **Bandito**?

Deputy 5: I don't know.

ICIB Investigator 1: You don't know? Okay. What about [Suspect Deputy X]?

Deputy 5: I don't know, sir.

ICIB Investigator 1: [What about Suspect Deputy Y]?

Deputy 5: I can't...I don't know.

ICIB Investigator 1: You don't know? What about [Victim Deputy A]?

Deputy 5: I don't know, sir. I really....

ICIB Investigator 1: I'm just asking these questions...

Deputy 5: Yeah.

ICIB Investigator 1: ... because I have to make sure each one of them is, is not...or is or is not. What about [Victim Deputy D]?

Deputy 5: I don't know.

ICIB Investigator 1: No?

Deputy 5: I don't know if he is or not.

ICIB Investigator 1: What about [Victim Deputy B]?

Deputy 5: I don't know, sir.

ICIB Investigator 1: You don't know? [Suspect Deputy Y's first name][Victim Deputy C's last name] Fuentes?

Deputy 5: I can't...I don't know.

ICIB Investigator 1: All right. When you got to the station you heard about that, the **Bandidos [sic],** what do they...what did you hear about...was it good? Was it bad?

Deputy 5: Oh no, not even. The week before getting to the station. 'Cause the last incident they had when it came out on the news about...

ICIB Investigator 1: What, what....

Deputy 5: ...the...

ICIB Investigator 1: What last incident?

Deputy 5: The...well it came out on the news about the, the sexual harassment or female trainees and that's when that came out, so I remember first hearing about it.

ICIB Investigator 1: And was the **Bandidos** [sic] involved in the sexual harassment?

Deputy 5: No, I don't know. That's what came out on the news, I wasn't there...

ICIB Investigator 1: Okay, but....

Deputy 5: ...at that time.

ICIB Investigator 1: Did you, did you hear about the **Bandidos [sic]** being involved in anything like that?

Deputy 5: Just from what the news is saying, that that's what the female said.

ICIB Investigator 1: Have you ever experienced any sexual harassment at the station?

Deputy 5: No.

ICIB Investigator 1: All right. Partner, do you have anything?

ICIB Investigator 4: So you heard about the **Bandidos** [sic] in the news...

Deputy 5: Uh-huh (AFFIRMATIVE).

ICIB Investigator 4: ...prior to going to the station?

Deputy 5: Yes.

ICIB Investigator 4: Did you ever hear about them while at the station?

Deputy 5: No. Uh-uh (NEGATIVE).

ICIB Investigator 1: What is the general mood at the station right now?

Deputy 5: Honestly, it's very sad. Not...it's like low morale. You know, I mean this is...it's a black eye essentially, you know? Nobody...I mean the...the first...it's embarrassing, one. Because everywhere you go, oh are you guys going to, you know, fight? It's just like, no, like it's not what we're about. And it's, it's even more sad, because when you work there, you see that everyone is pretty much hardworking and everybody does come together, and this just gives it a black eye, especially after the two ma-, major incidents we just had with the 998's, you know? And it's just very sad. I mean it's not right. No, no. Partners should not be fighting period, regardless of what it is. You know? Because you already have enough to deal with at work, going to calls, people are already trying to shoot you, it's sad. So right now I would say the moral [sic] is very low.

On October 4, 2018, Sergeant ICIB Investigator 1 of ICIB interviews Victim Deputy D.[19] Victim Deputy D stated he was "bullied and intimidated" numerous times. Victim Deputy D stated that he was "not the only one." He stated that "a lot of guys won't talk because they are intimidated by the **OG** associated group." Victim Deputy D stated that "[Suspect Deputy X], [Suspect Deputy W], [Suspect Deputy Y] and [Deputy 3]" are all part of this group. He stated these names without being asked a specific question about the group members. In a ninety-minute interview, Victim Deputy D was never asked specifically about subculture or the Banditos. He never used the name Bandito. Victim Deputy D also said that since the incident he is worried about his family because he does not know what this group that is harassing him is capable of. Victim Deputy D stated that he heard a photograph was taken when he was being talked to by Suspect Sergeant Z. He did not know who took it. There were rumors that a cell phone video of the incident exists. Victim Deputy D had not seen such a video, nor did the investigators ever locate such a video.

In the first and second interviews of Victim Deputy B, ICIB asked no questions about the Banditos. On January 18, 2019, Victim Deputy B provided to investigators a photograph of a group of East LA deputies at a Dodger game and told investigators that some of the deputies in the photo were Banditos. He had not been asked to bring in the photo. He stated that Suspect Deputy W and Suspect Sergeant Z were part of the Banditos. He also mentioned Suspect Deputy Y and Detective 1 (first name unknown), as possible members. He was also given a hypothetical question by ICIB: "So the rest of East L.A. station, if they belong to a subculture group of the Banditos, they don't have a problem with you; correct?" To this question, he answered, "No, they don't". Below are selected sections of Victim Deputy B interview transcript (references to Banditos are underlined):

ICIB INTERVIEW –VICTIM DEPUTY B
EXCERPT 1

ICIB Investigator 1: This is [ICIB Investigator 1]. My employee numbers are [employee number]. Today is January 18, 2019, at 0920 hours. I'm at IA conference room. Sitting across from me is [Victim Deputy B]. Sir, your employee numbers.

Victim Deputy B: [Employee number]

[19] The digital transcript of this interview was corrupted and unreadable. This information is from the audio-recordings of the October 4, 2018 ICIB interview of Victim Deputy D.

ICIB Investigator 1: Sitting next to him is his counsel. Sir, what's your name, sir?

Counsel 1: [Counsel 1].

ICIB Investigator 1: This is a follow-up interview. Like I said, I'm from Internal Criminal Investigations Bureau. I conduct criminal investigations. All statements must be made voluntarily. I know that I was taking photos of your -- of --photographs that you allowed me to do that from -- from our previous interview. And then you informed me about additional photo of a group of individuals. Can you please pull that up on your phone.

Victim Deputy B: Yes.

ICIB Investigator 1: So these people, it says -- can you read it to me, what it says?

Victim Deputy B: It says, "East Los Angeles."

ICIB Investigator 1: And where is that located, do you know, where that picture is taken?

Victim Deputy B: I believe it's going to be at Dodger Stadium.

ICIB Investigator 1: And what do you know about those -- that group of people?

Victim Deputy B: Most of them are training officers at the station and -- or -- and deputies at the station, and fellow deputies at the station.

ICIB Investigator 1: And are you aware of any are subculture groups?

Victim Deputy B: Yes.

ICIB Investigator 1: Tell me.

Victim Deputy B: **The Banditos**.

ICIB Investigator 1: And are those, those -- the picture that you're showing me right now, is that a -- pictures of the **Banditos**?

Victim Deputy B: Yes.

ICIB Investigator 1: Are they all **Banditos**?

Victim Deputy B: I don't know if they're all **Banditos,** but I know a majority of them are.

ICIB Investigator 1: All right. Do you know who they are?

Victim Deputy B: Yes. I could -- I know of some of them.

ICIB Investigator 1: Can you tell me their names?

Victim Deputy B: [Suspect Deputy W], [Suspect Deputy Y] --

ICIB Investigator 1: Please first names if you know.

Victim Deputy B: [Suspect Deputy Y] --

ICIB Investigator 1: Okay?

Victim Deputy B: -- [Detective 1]. And that's all I know just by looking at this picture. I'm not sure if the other people in the picture are as well.

ICIB Investigator 1: Now, in your first interview in October 2nd, 2018, we interviewed you. You never mentioned about the Banditos. Okay? And I want to clarify that in your transcripts I was reading over, that you mentioned about a group of people, and the four individuals who are [Suspect Deputy X]; [Suspect Deputy W]; [Suspect Deputy Y]; and ... [Suspect Sergeant Deputy Z]. They're the ones that you had an initial problem with?

Victim Deputy B: Correct.

ICIB Investigator 1: Correct? Okay. Is -- is there any more other people that you have -- have a problem with you who -- is it the whole entire **Bandito** subculture group that has a problem with you, or is it just a group of people that I just mentioned that have a problem with you?

Victim Deputy B: It's -- it's just this select group of people that have a problem with me.

On April 1, 2019, Deputy 6 was on patrol the night of the party. He stopped by while on duty to say hello to his training officer, Deputy 7. He did not see any part of the fight but heard about it the next day. Deputy 6 was asked by ICIB Investigator 1, "are you aware of any tension between the newer generation of deputies and the older generation of deputies." Deputy 6 stated that there were tensions such that "a lot of us are, you know, don't even want to go to work at our station and contemplating changing stations." Deputy 6 confirmed to ICIB Investigator 1 that Deputy 2 had made a "race remark" about him. Deputy 6 was not asked by ICIB about the exact words of the comments and he did not volunteer that information. Deputy 6 also confirmed that Deputy 8 told him that he was not working hard enough and said that Deputy 8 further stated that if he didn't listen to Deputy 8 he would be "kicked out of the station." Deputy 8 further told Deputy 6 he needed to do the work for other deputies if he wanted to be put on the "future list for **Banditos**." Deputy 6 did not directly identify Deputy 8 as a member of the Banditos. He did not identify any other Banditos. Deputy 6 was asked no follow up questions by ICIB about this statement. He was not asked anything about the Banditos list or the Banditos. ICIB told him that they would notify the POE unit and that a POE investigator would be contacting him. The entire interview lasted less than six minutes. In the ICIB report, Deputy 6 was stated to have not provided anything of evidentiary value.

Below is a transcript segment of the Deputy 6 interview with ICIB:

ICIB INTERVIEW – DEPUTY 6
EXCERPT 1

ICIB Investigator 1: Okay, alright and are you aware of any tension between the newer generation deputies and the older generation deputies?

Deputy 6: Yes, there is a lot tension the point where a lot of us are, you know don't even want to go to work at our station and contemplating changing stations.

ICIB Investigator 1: Okay. And are you part of the newer generation?

Deputy 6: Yes sir

ICIB Investigator 1: And, I was aware that [Deputy 7] informed me that possible POE violation involving [Deputy 2] who works ELA station regarding race remark and then also Deputy 8 who is also a Deputy at ELA station made a comment to you about you not working hard enough and if you don't work hard enough or do their work that you would be move out of the station. Is that correct?

Deputy 6: Yeah, I would be kicked out of the station if I don't do other deputies work for them to show that I want to be part of the future list for Bandidos [sic].

ICIB Investigator 1: Okay, what I am going to do is I'm going to inform you that, I will be notifying the POE Policy Quality Unit. I will send them the notification in an email form and then you should be being contacted by a representative from the POE unit, okay. Do you have any questions for me?

Deputy 6: Okay, no sir.

ICIB Investigator 1: Okay, I going to go off tape, [Deputy 6] stay on the line, okay

Deputy 6: Alright

ICIB Investigator 1: Going off tape at 1359[20]

ICIB Investigator 1 asked the following people about tensions between young and old deputies with no follow up about Banditos.

- On January 9, 2019, Deputy 9 told ICIB about reading an article about shot callers at the station. There was no follow up about Banditos.

[20] This transcript was prepared by the Office of Inspector General from an ICIB recording of Deputy 6 interview.

- Deputy 10 was asked by ICIB "Is there any tension between older and younger deputies." He did not know if there was any. No follow up questions were asked about the Banditos.
- On October 18, 2018, Deputy 2 talked to ICIB about rumors about the fight. He was not asked what the rumors were, and he was not asked about the Banditos.
- On November 14, 2018, Deputy 11 was asked by ICIB about "social groups." She stated she had read about societies and tattoos but had no personal knowledge. No follow up questions were asked.

On October 2, 2018, Law Enforcement Technician 1 was asked by ICIB if she knew about "rifts between older and younger generations." She answered she did not know. No questions were asked about Banditos or subcultures. Law Enforcement Technician 1 was asked by ICIB investigators about text messages sent the night of the incident:

ICIB INTERVIEW – LAW ENFORCEMENT TECHNICIAN 1
EXCERPT 1

ICIB Investigator 3: Yeah. In the blue. All right. It says okay. Good. What the hell were they fighting about? [Deputy 12] text, texts back. Who, I have no idea.

Law Enforcement Technician 1: Uh-huh.

ICIB Investigator 3: You text back. It was that new guy, [Victim Deputy C], and [Suspect Deputy X] and [Suspect Sergeant Z]. So we're talking about [Suspect Deputy X] and [Suspect Sergeant Z]?

Law Enforcement Technician 1: Uh-huh.

ICIB Investigator 3: The **OG** guys versus the new guys. Yup and G. Rod. Is that G. -- is that [Suspect Deputy W]?

Law Enforcement Technician 1: Uh-huh.

ICIB Investigator 3: And then you text I've never seen [Suspect Deputy X] so drunk. [Deputy 12] says I haven't either. And you text,

reply G. Rod is **OG** now. [Suspect Deputy W]. [Deputy 12] says damn, and [Suspect Deputy Y]. He took [Suspect Deputy X].

Law Enforcement Technician 1: Yeah.

ICIB Investigator 3: What does that mean? He gave [Suspect Deputy X] a ride?

Law Enforcement Technician 1: That was -- yeah. I guess after I left. I don't know. [Deputy 12] thinks he took him –

ICIB Investigator 3: Okay.

Law Enforcement Technician 1: -- home. Or I don't know where.

Despite the obvious gang reference "OG" and the gang behavior of going out looking for victims, ICIB asked no follow up questions.

- On January 10, 2019, Deputy 13 was asked about "tension between older and younger deputies." He did not know if there were any. No follow up questions were asked about the Banditos.
- On October 30, 2018, Deputy 7 stated that he heard "rumors" about the cause of the fight. He heard that four deputies were relieved of duty because of how they treat other deputies. No questions were asked about the Banditos.
- On October 2, 2018, Deputy 12 was asked about "tension between older and younger deputies." She did not know if there were any. No follow up questions were asked about the Banditos. ICIB asked her about text messages sent or received after the fight. She said she deleted the text she got from Suspect Deputy Y. She did have one text she sent to Law Enforcement Technician 1: "Dammit what happened? You guys are going to wake up to regret it." A subpoena was issued for the text messages on her phone. There was nothing of evidentiary value in the text messages.
- On January 23, 2019, Deputy 14 was asked about "tension between older and younger deputies." He did not know if there were any. No follow up questions were asked about the Banditos.
- On January 11, 2019, Deputy 15 was asked about "tension between older and younger deputies." He did not know if there were any. No follow up questions were asked about the Banditos.

- On January 17, 2019, Deputy 16 was asked about "tension between older and younger deputies." She stated she did not want to talk about it. No follow up questions were asked about the Banditos.
- On October 30, 2018, Deputy 17 was asked about "tension between older and younger deputies." She did not know if there were any. No follow up questions were asked about the Banditos.
- On November 11, 2018, Deputy 18 was asked about "tension between older and younger deputies." He stated that there was tension about certain "work standards." No follow up questions were asked about the Banditos.
- On January 9, 2019, Detective 2 was asked about "tension between older and younger deputies." He did not know if there were any. No follow up questions were asked about the Banditos.
- On October 25, 2018, Deputy 19 was asked about "tension between older and younger deputies." He did not know if there were any. No follow up questions were asked about the Banditos.
- On March 29, 2018, Deputy 20 stated that she had "heard about the fight" at a briefing. The deputies at the morning briefing were told that an investigation was to be done. She had also heard about a cell phone video but had not seen it. No questions were asked about the Banditos
- On January 15, 2018, Deputy 21 was asked about any "rifts" between older and younger deputies. He stated he had no such knowledge.
- On January 9, 2019, Deputy 22 was asked if he was aware of any "tension between older and younger deputies." He stated he was not.
- On October 2, 2018, Detective 3 was asked if she was aware of any "tension between older and younger deputies." She stated he was not.

The following twelve witnesses were interviewed without any questioning about tension between older and younger deputies, gangs, subcultures, or the Banditos.

- Civilian 1 on October 2, 2018
- Clerk 1 on October 26, 2018
- Deputy 23 on October 29, 2018
- Deputy 24 on October 29, 2018
- Deputy 25 on October 29, 2018

- Deputy 26 on October 30, 2018
- Deputy 27 on October 30, 2018
- Deputy 28 on November 6, 2018
- Deputy 29 on December 19, 2018
- Deputy 30 on November 6, 2018
- Civilian 2 on February 5, 2019
- Secretary 1 on October 26, 2019

ICIB Investigation

On September 28, 2018, ICIB initiated a criminal investigation. ICIB Investigator 1 was assigned to this investigation. The ICIB consisted of the following interviews:

- ICIB identified seventy-three witness to be interviewed.
- Twenty-seven out of seventy-three witnesses declined to be interviewed; four of those who declined to be interviewed were identified as suspects, the remaining twenty-three were not so identified. None of the twenty-three deputies who declined to be interviewed were compelled to provide a statement. It should be noted that several of the deputies who declined to be interviewed have been alleged to be members of the Banditos. At least one of these deputies has been promoted to a coveted position in the Sheriff's Department.
- None of the deputies who declined to be interviewed, including the suspect deputies, invoked their right against self-incrimination.
- ICIB conducted recorded interviews of fifty-three deputies. Ten of the interviews were declinations. Of the remaining forty-three recorded interviews twenty-six were deemed by LASD to have provided no evidentiary value in this case.
- The deputies who agreed to be interviewed provided fairly consistent versions of the incident. Witnesses identified the four named suspect deputies as the instigators. The suspect deputies were described by some witnesses as engaging in a pattern and practice of bullying and ostracizing younger deputies who they felt were not performing their duties up to the standards of the older deputies. Some of the veteran deputies were described by some witnesses as being associated with the Banditos deputy clique.

- A number of other witness interviews were deemed by LASD to lack any evidentiary value; however, the lack of questioning about subgroups by ICIB is glaring given that ICIB had the opportunity to explore the motive for the attack as well as the presence of a subgroup, the members of whom were engaging in behavior that was at a minimum in violation of LASD's disciplinary standards.

- Seven interviewees used the term "gang" or Bandito.

- Of those seven, ICIB asked two of the interviewees follow up questions about the Banditos.

- Of all seventy-three witnesses identified by ICIB, only one was questioned about the Banditos by ICIB without that witness bringing it up first.

ICIB also canvassed the area for cameras and obtained surveillance footage from multiple sources. All videos are of poor quality and/or do not provide clear views of any part of the incidents described in the ICIB report. Several witnesses stated that there was a rumor that a cell phone video of the incident was taken but none of the witnesses indicated that they saw such footage, nor could they add any further information about the video. No such video was ever located by the investigators. Search warrants were issued for the cell phones of Deputy 12 and Deputy 30. No other warrants were issued. No video was located on either phone.

The investigation culminated with an incident report dated June 14, 2019, that listed the charges as: Assault with a deadly weapon Penal Code section 245(a)(1)[21], battery with injury Penal Code section 243(d), and criminal threats Penal Code section 422. Despite the fact that Victim Deputy A had two lacerations, one requiring sutures, there was no mention of Great Bodily Injury as a charge or enhancement.[22] Further, Victim Deputy B was choked to the point of losing consciousness which could also be considered great bodily injury.[23]

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[21] None of the ICIB investigative reports indicate a weapon was used. The incident report lists the "weapon" as "other weapon: bodily force." The appropriate charge would therefore be a violation of Penal Code section 245(a)(4) assault "by means of force likely to produce great bodily injury."

[22] "An examination of California case law reveals that some physical pain or damage, such as lacerations, bruises, or abrasions is sufficient for a finding of 'great bodily injury.' " (People v. Washington (2012) 210 Cal.App.4th 1042, 1047, italics added.)

[23] The term "serious bodily injury" "means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement." (Cal. Pen. Code section 243(f)(4).) The terms "serious bodily injury" in section 243 and "great bodily injury" in Pen. Code section 12022.7 have substantially the same meaning. (People v. Hawkins (1993) 15 Cal. App. 4th 1373). See footnote 5 on page 3, and *People v. Medellin, supra,* 45 Cal. App. 5th 519.

On June 19, 2019, ICIB submitted its investigation to the Justice System Integrity Division unit of the LADA's Office.

Concerns with ICIB Investigation

It is of concern that despite gleaning information from five deputies about East LA station's veteran deputies' association with a group known as the Banditos, witnesses were not thoroughly questioned about the group and some witnesses were not questioned at all regarding their knowledge of the Banditos. Even without thorough investigation, the evidence establishes the motive for these assaults was intimidation and enforcement of standards of policing established by the veteran deputies who identified as Banditos.

ICIB only asked one witness if the suspects were Banditos. They did not ask if the bullying described was ordered by Banditos or whether this was a common practice of Banditos. Further, after ICIB asked numerous witnesses about tensions between older and younger deputies, which was clearly a central aspect of this case, there were no follow up questions about any association the older deputies have with Banditos or any subgroup. Sergeant 2 told investigators that the tensions were not between older and younger deputies but rather between those deputies who associated with the Banditos and those who did not. Sergeant 2 further described the behavior of the Banditos by stating that the Banditos ostracized lazy deputies, clearly suggesting that this subgroup engaged in other behavior of the sort demonstrated at Kennedy Hall. By not fully exploring the Banditos connection to this incident, ICIB did not fully investigate the motive of the assaults. That failure to investigate directly led to footnote five of the District Attorney memorandum which downplayed the Banditos element of the investigation as motive and will be discussed further below.

District Attorney Charge Evaluation

On February 6, 2020, the LADA's office declined to file charges against the four suspect deputies. The charges considered by the LADA's Office were violations of Penal Code sections 242, 243, and 422: battery, battery with serious bodily injury and criminal threats respectively.[24] The LADA's rationale for declining to file a case against the four suspects was as follows: alcohol was involved, the area in question was dark and thus the video did not sufficiently capture the incident, contradictory statements were made by witnesses and parties involved, and all of the suspects

[24] While the charges listed in the incident report included Penal Code section 245(a), it is common for the LADA when declining charges to list lesser included or lesser related charges. The charges considered by LADA fall within the category of lesser charges related to a violation of Penal Code section 245(a). As previously noted, the appropriate Penal Code section 245(a) subsection would be (4), assault by means of force likely to produce great bodily injury. Both Penal Code section 242 and 243(d) are related charges.

and victims were all potentially biased. Therefore, the LADA's Office concluded that there was insufficient evidence to prove beyond a reasonable doubt that any of the suspects committed any crime.

The majority of the LADA memorandum focused on inconsistencies in accounts by percipient witnesses. Most of these inconsistencies were minor and of the type inherent in criminal investigations with multiple witnesses. The witnesses to the assaults at Kennedy Hall identified the suspects and described what each of them did on the night in question. Further, the memorandum focused on how prior instances of bullying had the potential of resulting in bias on the part of the victim deputies rather than how the bullying and ostracism were motives in the assault. To fully examine this motive, a discussion of the pattern and practice at the East LA Station of allowing veteran deputies to enforce a code of conduct among younger deputies needed to take place. Oddly, the LADA memorandum included footnote five which downplayed the involvement of the Banditos in enforcing this code. The footnote states:

> "Although there was some mention of a subculture "Banditos" existing at the ELA station, the Banditos were not a focus of this investigation nor were the suspects identified as being part of this subculture. Furthermore, whenever mentioned, the Banditos were simply associated with a group of older, more senior deputies that simply ostracized younger deputies they felt were lazy. At no point in this investigation did any witnesses indicate that the Banditos were equivalent to a gang or any type of criminal enterprise."

This footnote is concerning for several reasons. First, the motive of the assault was the senior deputies imposing their standard on younger deputies. Motive is a central element of every criminal case and requires detailed analysis.[25] Second, the LADA seems to validate the existence and purpose of the Banditos in saying that they were "simply associated with a group of older, more senior deputies that simply ostracize younger deputies they felt were lazy." Finally, stating that no witnesses indicated that the Banditos were equivalent to a gang suggests a lack of thoroughness in reading the statements provided by ICIB or lack of familiarity with Penal Code section 186.22, or both.[26] Deputy 1 clearly stated that Deputy 3,

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[25] See Judicial Council of California. Criminal Jury Instructions, 2020-1 Edition, Volume 1, CALCRIM 370. See also California Jury Instructions: Criminal, 2020-1 Edition, Volume 1, CALJIC 2.51, which reads in part "Presence of motive may tend to establish the defendant is guilty. Absence of motive may tend to show the defendant is not guilty."

[26] California Penal Code section 186.22(f) reads: "As used in this chapter, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in [this section], having a common name or common identifying sign or symbol, and whose members individually or collectively engage in,

Suspect Deputy W, and Suspect Deputy X manipulated people "like a gang," and an analysis of the totality of the statements provided to ICIB clearly shows that a gang type culture existed at the East LA Station and the Banditos were the group that exhibited that behavior.

Conclusion

The motive of the Kennedy Hall incident appears to have been an effort by a group of veteran deputies to impose their will on younger deputies as part of an ongoing pattern and practice. These older deputies were reportedly members of, or in some cases associated with, the Banditos. Substantial evidence exists to support the conclusion that the Banditos are gang-like and their influence has resulted in favoritism, sexism, racism, and violence. Despite all this, the majority of the witnesses interviewed in the ICIB investigation were not asked any questions about the Banditos. Even when the witnesses brought up the Banditos there was little or no follow up by ICIB investigators. It appears from the interviews that ICIB did not want to delve into the Banditos involvement in the fight or their control over the East LA Station. The District Attorney memorandum failed to analyze the involvement of the Banditos and implied a lack of credibility on the part of the alleged victims with little evidence while giving no consideration to evidence that would cause a jury to strongly question the credibility of the suspects. Finally, the criminal investigation failed to obtain statements from multiple witness deputies, some allegedly members of the same secret society as the suspects. Although such statements are required by LASD policy, by procedure and in practice deputies are told that they are not required to provide statements in criminal investigations.[27]

Recommendations

Recommendation 1: LASD should thoroughly investigate internal criminal allegations. A thorough investigation includes investigating possible motives of the suspects as well asking questions that would elicit information as to a witness's potential bias. Investigators should follow all LASD policies and procedures and should apply the same investigative practices to investigations relating to alleged

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or have engaged in, a pattern of criminal gang activity." Among the criminal acts enumerated in [this section] which may form the necessary pattern of criminal activity are assaults by means of force likely to produce great bodily injury, witness intimidation and threats to commit acts likely to produce great bodily injury.

[27] See MPP 3 01/040.85 COOPERATION DURING CRIMINAL INVESTIGATIONS; but see also Internal Criminal Investigations Bureau Unit Order 2-12, January 3, 2003, Representative Rights of Sworn Employees; memorandum from Captain, Internal Criminal Investigations Bureau to ICIB investigators, dated April 8, 2014, Internal Interviews of Employees and Relevant Admonitions, April 8, 2014; and Internal Criminal Investigations Bureau Unit Order 2-24, March 19, 2018, Compelled Employee Witness Interview Protocol (procedures in the latter unit order have not been fully implemented by LASD and were not followed in this investigation).

gang behavior of deputies as would be employed in the investigation of a serious crime by a suspect who is not an employee of LASD.

Recommendation 2: LASD should compel statements from all witness deputies who do not invoke their right against self-incrimination. Our review shows no basis for the assertion of a Fifth Amendment privilege as to many of these deputies. In fact, none of the deputies who declined to be interviewed asserted the Fifth Amendment right against self-incrimination. In those cases in which a witness employee invokes the Fifth Amendment but is not a subject of the criminal investigation LASD should compel a statement when appropriate.

7815S1N2SA - SH-AD (11/80)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service Since 1850

DATE: October 1, 2007

OFFICE CORRESPONDENCE FILE:

FROM: WILLIE J. MILLER, COMMANDER
FIELD OPERATIONS REGION II

TO: LEROY D. BACA
SHERIFF

SUBJECT: **OVERVIEW OF THE REGULATORS HISTORICAL MEETINGS**

Overview:

On December 11, 2006, I conducted the first of three meetings at Century Station with former and present Century Station administrative staff to determine the existence and operations of the Regulators group that has semi-infiltrated the Department and its Core Values and daily functions, specifically, Century Station.

On June 30, 2005, the public acknowledgment of the Regulators group came out at the eulogy of Deputy Jerry Ortiz by Travis Morrow, who named about twenty members, and essentially made the comment. "We are Regulators, Regulators, Regulators forever," comment at the end of the service. This outed the group publicly.

On August 2006, Chief Ronnie Williams, Commander Ralph Martin and myself met with the outed leaders of the Regulators, Travis Morrow, Jimmy Grubb and Anthony Guillen to advise them that they could exist, but not within the Sheriff's Department. They were advised that their activities needed to be off County facilities and all of their activities needed to be away from the Sheriff's Department. They could do what they wanted to in a state park or backyard, but they were not to recruit, or initiate any activities on station property. They were to essentially go away from the Sheriff's Department facilities. We also discussed the liability for their existence within the Department, and the negative publicity that could impact the Sheriff's Department. It was the consensus that they would no longer exist in the Department, and all activities would cease.

In mid 2006, Century Station administrative staff overhead a telephone conversation of a Law Enforcement Technician, who was speaking with a vendor who was trying to confirm the number of "red logos" to be purchased;

administrative staff intercepted the call and spoke with the vendor. The telephone conversation was brought to the attention of Captain Steve Roller. Within that time frame, Captain Roller heard that five new members were being initiated into the Regulators group. Region II was contacted and we realized the group was still functioning.

We then started to administratively transfer some of the key people out of the station. Being proactive, we wanted to eliminate the subculture of Regulators group at Century Station.

Regulators Objective

The Regulators objective was to identify incoming deputy personnel at Century Station who fit the morals of being an outstanding Cop. They monitored them from Patrol training thru off training. They followed their activities, and performance up to a year.

To be a member you had to be nominated to the group. That nomination had to be supported by at least two other people, and then the entire group would make a decision as to whether or not they approached that person, and initiate them into the organization. It was based on performance, and was only open those employees that met their standards in terms of performance.

The group ensured key personnel were in essential positions at Century Station, e.g., Scheduling and Training, and easy overtime spots for senior leaders of the group, unlimited overtime slots were given to Regulator members to ensure staff had additional salary to support the group fund.

They had control who was awarded outstanding evaluations, and it appears they controlled, when and who was eligible to work at Detective Bureau. They organized lunches, charity work, and fund raisers. The Regulator leaders boldly used the Watch Deputy's office, and Century Station's parking lot for their meetings, with no regard for supervision.

Our investigation revealed that the Regulators philosophy is that "if a sergeant, lieutenant or captain was weak at Century Station they would run over them, essentially speaking, they would run the station as a subculture fraction. They would not respect rank." They openly displayed the Regulators logo of the "skull and flames" symbol, on their motorcycles as well as body tattoos.

Regulators Department Wide Influence

Captain Sue Kopperud was notified when the Academy training instructors continually focused on Century Station's way doing things "quote unquote" philosophy that boasted of hardworking Cops that did what needed to be done.

Captain Kopperud had not heard or seen evidence of the Regulators in her Bureau.

In addition, we discovered sympathizers of the Regulators at various units; when Regulator members were transferred out of Century Station for infractions; these personnel obtained cushy positions at their new assignments.

On August 2004, Century Station administrative staff received two anonymous letters indicating that station personnel was being strong-armed for money. When the Regulators wanted to support a cause, they felt worthy. We also discovered evidence that the Regulators controlled the success or non-success of events not sanctioned by them, e. g., Professional staff wanted give a Christmas party, but were discouraged because they felt that most station personnel would not attend because the Regulators would put the "word out" not to attended, thus, the Christmas party would have low attendance.

Regulators Funds:

Captain Roller spoke with a confirmed member of the Regulators, Gabe Navarro who had in a personal bank account $64,000. When asked were the funds came from, Gabe advised the funds came from two memorial rides, one held for Jerry Ortiz and one for Renee Hernandez. At that point, Captain Roller instructed that any funds raised under the guise of Century Station must go through him, and all funds collected as a result of a fund raiser must be placed into a Sheriff's Relief Account 501 (c) 3.

In mid 2006, Bob Ciulik contacted Captain Roller and advised that a dormant account existed, associated with Century Station. He said, no funds were coming in or going out. In mid 2006, Captain Roller spoke with Gabe and Patti and instructed them to transfer any outstanding funds to the 501 (c)3 account and to create By-laws for this account.

Captain Roller heard another fund raiser was being organized for the Licata's kids. Captain Roller's knowledge of the existing $64,000, concerned him. He felt it was odd to have another fund raiser, because the existing $64,000, was raised to provide support for families of those killed in the line of duty. Captain Roller asked Gabe why not deduct from the existing $64,000, versus having a fund raiser, he was told, he was mistaken, it was $28,000. It was later discovered that the $64,000 was missing.

Conclusion:

- We/I recommended that Captain Kopperud's Training Sergeants monitor what goes on in the training sessions, and ensure the lesson plans are

being followed and not guided to every Century Station scenario. The Sheriff's Department's Academy must be a fair and impartial training facility that is a mix of training representatives from all three Regions. Attorney Michael Gennaco, concurred. He also suggested we create the history outline of the Regulators.

- We/I recommended that we put together a proposal/presentation a Management Conference where we can talk to all Captains about "Sub-Cultures and Cultures of the stations and how they can undermine the Management.

Finally, my objective is to bring my findings to your attention and ensure that the Regulators philosophy does not penetrate the Department further.

761A31HQSA - SH-AD (11/90)

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"
Since 1850

DATE: September 13, 2004

OFFICE CORRESPONDENCE FILE NO:

FROM: WILLIAM T. STONICH
UNDERSHERIFF

TO: LEROY D. BACA
SHERIFF

SUBJECT: **CENTURY STATION PERSONNEL MANAGEMENT**

Chief Ronnie Williams has advised myself and Larry Waldie about his efforts in addressing inappropriate and potentially damaging behavior occurring at Century Station. I have directed that this information and his efforts at addressing this issue be documented for your review, as I feel that you need to be made aware of the activity, and our corrective actions to manage departmental risk and mitigate any potential negative fallout.

OVERVIEW

In early April 2004, newly promoted Chief Ronnie M. Williams was assigned the command of Field Operations Region II. Chief Williams immediately met with his Region II command staff, Personnel Commander Willie J. Miller and newly promoted Commander Ralph W. Martin. Together, they discussed their goals and objectives for managing the Region's stations, bureaus and operations.

Chief Williams held what he termed, "Mini SCIFS" with all Regior II captains and their operations lieutenants. These meeting were held in Chief Williams' office which provided an intimate setting for the command staff to conduct a thorough and independent inquiry into the operations of each station or bureau.

Some of the areas covered consisted of basic risk management budget, contract cities and unincorporated area issues, as well a personnel matters. The latter being the most intensively addressed area.

In order to thoroughly familiarize themselves with the current issues at all units, they decided to make impromptu personal site visits at each unit in an effort to meet with, and engage in, casual conversations with unit personnel of all levels. During these visits, numerous minor concerns were expressed in private to the command staff. The one-on-one interactions allowed for frank discussions, free

from the fears of embarrassment, or worse yet, reprisals. The command staff could openly discuss the issues raised with the unit commander, ultimately resulting in a quick resolution and a strengthening of the management/subordinate relationship, built upon openness and trust.

CENTURY STATION

When the command team visited Century Station, it immediately became clear that the overall climate amongst the unit's personnel was not healthy. Numerous individuals expressed their displeasure and proffered strong criticism with current station's administration, management and supervisory team, especially in the way they have handled, ignored, or displayed supervisory cowardice in refusing to address the actions of a rumored clique of Hispanic deputies, referred to as the "Mexican Mafia." The issues mentioned were noted and deemed significant by Chief Williams and his commanders. These issues were discussed with the unit commander, however, it became obvious that additional command team oversight and focused attention would be necessary.

In an effort to obtain a broader and clearer understanding of the issues surrounding Region II, and specifically Century Station, Chief Williams and his team sought the insight and input from several sources both within and outside the Department. Meetings were held with Mr. Michael Gennaco and members of his staff, Chief William McSweeney, Captain Eric Smith, Lieutenant Larry Brogan of Employee Relations, as well as Employee Union Presidents Patrick Gomez, PPOA, and Roy Burns, ALADS.

They also sought out the input from former Century Station employees, both sworn and professional staff, as well as opinions, both positive and negative, from other personnel working within Region II.

The discussions centered on identifying the perceptions of Century's culture, both real and imagined, along with potential causal factors, evaluating the effectiveness of the current supervisory staff, as well as how to effect a positive change of a long standing and systemic negative culture of behavior that has had a tarnishing effect on the good and hardworking people assigned to Century Station

Some of the significant problems and or rumored unethical activity noted with Century personnel are as follows:

- "Mexican Mafia," rumored to be a small select group of deputies of Hispanic decent. They have been accused of holding positions of influence within the station (i.e.: detective, scheduling, watch deputy, and field training officer positions) and are alleged to control much of the negative behind the scenes activity such as fund raising through means of unit level extortion for non sanctioned events, unfair or biased granting of time off requests, controlling patrol and interior work assignments, etc.

CENTURY STATION PERSONNEL MANAGEMENT

- "998 Club," is rumored to be a group of deputies who have been involved in a deputy involved shooting while assigned at Century Station.

- "Regulators," is rumored to be a group of deputies, possibly the same as the "998 Club," however, considered to be more exclusive. Members are rumored to have a tattoo described as a skeletal figure, clothed in long western style trench coat, wearing a cowboy hat, and holding a revolver in each hand. It is also rumored that the revolvers will have smoke emitting from the barrels if the deputy has been involved in a fatal deputy involved shooting.

- Rumors of a pattern or practice of in-house extortion. Station personnel have alleged that a clique of station deputies routinely extort financial support from other station personnel for various causes that they deem important, i.e.: transfer parties or fund raisers for certain select deputies.

- Deputy Valozzi fund raiser: Deputy Valozzi was suspended for 30 days without pay for an unreported use of force incident. Deputy Angel Jaimes, alleged to be a main "shot caller" within the "Mexican Mafia" clique, obtained approval from Captain Lopez to hold an on-site fund raiser to offset the financial burden of the suspension. Soon after, allegations of extortion surfaced wherein some deputies were forced to donate funds to this effort or fear ostracization.. Ultimately, the fund raising effort provided Deputy Valozzi with over five thousand dollars (tax free). In the end, Deputy Valozzi wound up earning more money than he would have, had he not been suspended, thus sending the message that being disciplined for improper behavior can actually pay off at Century if you are supported by the "Mexican Mafia."

- IAB Rollouts: Internal Affairs reported that of the numerous roll outs for deputy involved shootings or significant force issues, approximately 80% of the time, Region II deputies will cooperate and openly talk with investigators. However, it was noted that nearly 100% of the time, Century deputies will huddle and subsequently refuse to talk with IA investigators. IAB added that they have even been shown outright disrespect on the part of one or more Century lieutenants and/or sergeants who appear to be overzealous in their attempts to shield their deputies from outside review.

Many of the aforementioned allegations and activities were bought to the attention of Chief Williams and his staff by way of several anonymous letters received at headquarters via U.S. mail. Several of the complaints of inappropriate behavior were subsequently validated or supported though Chief Williams' efforts of inquiring with reliable sources both within and outside of Century Station. The content of the letters containing names of alleged clique members was subsequently shared with Captain Lopez. He has been directed to evaluate the legitimacy of the allegations surrounding the listed names and make appropriate personnel moves of those holding positions of significant influence over others.

CENTURY STATION PERSONNEL MANAGEMENT

As Chief William's continued to inspect the internal operations of Century Station, he found a troubling indication of a lack of accountability by the station management team such as:

- Completed IAB investigations involving founded policy violations which carried the potential for imposing significant discipline, being held at the unit past the one year time statue, thus eliminating any effective penalty for improper behavior or adjudication of wrongdoing.

- A large quantity of extremely overdue administrative packages such as: use of force, watch commander service comment, and traffic collision investigations signaling a lack of internal accountability.

- Of the investigations submitted by Century management and supervisors, several problematic cases revealed an obvious attempt to mitigate or justify a broad range of improper behavior such as questionable tactics which led to significant force incidents, preventable traffic collisions deemed non-preventable, to out of policy pursuits.

Chief Williams and Commander Miller contacted several Century Lieutenants and sergeants in an effort to seek various opinions on the internal activities previously mentioned and to assess the current station's staff. During one such telephone conversation between Commander Miller and Century Sergeant Arthur Scott, the sergeant provided his personal and poignant opinion on several individuals. Parts of his phone conversation were apparently eavesdropped upon by one or more station members. Statements provided by the sergeant that were considered unflattering or condemning were quickly disseminated throughout the station in an obvious attempt to label the sergeant as disloyal and generate a hostile reaction towards him personally and his management style.

Sergeant Scott became aware that his comments were being divulged throughout the station by both deputy and supervisory personnel, and were now grossly inaccurate and negatively embellished. In an effort to stem the negative fallout, Sergeant Scott attended briefings to clarify his position and answer any questions from his peers and subordinates alike, in an open forum. Previously mentioned Deputy Jaimes attended a briefing and openly challenged Sergeant Scott in an insubordinate manner. Operations Lieutenant Paul Denney was present and interceded immediately.

As a result of this incident, Chief Williams ordered that an internal affairs investigation be initiated regarding Subject Jaimes' behavior, and administratively transferred him out of Century Station pending the final investigatory outcome. Sergeant Scott also requested a transfer out of Century as he felt his ability to effectively supervise Century personnel had been severely compromised by this and other incidents. His request was granted and he is now assigned to Compton Station.

PLAN OF ACTION

Chief Williams and his command staff met with Captain Lopez to discuss his findings, and to analyze his response to addressing these very serious issues. They provided Captain Lopez with their goals to formulate unit level reforms in an attempt to end these negative behavioral patterns and practices, and changing the station's negative culture in general by requiring strict accountability and oversight.

On July 22, 2004, Chief Williams and his command team called a station level supervisory meeting. The design of his meeting with the Century lieutenants and sergeants was calculated to foster a constructive, task oriented, and problem-solving dialog.

Chief Williams provided a clear and concise message of his expectations of all supervisors regarding their behavior, supervisory responsibilities, along with thoroughness and timeliness of administrative staff work. He made it clear that all will be held strictly accountable up and down the chain of command for actively managing the risk of any and all forms of misconduct or inappropriate behavior.

He concluded the meeting by putting all on notice that the Region II Command Team would be evaluating their overall performance and compliance with his directives and expectations for a period of 180 days, beginning the date of the meeting. After the first 90 days, those who appear to be unable to meet the newly established standard will be identified in concert with the unit commander, and advised to seek a new unit of assignment. At the 180 day mark, necessary personnel moves will be accomplished within existing departmental guidelines.

SUMMARY

Strong supervision and management have been pivotal in maintaining the safety, integrity, and professionalism of our personnel. Century Station has encountered significant personnel issues that have resulted in past liability and potential embarrassment to the Department. The current Region II command team has embarked on a mission to address and correct any and all current personnel issues within Region II, and specifically at Century Station. They have initiated a solid plan of action with a goal of establishing a strong unit level supervisory management team to guide our personnel in concert with our Departmental Core Values.

In conclusion, throughout every stage of Chief Williams efforts, he has kept myself and Larry Waldie apprized of his findings and actions. We wholeheartedly support his efforts at reforming the management team at Century Station, thus restoring the confidence of our hard working men and women, both within Century, and the Region as a whole. We will continue to monitor his progress and pledge our support in assisting with any potential future personnel moves in accordance with achieving the stated goals contained within his current plan.

WTS:RMW:JAL:jal

Cal. Pen. Code § 13670

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Current through the 2022 Legislative Session

Section 13670 - Law enforcement gangs prohibited**(a)** For purposes of this section:**(1)** "Law enforcement agency" means any department or agency of the state or any local government, special district, or other political subdivision thereof, that employs any peace officer, as described in Section 830.**(2)** "Law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.**(b)** Each law enforcement agency shall maintain a policy that prohibits participation in a law enforcement gang and that makes violation of that policy grounds for termination. A law enforcement agency shall cooperate in any investigation into these gangs by an inspector general, the Attorney General, or any other authorized agency. Notwithstanding any other law, local agencies may impose greater restrictions on membership and participation in law enforcement gangs, including for discipline and termination purposes.**(c)** Except as specifically prohibited by law, a law enforcement agency shall disclose the termination of a peace officer for participation in a law enforcement gang to another law enforcement agency conducting a preemployment background investigation of that former peace officer.

Ca. Pen. Code § 13670

Added by Stats 2021 ch 408 (AB 958),s 2, eff. 1/1/2022.

Case Activity Log
File # 918-00055-2003-441

Date	Time	Activity
09/28/18	1445	Briefed regarding the incident, and responding to Whittier
		Presbyterian Hospital to interview Deputy Art Hernandez. Contacted field Sergeant [redacted] who was transporting him to the hospital. Deputy Hernandez was treated for his injuries, and he was ordered back home.
09/28/18	1703	Interviewed Deputy Art Hernandez declined to be interviewed and requested an attorney prior to giving a statement. Art provided me his clothing (shirt, pants, shoes) that he wore on the night of the incident which had blood on them. He also signed consent for me to access his medical file for this incident. He also provided his copy of his medical discharge. Also I obtained a copy of the incident report.
09/28/18	1841	Interviewed Deputy [redacted] regarding the incident.
09/28/18	1912	Deputy [redacted] declined to be interviewed and requested an attorney prior to giving a statement.
09/28/18	1924	Deputy [redacted] declined to be interviewed and requested an attorney prior to giving a statement.
09/28/18	2003	Deputy [redacted] declined to be interviewed and requested an attorney prior to giving a statement.
09/28/18	2024	Deputy [redacted] declined to be interviewed and requested an attorney prior to giving a statement.
09/28/18	2036	Deputy [redacted] declined to be interviewed and requested an attorney prior to giving a statement.
09/28/18	2115	Went to 451 S. Atlantic Ave "Kennedy Hall" saw no video cameras on the property. I saw car dealership across the street [redacted] could not find cameras. Saw taco truck [redacted] spoke to [redacted] and he told us that another taco truck named [redacted] was serving taco at the location on the night of the incident. He provided the location [redacted] We went to the location and contacted the owner [redacted] and he did not see the incident. He also had video cameras on truck but there was no video footage due to hardware problems.
09/28/18	0200	Booked evidence
09/30/18	0916	Sgt. Kim and I tried to interview [redacted] but he declined and requested an attorney prior to giving a statement.
09/30/18	1000	Sgt. Kim and I [redacted] attempted to locate witnesses in the back alley. [redacted] saw nothing nor did she hear anything. Contacted [redacted] saw nothing or heard nothing.

		Contacted [redacted] she heard music and saw a blue tarp around fence line. [redacted] heard music, heard laughter, saw blue tarp around the fence line. I also saw a small video camera underneath the roof overhang and Per. [redacted] it was not operational. A female passerby assisted in translation. Sgt. Kim contacted a transient in the alley [redacted] saw nothing or heard nothing. [redacted]
09/30/18	1313	Sgt. Kim and I tried to interview [redacted] but he declined to be interviewed and he wanted an attorney prior to giving a statement.
09/30/18	1349	Sgt. Kim and I tried to interview [redacted] floor interview room. He wanted an attorney prior to giving a statement.
10/01/18	1048	Contacted [redacted] manager of Kennedy Hall.
10/01/18	1200	Principle [redacted] stated there was no video cameras at the back end of the school [redacted]
10/02/18	1200	Met [redacted] at Kennedy Hall, took photographs of location, obtained rental agreement, canvased the area for cameras
10/02/18	1425	Interviewed [redacted]
10/02/18	1553	Interviewed [redacted]
10/03/18	1454	Attempted to call owner [redacted]
10/03/18	1500	Saw one business CCTV Cameras [redacted] owner and will meet me on 10/05/18 @ 1700 hours at his business.
10/03/18	1530	Contacted Attorney Maureen
10/04/18	1429	Sgt. Kim, Sgt. Velasquez, Sgt. Choi and I went to ALADS to interview the following Deputies: [redacted]
10/05/18	0900	Also went to ELA and met with [redacted] and obtained video footage [redacted] Sent Tech crew out to obtain video footage. Also obtained cell phones for targets [redacted]
10/05/18	1600	Contacted [redacted] who owns property [redacted] Reviewed video footage and saw nothing with evidentiary value.
10/05/18	1700	Sgt. Choi met with owner [redacted] obtained video. Also sent Preservation letters for phone records.
10/08/18	1142	Called Deputy [redacted] She wanted to an attorney present for the interview. Advised her to have her attorney contact me for an interview.
10/18/18	1300	Picked up radio traffic at SCC.
10/18/18	1621	Met with Deputy [redacted] and he gave a statement. 1535 hours, I received a phone call from Attorney

		Mitch Cander who representing Deputy [redacted] who agreed to give a statement on October 23, 2018 [redacted]
10/23/18	1218	Mich Cander called and cancelled meeting due to scheduling conflict [redacted]
10/24/18	1000	Sgt. Choi and I went to Dep. [redacted] father's house [redacted] left business card.
10/24/18	1029	Sgt. Choi and I went to Dep. [redacted] spoke to him and gave him a business card. He agreed to talk but wanted an attorney present. Told him to contact ALADS and retain an attorney.
10/24/18	1147	Dep. [redacted] called and I spoke to her and she agreed to talk to me but wanted an attorney present. She would call ALADS for an attorney.
10/24/18	1347	Called Attorney Bill Hayden 310-650-1737 to re-interview [redacted] on 11/01/18 at 1100 hours at ALADS re video and if he knows of anybody who saw him get kicked in the head.
10/25/18	1000	Went to ELA Dep. [redacted] residence in [redacted] contacted his uncle [redacted] at the location provided [redacted] cell phone number, called [redacted] and agreed to meet him at 1400 hours at his house in arcadia.
10/25/16	1400	Sgt. Choi and I went to Dep. [redacted] residence and did an interview.
	2030	Attorney (Sherry Lawrence) for [redacted] called me and we spoke.
10/26/18	0900	Sgt. Choi and I went to [redacted] Left a business card to call me back.
	1021	Interviewed [redacted] at ELA captain's conference room.
	1047	Interviewed [redacted] at ELA captain's conference room.
	1108	Interviewed LET [redacted] at ELA captain's conference room.
	1200	Sgt. Choi and I went to [redacted] left business card to call me back.
	1230	Sgt. Choi and I went to [redacted] residence in the [redacted] left business card to call me back.
	1238	Dep. [redacted] called me and agreed to meet us on Tuesday 10/30/18 @1400 hours at ELA Station.
	1300	Sgt. Choi and I went to [redacted] residence in the city of [redacted] left business card to call me back.
	1500	Attorney Bill Haden called and changed location to re-interview [redacted]
	2000	Sgt. Choi and I went to [redacted] and contacted the security manager [redacted] about the video [redacted] said he will call me back.
10/29/18	1030	Sgt. Bell and I contacted [redacted] at his residence, he agreed to speak with us but he wanted a lawyer present. Provided him a business card within five days wanted him to call me back.
	1054	Sgt. Bell and I contacted Dep. [redacted] at his residence and did an interview with him.
	1200	Sgt. Bell and I interviewed [redacted] at his residence.
	1225	Sgt. Bell and I went to Dep. [redacted] residence contacted [redacted] and he did not reside there. Called him on his cell phone [redacted] and left a message.

	1330	Sgt. Bell and I met with Dep. [redacted] at his residence, and he wanted an attorney before talking with us. Provided business card.
	1400	[redacted] called me on my cell phone and conducted a phone interview. He told me that he was not even there at the off training party.
	1800	Spoke to Attorney Sherry Lawrence [redacted] and he will speak to us at IAB with an attorney.
10/31/18	1300	Finalized interviews with [redacted] for 11/1/18. Also researched who [redacted] talked about and it was
11/01/18	1100	Re-interviewed [redacted] at IAB showed him video of the sidewalk.
	1400	Interviewed [redacted] at IAB
11/02/18	0926	Dep. [redacted] called me, and she requested a lawyer present before the interview. Also dropped off video with High Tech to see if they enhance the video footage and obtain stills. Investigator was Det. Steven Keen.
	1330	Interview [redacted] at Cerritos Community College
11/06/18	0900	Sgt. Morris and I interview[redacted] at his residence in Fontana
	1400	Sgt. Morris and I interviewed [redacted] at IA.
	1530	Confirmed meeting with Sherry Lawrence [redacted] for 11/15/18 at 1200 hours (ICIB).
11/08/18	1753	Received phone call for [redacted] who waived attorney and agreed to meet at ICIB on 11/13/18 @1500 hours.
11/09/18	1530	[redacted] had search warrants approved for [redacted] Faxed [redacted] and [redacted] Also Lt. Chevalier advised me OIG wanted additional questions about subcultures at East LA. Captain Burson confirmed additional questions needed to be asked.
11/12/18	0947	Received information for [redacted] cell phone.
11/12/18	1038	Contacted [redacted] advised her might have to cancel due to Malibu fires.
11/13/18	1030	Sent text [redacted] that the interview was still on at 1500 hours at ICIB, and she confirmed.
11/13/18		Sent [redacted] cell return to Crime Analyst provided spread sheet. She communicated to [redacted] see spread sheet for details.
11/13/18	1450	Called High Tech Crew delayed re fires for enhancing the video.
11/13/18	1610	Interviewed [redacted] at ICIB with Sgt. M. Ramirez.
11/14/18	1000	Sgt. Bell and I did door knocks on the following deputies residences: [redacted]
11/14/18	1522	Sgt. Edgars and Takishima interviewed the following individuals [redacted] Audio's are placed in the shared files. Unable to contact [redacted]

11/14/18	1605	Sent emails to the above individuals.
11/14/18	1646	Also sent [redacted] fax of the search warrant.
11/14/18	1703	Deputy [redacted] called me and advised he did not attend the off training party. He will do a follow up email as well.
11/16/18		Received email [redacted] placed them into a fold.
11/19/18	1454	Deputy [redacted] declined to be interviewed via email.
11/19/18	1457	Deputy [redacted] declined to be interviewed via email.
11/19/18	1557	Deputy [redacted] declined to be interviewed via email.
11/26/18		Confirmed appointments for [redacted]
11/27/18	1300	Cancelled interviews due to Captain/Chief Burson. He wanted to make sure I did not have to ask questions about subcultures groups at ELA Station. Worked on Sgt. Wolanski case due to statue date is coming up.
12/07/18	0900	Received the go ahead to start interviewing witnesses for this case. Also the chief Burson informed me that I do not need to ask about subculture groups at ELA Station. Spoke to Attorney Sherry Lawrence representing [redacted] and declined to be interview.
12/14/18	1100	Sent delayed notifications to Deputy [redacted] vie county email. At 1800 received phone call and email from Mitch Kander asking for a copy of the search warrant. I advised him he was ongoing criminal investigation.
12/17/18	0950	[redacted] residence and contacted mother. Mother called her and I spoke to her. She agreed to meet with us Wednesday at 1300 hours at ELA Station.
12/17/18	1100	Sgt. Carey and I did door knocks on the following deputies: [redacted]
		Dep. [redacted] lawyer called and will speak to his client, [redacted] is represented by Russel and agreed to meet later in the month.
12/18/18	0941	Received email from [redacted] and he will be represented by an attorney.
12/18/18	0942	Sent email to Deputy [redacted] asking for an interview.
12/18/18	1100	Received email from [redacted] and declined to be interviewed.
12/19/18	1043	Sent Attorney Kander first four pages of search warrant [redacted]
12/19/18	1433	Interviewed Deputy [redacted] on the phone.
01/07/19	1000	Attorney Russ Perry cancelled [redacted] because she was IOD. He will reschedule with her later. Also he ascertained which attorney was representing [redacted] and it was Maureen Okwuosa.
01/07/19	1322	Left message for Deputy [redacted] for him to call me back.
	1356	Deputy [redacted] called back, and he was represented by the Elizabeth Gibbons Law firm and provided with the paralegal name [redacted]
	1357	Called [redacted] and she will call me back re interview of [redacted]
	1427	Conducted phone interview with [redacted] and declined

01/08/19	1600	[redacted]
01/09/19	1000	
	1323	
	1337	
	1406	
01/10/19	0930	
01/10/19	1052	
01/10/19	1214	
01/10/19	1302	
01/10/19	1503	
01/10/19	1606	
01/10/19	2314	
01/11/19	1000	
01/11/19	1322	
01/11/19	1441	
01/13/19	1203	
01/14/19	1533	
01/14/19	1600	
01/15/19	1123	
01/16/19	0712	
01/17/19	1500	
01/18/19	0844	
01/18/19	0727	
01/22/19	1500	
01/23/19	0900	
01/23/19	1141	

01/23/19	1246	[redacted]
01/23/19	1251	
01/25/19	2146	
01/28/19	1022	
01/31/19	1421	
02/05/19	1625	
02/07/19	1123	
02/26/19	1025	
02/26/19	1135	
02/27/19	0847	
03/02/19	1415	
03/12/19	1108	
03/15/19	1535	
03/19/19	1030	
03/20/19	1421	
03/21/19	0830	
	1053	
	1057	
	1421	
	1530	

03/28/19	0942
03/29/19	1508
04/01/19	1350
04/03/19	1400
04/18/19	1610
04/30/19	1545
05/01/19	1435
05/03/19	1730
05/03/19	1826
05/03/19	1847
05/04/19	1628
05/04/19	1918
05/06/19	1608
05/07/19	0946
05/29/19	1300
05/29/19	1527
	1723
06/04/19	1400
06/04/19	1526
06/06/19	1618
06/14/19	1142
06/18/19	1545

06/18/19	1728	[redacted]
06/19/19	1000	
06/21/19	1618	
06/24/19	1042	
06/27/19	1543	
07/02/19	1001	
07/02/19	1015	
	1043	
	1105	
07/03/19	1005	
07/03/19	1304	
07/09/19	1300	
	1324	
	1400	
	1456	
	1445	
07/12/19	1539	
07/15/19	1335	
07/20/19	1525	
07/23/19	1100	
07/24/19	1037	
09/12/19	1700	

09/25/19	1200	[redacted]
12/10/19	1330	
12/10/19	1530	
01/21/20	1000	
02/20/20	0600	
02/25/20	1030	

COUNTY OF LOS ANGELES
OFFICE OF INSPECTOR GENERAL

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HILDA L. SOLIS
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SHEILA KUEHL
JANICE HAHN
KATHRYN BARGER

MAX HUNTSMAN
INSPECTOR GENERAL

January 19, 2022

Sheriff Alex Villanueva
Los Angeles County Sheriff's Department
Hall of Justice, 8th Floor
211 W. Temple Street
Los Angeles, CA 90012

Dear Sheriff Villanueva,

As you are aware, Penal Code section 13670, effective January 1, 2022, requires that law enforcement agencies maintain a policy prohibiting participation in law enforcement gangs, including groups that violate federal employment laws. The statute also requires law enforcement agencies to cooperate in inspector general investigations into the existence of such gangs. Given that you were a sponsor of the bill that enacted this statute and repeated your support after its passage[1], we hope for your full cooperation with the Office of Inspector General's investigation into deputy gangs within the Sheriff's Department.

In order to conduct our investigation, we again call upon you to reinstate the Office of Inspector General's access to PRMS and to grant us access to all body-worn camera videos, as well as to direct all county employees under your supervision to cooperate with the Office of Inspector General.

Our investigation will necessarily include questioning of departmental personnel regarding the membership and nature of potential deputy gangs. Based upon Penal Code section 13670, Government Code sections 25303 and 25303.7, Los Angeles County Code section 6.44.190, Los Angeles County Code section 18.031, *County of Los Angeles Department of Human Resources Policies, Procedures, and Guidelines* Policy Number 910, and Los Angeles County Code section 9.020, Sheriff's Department employees are required to cooperate with investigations conducted by the Office of Inspector General. Additionally, SB 2 amends section 13510.8 of the Penal Code to provide for decertification of peace officers for "failure to cooperate with an investigation into potential police misconduct," including those of suspected law enforcement gangs.

[1] https://lasd.org/police-reform-legislation-ab-958/

If Sheriff's Department employees were ordered not to cooperate in such an investigation, they could be placed in the untenable position of having to choose between facing discipline for insubordination or decertification and ineligibility to remain peace officers in California for failure to cooperate. We also ask that you confer with the unions representing County employees you supervise to promptly comply with California law and to avoid negative outcomes for county personnel.

To assist us in conducting interviews of Sheriff's Department personnel, we are requesting documents and information gathered by the Sheriff's Department regarding deputy gangs.[2] At the Civilian Oversight Commission meeting on December 17, 2020, you stated "the policy requires the Department to ID deputies who are encouraging others to join and violate the policy or the law"[3] while referencing your internal policy against membership in deputy gangs (LASD Manual of Policy and Procedures section 3-01/050.83). Our request covers any past or present employees you have identified as being members of, suspected of being members of, or identified as promoting possible deputy gangs, such as by encouraging others to become members or facilitating gang activity, along with evidence and documentation relevant to these questions.

We request the following information for any potential member of a deputy gang that you have identified:

- Employee name
- Employee number
- Current assignment and contact information
- Photograph of the employee
- Photographs of any tattoos, including but not limited to, deputy gang or station tattoos
- Gender of the employee
- Race of the employee
- Sexual Orientation
- Reasons why they have been identified as a deputy gang member and any evidence supporting that conclusion or contradicting it
- The name of the associated deputy gang

---

[2] While you have publicly claimed that no deputy organizations qualify as "gangs," that term is now defined by statute in a manner that, based upon internal investigations conducted by your department, appears to include the Banditos and the Executioners due to their racial and gender composition. While that preliminary information may be disproven and the status of other groups may be less clear, California law now requires investigation into all groups that may potentially qualify. Accordingly, this communication seeks information on all groups that could potentially be determined to qualify as law enforcement gangs under Penal Code section 13670.

[3] COC meeting on December 17, 2020 at 2:51:46.

Please provide the requested information to us within 30 days. The Office of Inspector General is conducting this investigation to discharge statutory duties and not to support discipline charges. However, evidence produced will be provided to third parties as required by law, including pursuant to the County's constitutional obligations under *Brady v. Maryland* and in support of the law enforcement gang provisions of Penal Code section 13510.8, which also became effective on January 1, 2022.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

MAX HUNTSMAN
INSPECTOR GENERAL

MH:dew:sg

c: Supervisor Holly J. Mitchell, Chair
Supervisor Hilda Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Rodrigo A. Castro-Silva, County Counsel
Lisa Garrett, Director of Personnel, Human Resources
Brian Williams, Executive Director, Sheriff Civilian Oversight Commission
James Wheeler, President ALADS
Cesar Romero, President LASPA
Tab Rhodes, President PPOA

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

February 10, 2022

Max Huntsman, Inspector General
County of Los Angeles
Office of the Inspector General
312 South Hill Street, Third Floor
Los Angeles, California 90013

Dear Mr. Huntsman:

RESPONSE TO JANUARY 19, 2022 LETTER

This letter is in response to your letter sent on January 19, 2022. You are correct, Sheriff Alex Villanueva was the sponsor of Assembly Bill 958, which is now California Penal Code (P.C.) Section 13670. As you are aware, he was the only Sheriff in the history of the Los Angeles County Sheriff's Department (Department) to address this issue left by past administrations; an issue you yourself failed to address during past administrations. Sheriff Villanueva crafted a constitutionally sound policy, which was implemented on February 14, 2020. He created a video which was viewed by all Department members and instructed command staff to continually brief the policy and reinforce his stance on the subject.

To date, you have received many thousands of documents from our administration, and you already possess all documents involving a connection to any investigation possibly related to cliques or sub-groups, as does the California Attorney General's Office and the RAND Corporation. You also have access and authorization to view the Performance Recording Monitoring System whenever requested; to date you have viewed every file you requested.

In order to differentiate your request from a "fishing expedition," please supply me with the names of LASD personnel who you have personally determined meet the legal qualifications under 13670 P.C. Additionally, it is important to note you appear to have assumed authority not statutorily

covered in Senate Bill 2, and in so doing, it appears you are planning a potential violation of the Peace Officer Bill of Rights.

In your letter you use "deputy gangs" as a reference to members of the Department. That term is not covered in 13670 P.C. and stems from the false allegations made by a now discredited deputy sheriff. The libelous claims made by this individual and his attorneys, which was perpetuated by activists and the media, were self-serving, as they increased their chances of receiving a large monetary settlement from Los Angeles County. After being defeated, both the discredited plaintiff and his attorneys were sanctioned monetarily by the Court for their failure to comply with orders of the Court. This case (*Austroberto Gonzalez v. Los Angeles County Sheriff's Department*) has been thrown out of Court *with prejudice* following the Court's finding that the claimant lacked credibility and contradicted his own testimony. The Court further stated, "*To further their mission, plaintiff and his attorneys came up with a series of unproven allegations, including claims about ... unusual misdemeanor arrests, illegal quota programs and actions involving other deputies.*" Further use of the term will be evidence of your actual underlying intent, which appears to be a campaign to inflict harm upon the reputation of the Department.

I look forward to receiving the list of personnel who you have identified to be in violation of 13670 P.C., but please keep defamation laws in mind as you brand and label these personnel.

Should you have any questions, please feel free to contact Lieutenant Catrina M. Khasaempanth, at (213) 229-3079.

Sincerely,

ALEX VILLANUEVA, SHERIFF

TIMOTHY K. MURAKAMI
UNDERSHERIFF

OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

US POSTAGE PITNEY

ZIP 90012 $ 000.

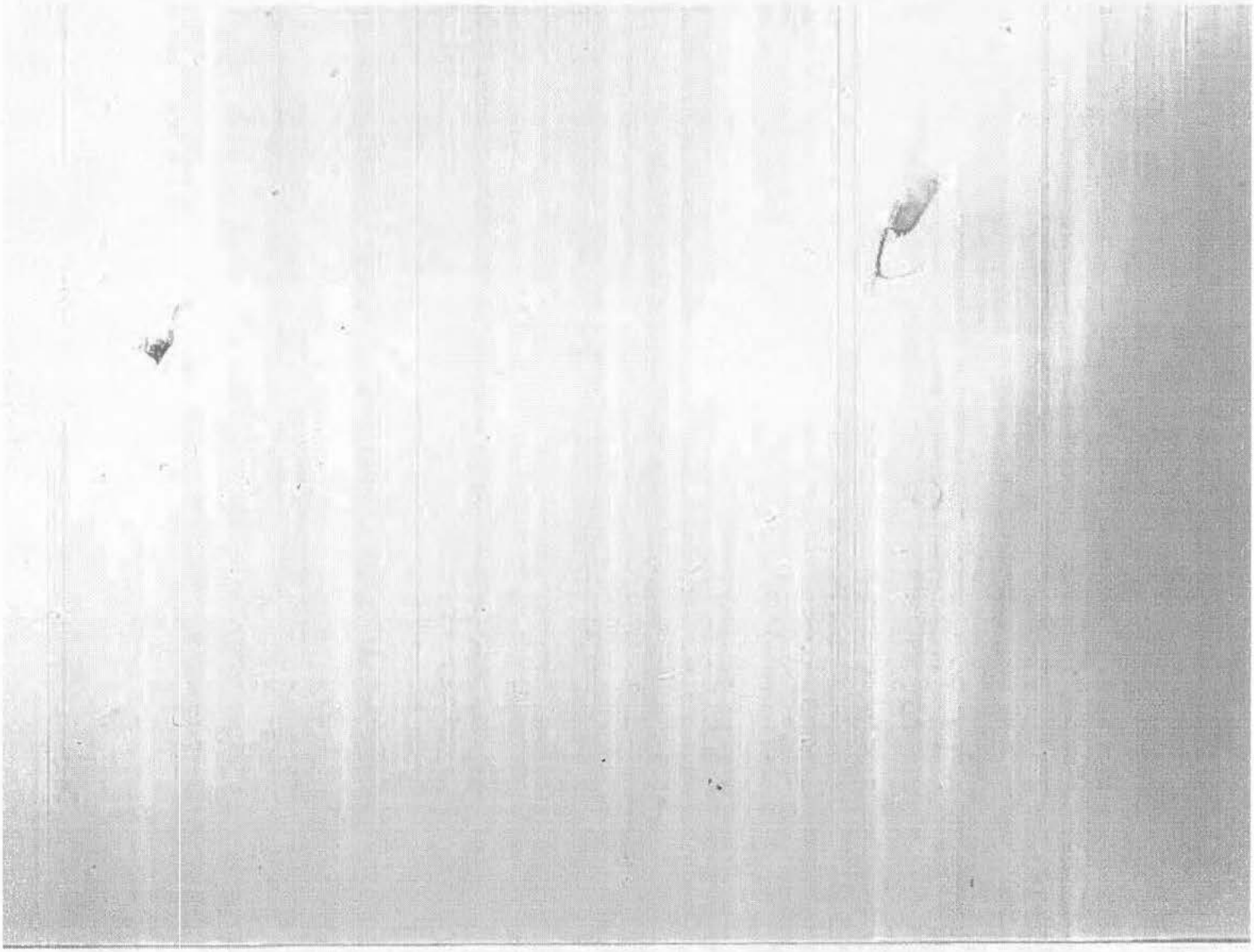
02 4W

0000353920 FEB 11

Please Scan + email to me (also log)

Max Huntsman, Inspector General
County of Los Angeles
Office of the Inspector General
312 South Hill Street, Third Floor
Los Angeles, California 90013

90013$1109 C013



211 West Temple Street, Los Angeles, California 90012

RECEIVED
2022 FEB 14 A 9:09

COUNTY OF LOS ANGELES
OFFICE OF INSPECTOR GENERAL

312 SOUTH HILL STREET, THIRD FLOOR
LOS ANGELES, CALIFORNIA 90013
(213) 974-6100
http://oig.lacounty.gov

MEMBERS OF THE BOARD

HILDA L. SOLIS
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MAX HUNTSMAN
INSPECTOR GENERAL

March 21, 2022

Sheriff Alex Villanueva
Los Angeles County Sheriff's Department
Hall of Justice, 8th Floor
211 West Temple Street
Los Angeles, California 90012

Dear Sheriff Villanueva:

I am writing to repeat my request for documentation first sent to you on January 19, 2022, and to respond to a separate letter from Undersheriff Timothy Murakami dated February 10, 2022. The thirty days provided for production of the requested documents in our January 19, 2022, letter have elapsed, and to date we have not received any of the requested items. Please provide the documents and information enumerated below by no later than March 31, 2022.

Penal Code Section 13670

California Penal Code section 13670 requires that law enforcement agencies maintain a policy prohibiting participation in "law enforcement gangs," including groups that violate federal or state antidiscrimination laws. The statute also requires law enforcement agencies to cooperate in inspector general investigations into the existence of such gangs. Please consider this a request for cooperation pursuant to Penal Code section 13670(b) and Los Angeles County Code section 6.44.190(I), for the production of books and accounts for inspection under Government Code section 25303, and for the provision of information in a directed manner under section 6.44.190(I).

Undersheriff Murakami's letter objects to the use of the term "deputy gangs" and contends that the term "stems from . . . false allegations made by a now discredited deputy sheriff." You made similar claims in a February 16, 2022, letter to the Board of Supervisors. These contentions ignore the plain language of section 13670 and the history of the Los Angeles County Sheriff's Department, misapprehend the legislative history of section 13670, and attempt to distract from the importance of the issues the Office of Inspector General ("OIG") is investigating.

The evidence collected in these cases requires additional investigation by this office to determine whether the members of the Banditos or Executioners "*engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws,*" as defined in Penal Code section 13670 (emphasis added).

As you are aware, these investigations uncovered substantial evidence of a variety of conduct relevant to the definition of "law enforcement gang" under the Penal Code, including violent acts against sworn personnel and discrimination in membership based upon race and gender. For instance, see the Office of Inspector General Report *Analysis of the Criminal Investigation of Alleged Assault by the Banditos,*[1] which in reviewing the ICIB investigation of the "Kennedy Hall Incident" states, "*It is of concern that despite gleaning information from five deputies about East LA station's veteran deputies' association with a group known as the Banditos, witnesses were not thoroughly questioned about the group and some witnesses were not questioned at all regarding their knowledge of the Banditos. Even without thorough investigation, the evidence establishes the motive for these assaults was intimidation and enforcement of standards of policing established by the veteran deputies who identified as Banditos.*" (emphasis added).

Undersheriff Murakami's letter asked for a "list of personnel who [the OIG has] identified to be in violation of [section] 13670." Here again, you misapprehend the nature of this office's request for documents and information. The OIG has not identified anyone to be "in violation" of section 13670. Rather, it is conducting a lawful investigation of these issues. The Sheriff's Department may not refuse to produce the records requested below by unilaterally declaring that no deputy sheriff is a member of a "law enforcement gang." OIG is required by law to investigate any group that may potentially fall under section 13670 and section 13670 requires the Sheriff's Department to cooperate in the investigation.

[1] https://oig.lacounty.gov/Portals/OIG/Reports/Review_Banditos_Investigation.pdf?ver=qKWrMZe26J3u6iyZ1Sxd2g%3d%3d

For ease of reference, "Documents and Information" includes, without limitation, all documents, files, records, books, papers, writings, and video and audio recordings. The word "Communications" means, without limitation, any type of communication using any form or media, including but not limited to email, instant messenger service, text message, voicemail message, or any other computerized and/or electronic transmission, as well as any written, typed, taped, or recorded communication of any kind.

When a request uses the words "related to" or "relating to," it should be read to seek all documents, files, records, books, papers, writings, video and audio recordings, and/or Communications (as defined) that state, mention, contain, describe, discuss, reflect, refer to, or indicate (in whole or in part) any of the items sought in that category.

Categories:

1. Documents and Information relating to any alleged secret society, group, clique, "law enforcement gang" (as that term is defined in Penal Code section 13670(a)(2)), or other form of organization (whether formal or informal), comprised of two or more deputy sheriffs or employees in the Sheriff's Department (hereinafter, "Potential Law Enforcement Gang" or "Potential Law Enforcement Gangs"). This category requests, without limitation, Documents and Information relating to the following Potential Law Enforcement Gangs:

    a. Executioners.
    b. Gladiators
    c. Any group that identifies as "old ink" or "new ink"
    d. Banditos.
    e. Regulators.
    f. Jump Out Boys.
    g. Gladiators.
    h. The Grim Reapers.
    i. The Vikings.
    j. Any other group alleged by anyone to be a Potential Law Enforcement Gang.

2. Documents and Information relating to any allegation, report, or complaint, whether substantiated or not (collectively, "Any Allegation"), that any current or former deputy sheriff or employee of the Sheriff's Department was, has been, or is currently a member of any Potential Law Enforcement Gang. This category requests, without limitation, Documents and Information relating to Any Allegation that any current or former deputy sheriff or employee of the Sheriff's Department has ever had:

h. Sexual Orientation.
i. Reasons why they have been identified as a Potential Law Enforcement Gang member and any evidence supporting that conclusion or contradicting it.
j. The name of the associated Potential Law Enforcement Gang.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

MAX HUNTSMAN
INSPECTOR GENERAL

MH:ec

c: Supervisor Holly J. Mitchell, Chair
Supervisor Hilda Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Rodrigo A. Castro-Silva, County Counsel
Lisa Garrett, Director of Personnel, Human Resources
Brian K. Williams, Executive Director, Sheriff Civilian Oversight Commission


TWENTY EIGHT
COMPTON, CA.
FX4
OFF ROAD



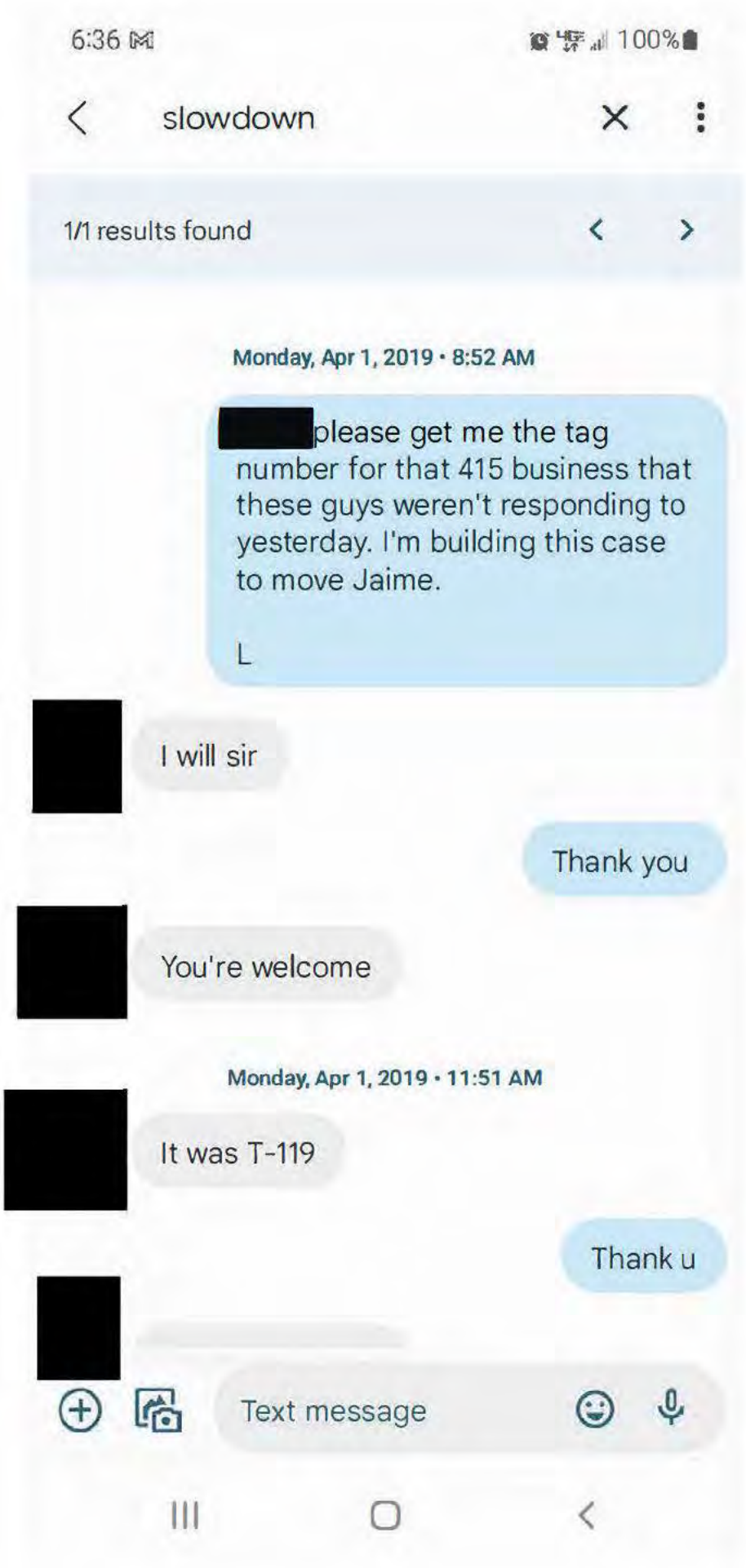
EXHIBIT 10

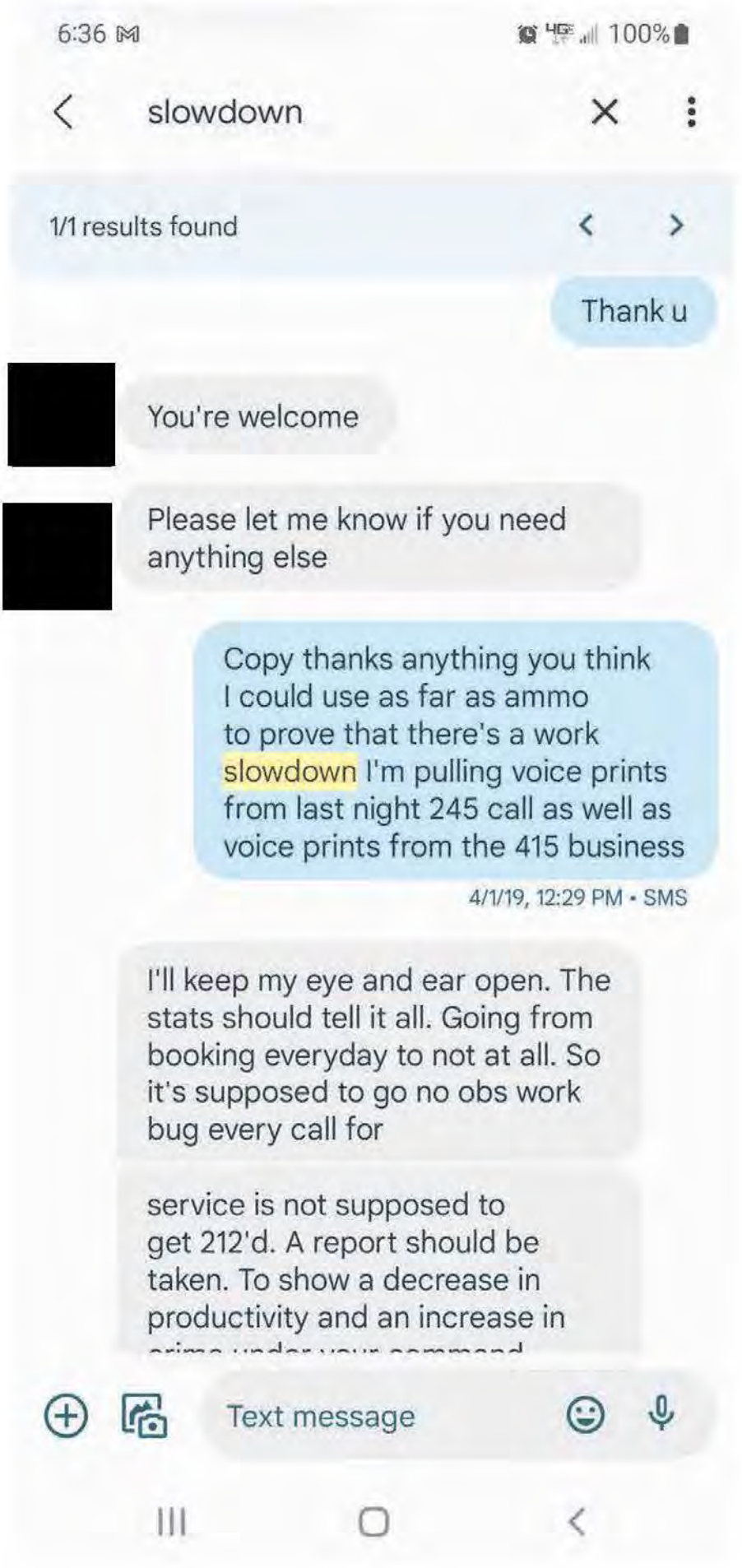
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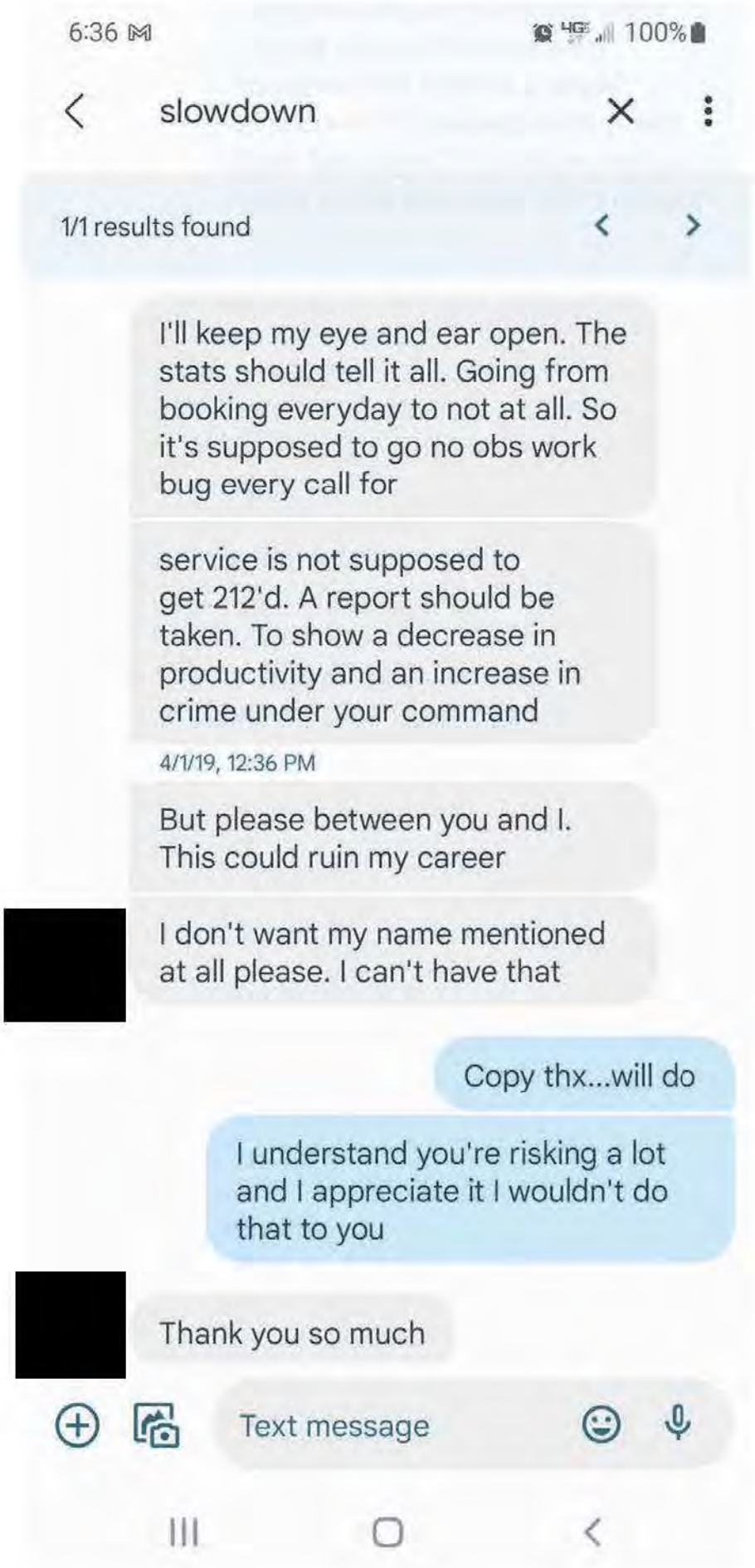
Los Angeles County Sheriff's Department
Compton Station

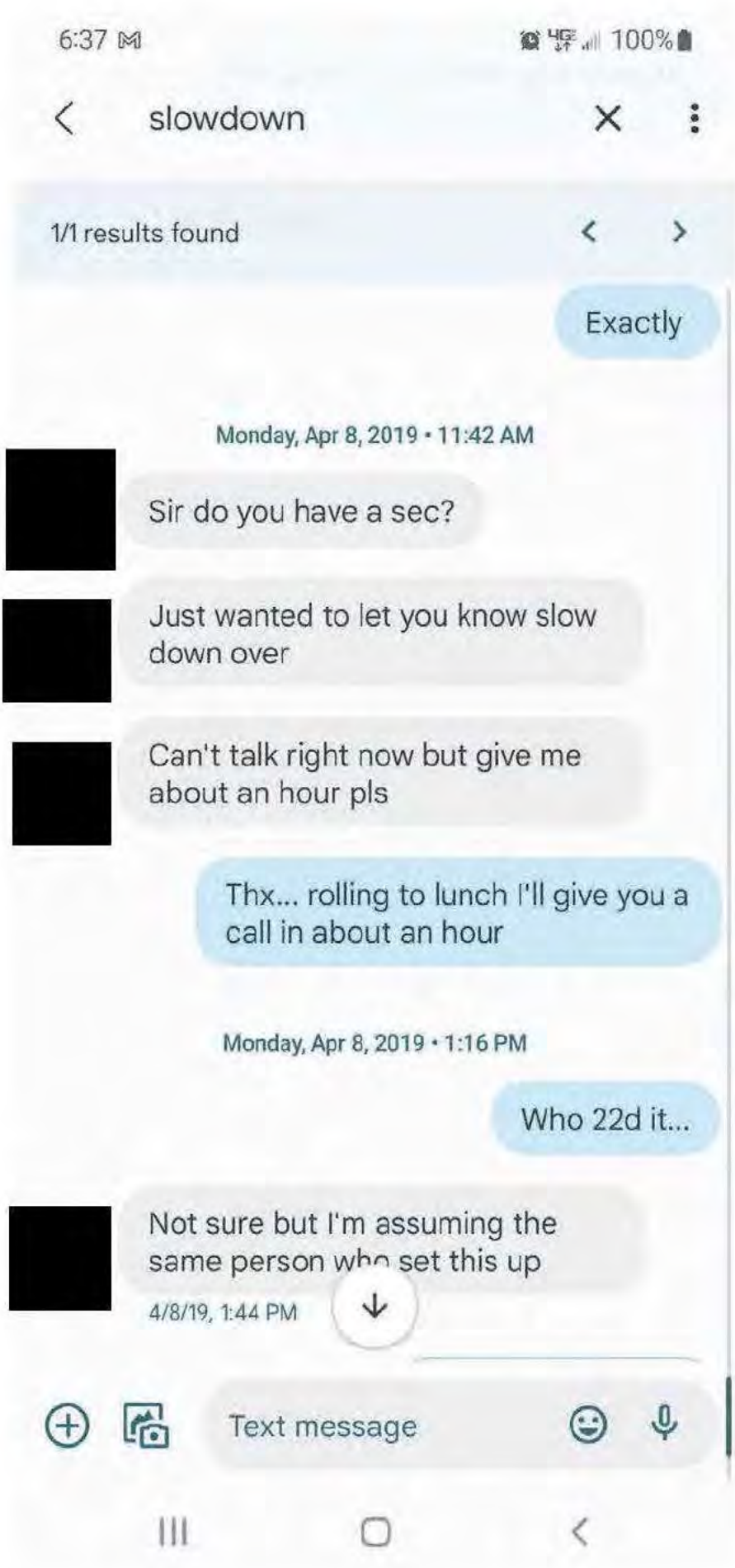
Los Angeles County Sheriff's Department Compton Station Total Arrest Comparison YTD January 1, 2018/2019 - March 31, 2018/2019				
Year	**January**	**February**	**March**	**Total**
2018	613	479	485	**1,577**
2019	668	577	470	**1,715**

Tables prepared by CPT/CAU
Data Source: LASD AJIS PA84 Report | April 1, 2019


6:36
100%
slowdown
1/1 results found
Monday, Apr 1, 2019 • 8:52 AM
[redacted] please get me the tag number for that 415 business that these guys weren't responding to yesterday. I'm building this case to move Jaime.
L
[redacted]
I will sir
Thank you
[redacted]
You're welcome
Monday, Apr 1, 2019 • 11:51 AM
[redacted]
It was T-119
Thank u
[redacted]
Text message


6:36
100%
slowdown
1/1 results found
Thank u
You're welcome
Please let me know if you need anything else
Copy thanks anything you think I could use as far as ammo to prove that there's a work slowdown I'm pulling voice prints from last night 245 call as well as voice prints from the 415 business
4/1/19, 12:29 PM • SMS
I'll keep my eye and ear open. The stats should tell it all. Going from booking everyday to not at all. So it's supposed to go no obs work bug every call for
service is not supposed to get 212'd. A report should be taken. To show a decrease in productivity and an increase in
Text message


6:36
100%
slowdown
1/1 results found
I'll keep my eye and ear open. The stats should tell it all. Going from booking everyday to not at all. So it's supposed to go no obs work bug every call for
service is not supposed to get 212'd. A report should be taken. To show a decrease in productivity and an increase in crime under your command
4/1/19, 12:36 PM
But please between you and I. This could ruin my career
I don't want my name mentioned at all please. I can't have that
Copy thx...will do
I understand you're risking a lot and I appreciate it I wouldn't do that to you
Thank you so much
Text message


6:37
100%
slowdown
1/1 results found
Exactly
Monday, Apr 8, 2019 • 11:42 AM
Sir do you have a sec?
Just wanted to let you know slow down over
Can't talk right now but give me about an hour pls
Thx... rolling to lunch I'll give you a call in about an hour
Monday, Apr 8, 2019 • 1:16 PM
Who 22d it...
Not sure but I'm assuming the same person who set this up
4/8/19, 1:44 PM
Text message

From: Waldie, Larry A.
Sent: Monday, April 1, 2019 1:16 PM
To: Thatcher, Michael E. <METhatch@lasd.org>
Subject: FW: CPT Arrest Comparison YTD 03/31/19 & CPT Priority/Routine Call Response Time Comparison YTD 03/31/19

FYI, arrest stats are lower than last year's March numbers (which in 2018 had increased from the prior month). Also, they are trending lower in feb and march of this year; Jaime came to me near the end of February.

The attached 415B is the call I was told about yesterday that dispatch had to text the unit to handle their call. I checked unit details and they were doing nothing. Now that I confirmed the numbers are lower, the following names, based on my intel are being run 2018 to 2019 to confirm their decrease in productivity. I heard the goal is to increase crime at the expense of the citizens and decrease productivity under my watch. I am also thinking about getting the mapper data to see if these guys are congregating.

If this wasn't me, it would be another supervisor that this would be directed at by standing up to Jaime and his attempts to control how the station operations are run. I am running a more detailed stat analysis on the following deps:

[redacted]

[redacted]

Larry A. Waldie, Lieutenant

Compton Station

Los Angeles County Sheriff's Department

Office (310) 605-6558

Cell (310) 906-6571



From: Waldie, Larry A.
Sent: Monday, April 8, 2019 2:25 PM
To: Thatcher, Michael E. <METhatch@lasd.org>
Subject:

I heard they called off the work slowdown...I'm hearing his support was dwindling

Larry A. Waldie, Lieutenant

Compton Station

Los Angeles County Sheriff's Department

Office (310) 605-6558

Cell (310) 906-6571

From: Waldie, Larry A.
Sent: Wednesday, April 17, 2019 11:57 AM
To: Lecrivain, Laura E. <lelecriv@lasd.org>
Subject: FW: CMF

Here you are. Arrest stats are down due to the work slowdown, which ended last week. The robberies in the 284..RD's went up due to the same, although I have been sending the line hotspots/target areas, and have done a few 211 parole probation sweeps in the last 3 months. A lot the 211's are chain snatches/cell phone snatches involving male black suspects…

Just got back from case review

Larry A. Waldie, Lieutenant

Compton Station

Los Angeles County Sheriff's Department

Office (310) 605-6558

Cell (310) 906-6571

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date	Bureau/Station/Facility	Admin. Invest?	Hit?
01-29-06	Men's Central Jail	☐	☐

Incident Information

URN	Date	Time
------	01-29-06	0106

City or Station: Long Beach

Location: [redacted] Harbor Avenue, Long Beach

Nature of Incident: Deputy Involved Non - Hit Shooting, Off Duty

Location Type (*circle one or more*):
Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)**
Other: _____

Lighting (*circle only one*):
(Darkness), Daylight, Other, Street Lights

Weather (*circle only one*):
(Clear), Cloudy, Fog, Rain

Distance: 5ft

Total # of Shots Fired by Deputy: 2

Total # of Shots Fired by Suspect: 0

Incident Type (*circle one or more*):
Accidental, Armed Person, **(Fleeing Suspect)**, Foot Pursuit, Gun Take Away, **(Moving Vehicle)**, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: _____

Initiated by (*circle only one*):
Arrest Warrant, Call, Observation, One Person Unit, **(Other)**, Search Warrant, Two Person Unit

Prior Activity (*circle only one*):
Detective, Inmate Transport, **(Other)**, Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	Shift Time (*circle only one*)	Shift Type (*circle only one*)
	None			EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]	First Name: [redacted]	M.I.		
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: ------	Home Ph: [redacted]
Last Name: [redacted]	First Name: [redacted]	M.I.		
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: ------	Home Ph: [redacted]
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)	
	N/A			On Duty, Present during shooting	Witness to shooting, Involved in shooting
				On Duty, Present during shooting	Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	N/A		

Watch Commander

Employee #	Last Name	First Name	M.I.
	N/A		

PSTD Use Only

SH # 21L3795

See Reverse

Officer Involved Shooting

URN: ____

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01-29-06	0230		

Employee #	Last Name	First Name	M.I
[redacted]	Morejon	Elier	
[redacted]	Jensen	Curtis	A.
[redacted]	Holloway	Diana	L.

Shooting / Force Information

Method

(AW)	Arwen
(BC)	Baton:(Control)
(BI)	Baton:(Impact)
(BF)	Bodily Fluids
(CN)	Canine
(CR)	Carotid Restraint
(CH)	Choke Hold
(CT)	Control Holds (Control Techniques)
(TT)	Control Holds (Team Takedown)
(TD)	Control Holds:(Takedown)
(CE)	Chemical
(OC)	Chemical Agents (OC Spray)
(TG)	Chemical Agents (Tear Gas)
(EX)	Explosives
(FH)	Firearm (Handgun)
(FR)	Firearm (Rifle)
(FS)	Firearm (Shotgun)
(FO)	Firearm (Other)
(FB)	Flashbang
(FL)	Flashlight
(OE)	Other Weapon: Edged
(OV)	Other Weapon: Vehicle
(OB)	Other Weapon: Blunt Object
(OO)	Other Weapon: Other
(PK)	Personal Weapon: Feet/Leg: (Kick)
(PS)	Personal Weapon: Feet/Leg: (Sweep)
(PH)	Personal Weapon (Hand/Arm)
(PP)	Personal Weapon (Push)
(PO)	Personal Weapon (Other)
(RS)	Resistance
(CN)	Restraint Device (Capture Net)
(RH)	Restraint Device (Handcuffs)
(HB)	Restraint Device Hobble (Legs Only)
(TP)	Restraint Device Hobble (TARP)
(RE)	Restraint Device: REACT Belt
(SP)	Sap
(SH)	Shield
(SG)	37mm Stinger
(SB)	Sting Ball
(ST)	Stun Bag
(TR)	Taser
(UC)	Uncooperative

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	HI Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	410 guage
(10)	10 mm	(25)	.25 caliber	(44)	44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OV	ZZ	–	-	-	NN	–
E#1	S#1	FH	BR	9	Y	Y	NN	--

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: ____

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Juarez	Jaime	None

Sex	Race	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.)
M	H	Deputy	MCJ	Off duty

ShiftTime (circle only one)	ShiftType (circle only one)	Intoxication/Drug Usage?	Substance Used
EM (PM) Day	(Regular) Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☒

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one)		Other Factors:
8	Off Duty	(Plain Clothes no Vest)	Raid Jacket w/ Vest	
Age: [redacted] Height: 507	Weight: 140	Plain Clothes w/ Vest	Uniform no Vest	
		Raid Jacket no Vest	Uniform w/ Vest	

Range Qualification Date:	PPC Qualification Date	Laser Training Date
[redacted]	[redacted]	[redacted]

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.

Sex	Race	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.)

ShiftTime (circle only one)	ShiftType (circle only one)	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	☐	

Hospital Admission?	Hospital Name	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one)		Other Factors:
		Plain Clothes no Vest	Raid Jacket w/ Vest	
Age:	Height:	Plain Clothes w/ Vest	Uniform no Vest	
	Weight:	Raid Jacket no Vest	Uniform w/ Vest	

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
☐	☐		☐	

Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.

Sex	Race	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.)

ShiftTime (circle only one)	ShiftType (circle only one)	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one)		Other Factors:
		Plain Clothes no Vest	Raid Jacket w/ Vest	
Age:	Height:	Plain Clothes w/ Vest	Uniform no Vest	
	Weight:	Raid Jacket no Vest	Uniform w/ Vest	

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
☐	☐		☐	

Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: ____

Suspect Information

S 1

Last Name: Fernandez		First Name: Arnold	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: ------	Home Phone: ----	Social Security #: [redacted]	Driver's License #:
Age: 25 D.O.B: 08-31-01980	Height: 508 Weight: 150	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge: 215PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make: Dodge	Model: 300	Year: 2005	

S 2

Last Name: Jacinto		First Name: Daniel	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: ------	Home Phone: ----	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 25 D.O.B: 12-25-1980	Height: 508 Weight: 145	FBI #: ------	CII #: ----
Booking #: 8909102	Primary Charge: 215 PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make: N/A	Model:	Year:	

S ___

Last Name:		First Name:	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B:	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S ___

Last Name:		First Name:	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B:	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED NON-HIT SHOOTING
IAB SH - 2163795
LONG BEACH POLICE DEPARTMENT - 06-8111

On Sunday, January 29, 2006, at approximately 0104 hours, Sergeants Elier Morejon and Diana Holloway along with Lieutenant Curtis Jensen of the Internal Affairs Bureau responded to [redacted] Harbor Avenue, City of long Beach, regarding a Deputy Involved Non-Hit Shooting. Deputy Juarez had pulled his 2005 Chrysler 300 sedan into the driveway of [redacted] to drop his girlfriend off at the end of a date. He left the motor running and the driver's door open as he walked around the rear of the car and opened the passenger door for his girlfriend. The suspect, who had been drinking beer in the front yard of the property directly to the south of the driveway, suddenly ran to the car and got into the driver's seat.

Deputy Juarez ordered the suspect to exit his car, identified himself as an off-duty deputy sheriff, and pointed his handgun at the man when he refused to exit the car. At this time, another male who had been drinking with the suspect interjected himself into the confrontation and challenged Deputy Juarez. With Juarez' attention diverted, the suspect quickly backed out of the driveway and traveled northbound in reverse for several feet. Deputy Juarez ran into the street, shouting for the suspect to stop the car. The suspect accelerated forward, veering the car toward Juarez. Fearing for his safety, Juarez backed away as he simultaneously fired two rounds at the suspect. At least one round shattered the car's right front passenger window. The suspect sped south on Harbor Avenue past Juarez and out of view.

The summary of this incident is based on information obtained from written reports and interviews with Deputy Juarez and several witnesses. **Refer to Exhibit A - Refer to Long Beach Police Department Reports.**

INVOLVED PERSONNEL:

JUAREZ, Jaime, Deputy, #[redacted]
Mens Central Jail
Custody Division

EMPLOYEE WORK HISTORY:

JUAREZ, Jaime

Date of Employment:	May 28, 2005
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

SUSPECTS:

FERNANDEZ, Arthur MH/08-31-1981

Suspect Fernandez' criminal history indicates [redacted] **Refer to Exhibit B - Fernandez' Booking Package and Criminal Record.**

JACINTO, Daniel MH/12-25-1980

Suspect Jacinto's criminal history indicates [redacted] **Refer to Exhibit C - Jacinto's Booking Package and Criminal Record.**

WITNESSES:

Sworn:
None

Civilian:

[redacted]

INJURIES:

None

PHYSICAL EVIDENCE:

Two expended shell casings from Deputy Juarez' weapon were recovered at the scene on Harbor Avenue. Shattered glass from Deputy Juarez' vehicle was also found south of the shooting location on Harbor Avenue. **Refer to Exhibit D - Crime Scene Diagrams with location of recovered evidence.**

INVESTIGATOR OBSERVATIONS:

The shooting location was a typical city street. Harbor Avenue is a residential two way Avenue running north and south. It is a two lane asphalt Avenue with a center yellow line. **Refer to Exhibit E - Photographs of scene.**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Juarez fired two rounds from his weapon: **Beretta 9mm Luger Caliber, Model 92 FS, double action semiautomatic pistol, Serial Number BER[redacted].**

The weapon were examined, test fired, and found to be functional by Firearms Examiner Manual Munoz. **Refer to Exhibit F - Firearms Examiner Report**

WEAPONS USED BY SUSPECTS:

Deputy Juarez' vehicle, 2005 Chrysler 300 Sedan, was used by Suspect Hernandez in an attempt to run him over. **Refer to Exhibit G - Photographs of Victim Juarez' vehicle.**

PROPERTY DAMAGE:

Deputy Juarez' 2005 Chrysler 300 Sedan sustained two bullet strikes from Deputy Juarez' hand gun. The vehicle was later crashed by Suspect Hernandez, which caused moderate damage to the left side of the vehicle. The gate at [redacted] Harbor Avenue was also damaged by Suspect Hernandez as he rammed the vehicle into it. **Refer to Exhibit H - Photographs of damaged property.**

CRIMINAL INVESTIGATOR/CHARGES FILED:

On February 3, 2006, Detective [redacted] Long Beach Police Department, presented the case to the Long Beach Attorney's Office for filing considerations. District Attorney Marc Merrick reviewed the facts of this case and filed two felony counts of Car jacking, 215(a) PC, against Suspect Hernandez and rejected the case against Suspect Jacinto. **Refer to Exhibit I - Felony Complaint**

LIGHTING AND WEATHER CONDITIONS:
This incident occurred during the night. The weather was cool and clear.

INVOLVED EMPLOYEE'S STATEMENTS:

DEPUTY JAIME JUAREZ

Deputy Juarez is currently assigned to Men's Central Jail and has been employed by the Sheriff's Department for less than a year. At the time of this incident, Deputy Juarez was off duty and was carrying his departmentally issued Beretta 92F semiautomatic pistol. Deputy Juarez said that just

prior to the incident he and his [redacted] Witness [redacted] had just finished seeing a movie and he was taking her to her residence at [redacted] in the City of Long Beach.

Deputy Juarez said that he arrived at his [redacted] house and pulled his car (2005 Chrysler 300 sedan) partially into the driveway. Deputy Juarez exited his car, leaving the engine running and the keys in the ignition, and walked over to the passenger's side. Deputy Juarez said that he was standing just outside of the passenger's door giving his [redacted] a hug when he saw a male Hispanic (later identified as Suspect Fernandez) enter his car and sit in the driver's seat. Deputy Juarez said that he did not see where Suspect Fernandez came from. Deputy Juarez said that Suspect Fernandez put the car in drive and rammed it against the closed metal gate leading into the driveway.

Deputy Juarez, fearing that Suspect Fernandez was about to steal his car, removed his pistol from his waistband, pointed it at Suspect Fernandez through the passenger side and identified himself as a Deputy Sheriff. Suspect Fernandez again rammed the gate and then placed the car in reverse. Deputy Juarez continually ordered Suspect Fernandez to stop without any success. At this time, a second male Hispanic, later identified as Suspect Jacinto, approached Deputy Juarez and challenged him. Deputy Juarez said that Suspect Jacinto approached him looking very upset, took off his shirt and yelled at him saying, "You're not a cop, shoot me if you are." Deputy Juarez said that his attention now shifted between both suspects. Deputy Juarez saw Suspect Fernandez exit his car and start walking towards him. Deputy Juarez said he ordered both suspects numerous times to back away and told them that he was an off duty Deputy Sheriff. Deputy Juarez said that he never showed them any identification because he was afraid to take his attention away from them.

Deputy Juarez said that suddenly two female Hispanics walked over to Suspect Jacinto and started trying to hold him back. As the females dealt with Suspect Jacinto, Deputy Juarez saw Suspect Fernandez re-enter his car and immediately start backing out of the driveway and onto northbound Harbor Avenue. Deputy Juarez said that Suspect Fernandez backed the vehicle all the way into the middle of the street. Deputy Juarez said that he stepped onto the street about 10-15 feet and again pointed his weapon at Suspect Fernandez and ordered him to stop. Deputy Juarez said that Suspect Fernandez put the car in drive and instead of driving directly south on Harbor Avenue, purposely swerved to the right and headed directly at him. Deputy Juarez said he back stepped quickly in order to remove himself from harm's way. Deputy Juarez said that he unable to move fast enough as the car drove towards him. Fearing that he was about to get run over with his own car, he fired two rounds from his pistol at Suspect Fernandez. Deputy Juarez estimated that the car was about two to three feet away from him when he shot. Deputy Juarez said his shots were directed towards the passenger side window and believes he hit the window as he saw it shatter.

Deputy Juarez said that Suspect Fernandez continued driving south on Harbor Avenue and out of view. Deputy Juarez said he immediately got on a cell phone and called Long Beach Police Department and told them what happened. Deputy Juarez said he did not see Suspect Jacinto anymore and was unsure of where he went. On the night of the incident Deputy Juarez wrote a memorandum containing his accounts of the events. **Refer to Exhibit J - Deputy Juarez' memorandum. Refer to Exhibit K - Sketch of scene by Deputy Juarez.**

IAB NOTE: Deputy Juarez was asked to explain the fact that in his memorandum he stated, "As the vehicle was facing southbound on Harbor Ave, I ran into the street, directly in front of the vehicle which was now stopped straddling the center lane." Deputy Juarez said that he really did not mean directly in front of the vehicle. He said that the car was facing towards him and he interpreted that as being directly in front of it.

IAB NOTE: Deputy Juarez was asked about his decision of moving onto the street and the possibility of placing himself in harm's way. Deputy Juarez said that he moved onto the street because he was unsure if Suspect Fernandez was going to continue northbound or put it in drive and go southbound. Deputy Juarez also said that at no time did he place himself directly in front of the vehicle. He said that once Suspect Fernandez put the car in drive if he would have driven directly south he would have completely missed him. Deputy Juarez said that only the deliberate action of Suspect Fernandez swerving towards him placed him in front of the vehicle causing him to use deadly force.

CIVILIAN WITNESSES

[redacted]

Witness [redacted] is Deputy Juarez' [redacted] Witness [redacted] said that Deputy Juarez and she arrived at her residence after watching a movie at the theaters. Witness [redacted] said that Deputy Juarez pulled his car into her driveway, left the engine running and walked around to her side (passenger side) and opened her door. Witness [redacted] said they were hugging each other and saying their good-byes when a male Hispanic (later identified as Suspect Fernandez) jumped into the driver's seat and rammed the closed gate leading into her driveway.

Witness [redacted] said she became very nervous and started yelling for her father who was inside of the residence. Witness [redacted] said that she saw Deputy Juarez pull out his gun from his holster and point it at Suspect Fernandez as he sat in the car. Deputy Juarez identified himself as a Deputy Sheriff as he gave Suspect Fernandez orders to get out of the car. Witness [redacted] said that she attempted to call 911 from her cell phone but the calls were not connecting. Witness [redacted] said she then saw a second male Hispanic (later identified as Suspect Jacinto) approach Deputy Juarez and yell at him to shoot him because he really wasn't a cop. Suspect Jacinto took off his shirt and challenged Deputy Juarez to shoot him. Several seconds later two females exited the residence to the south and approached Suspect Jacinto and took him away. Witness [redacted] said that Suspect Fernandez got out of the car and "stared her down" before he re-entered and drove backwards onto Harbor Avenue. Deputy Juarez stepped onto the street and continued to give Suspect Fernandez orders to stop. Witness [redacted] said that Suspect Fernandez then put the car in drive and drove towards, "swerved," at Deputy Juarez. Witness [redacted] said that she thought Deputy Juarez was going to get hit by the car because it came within five feet of him. Witness [redacted] said that as the car drove towards Deputy Juarez she saw him back up and shoot twice at the passenger window.

The car continued driving southbound Harbor Avenue and out of view.

IAB NOTE: Witness [redacted] said that as they pulled up to her driveway she saw the two suspects standing drinking beer on the front lawn of [redacted] a residence directly [redacted] of hers. [redacted] has seen both suspects at he location on prior occasions so she didn't think much of it at the time.

[redacted]

Witness [redacted] said he was in his bedroom, at [redacted] when he heard a crashing sound. He said he looked through his window which is in the [redacted] story and saw two males arguing. Witness [redacted] put some clothe on and went downstairs. He said when he got downstairs he saw Deputy Juarez in the street holding a gun and pointing it southbound at a car that was driving away. Witness Medina said he then heard two gunshots coming from Deputy Juarez' weapon. He did not see or hear anything else regarding the incident.

SUSPECTS' STATEMENTS

FERNANDEZ, ARTHUR

Suspect Fernandez said he was, "talking to a "homie" over on Harbor when this guy (later identified as Deputy Juarez) drove up and got out of the driver's seat of his car". Suspect Fernandez said the driver left the engine of the car running and walked around to the passenger door to let a girl out. He said that Deputy Juarez and girl then began to get all "kissy kissy" while the doors were still open with the engine running.

Suspect Fernandez said he had been drinking and was a little high so he thought this would be an easy way for him to get home, since he didn't have a car. He said he jumped into the drivers seat and attempted to put the car in reverse. Suspect Fernandez was unsure how the transmission changed gears and he mistakenly put it into drive. This caused him to crash into a fence in front of [redacted] Harbor Avenue. He then saw Deputy Juarez pull a gun out of his waistband and heard him yell at him to get out of the car. He was still trying to get the car in reverse but each time he pressed on the gas the car lurched forward. Deputy Juarez was yelling at him telling him he was going to shoot him so he jumped out of the car via the passenger side. Suspect Fernandez said that when he got out of the car Deputy Juarez was pointed the gun at him and told him he was going to shoot him. Suspect Fernandez decided to jump back in the car and try one more time to get the car in reverse. He was able to get the car in reverse and began to back up. Suspect Fernandez saw Deputy Juarez at the passenger door and heard the girl that Deputy Juarez was with (Witness [redacted] yelling, "he's a cop." Suspect Fernandez said that when he started to back the car out of the driveway he heard gunfire. Suspect Fernandez wasn't sure how many shots were fired. Suspect Fernandez said he thought that Deputy Juarez ran into the street after him. Suspect Fernandez said he just put the car in drive and sped away. He didn't know if Juarez had fired any more shots after he began to drive away from the location.

JACINTO, DANIEL

Suspect Jacinto said he was in the area of his aunt's residence at [redacted] He said a black Jeep Cherokee pulled up alongside him. The Jeep was occupied by a lone male Hispanic (later identified as Suspect Fernandez). Suspect Fernandez asked Suspect Jacinto if he knew a girl he was looking for. Suspect Jacinto told him he knew the girl, but didn't think she was in the area. Suspect Fernandez drove away. A short time later, Suspect Fernandez came walking down the street and approached Suspect Jacinto. Suspect Fernandez told Suspect Jacinto that the police had just stopped him and towed his car. They began talking, drinking beer and hanging out.

A few minutes later, a black vehicle pulled into the driveway at [redacted] Harbor Avenue. A male Hispanic (Deputy Juarez) got out the driver's door and left the engine running. Deputy Juarez walked around to the passenger side of the car and opened the door for a female (Witness [redacted] Suspect Fernandez said, "maybe that's her." Suspect Jacinto said he believed that Suspect Fernandez thought the female getting out of the car was the girl he was looking for. Suspect Fernandez walked over to the driver's door of the vehicle and got into the drivers seat. Suspect Fernandez put the car in drive, drove forward and collided with a metal gate that crosses the driveway. Suspect Jacinto said that Deputy Juarez, who was on the passenger side of the vehicle, displayed a handgun and began to order Suspect Fernandez out of the vehicle. Suspect Jacinto said he heard Deputy Juarez say he was a police officer, or deputy. Suspect Jacinto said he walked out toward the street, and stood on the sidewalk. Suspect Jacinto said that Suspect Fernandez began to back the vehicle out of the driveway and out onto the street. Suspect Jacinto said that Deputy Juarez discharged his firearm at Suspect Fernandez two times as he backed out of the driveway. Suspect Jacinto said he became angry because he could have been shot.

Suspect Jacinto said that after Suspect Fernandez drove the car away, Deputy Juarez began pointing his gun at him (Jacinto). Suspect Jacinto said he became very angry because the gun was being pointed at him, and he did nothing wrong. He began to walk towards Deputy Juarez and was questioning him if he was really a police officer. Suspect Jacinto said his girlfriend came up from behind him and tried to stop him from approaching Deputy Juarez. Suspect Jacinto's girlfriend grabbed his shirt as he continued to walk towards Deputy Juarez which caused his shirt to be pulled off of him. Suspect Jacinto said he did not comply with Deputy Juarez' orders because he had been drinking and used some bad judgment. Suspect Jacinto denied having any knowledge that Suspect Fernandez was going to take Deputy Juarez' car.

MISCELLANEOUS

Deputy Juarez' vehicle was recovered about nine hours after the incident by Los Angeles Police Department, Hollenbeck Division. The vehicle was stored and held for prints. Firearms Examiner Donna Reynalds processed the vehicle and took pictures of the bullet strikes and trajectories. **Refer to Exhibit L - Photographs depicting bullet strikes and trajectories."**

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OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

EXHIBITS A THROUGH L

A Long Beach Police Department reports under File Number 06-8111.
B Suspect Fernandez' Booking Package and Criminal Record.
C Suspect Jacinto's Booking Package and Criminal Record.
D Crime Scene Diagrams with location of recovered evidence.
E Photographs of scene.
F Firearms Examiner Report.
G Photographs of Victim Juarez' vehicle.
H Photographs of damaged property.
I Felony Complaint.
J Deputy Juarez' memorandum.
K Sketch of scene by Deputy Juarez.
L Photographs depicting bullet strikes and trajectories.

MISCELLANEOUS DOCUMENTS

Administrative Rights Form for Deputy Juarez.
Assignment card for Deputy Juarez.
Training Records for Deputy Juarez.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE NARRATIVE
IV 2176952
SH 2163795
URN: Long Beach Police Department

Subjects: **JUAREZ, Jaime, DEPUTY SHERIFF #** [redacted]
MENS CENTRAL JAIL
CUSTODY DIVISION

Date: **January 29, 2006**

Location: [redacted]

Investigator: **Sergeant Elier Morejon**

Case Synopsis:

This case pertains to allegations that Deputy Jaime Juarez violated Manual of Policy and Procedure Section, *3-01/030.10 Obedience to Laws and Regulations Re: Shooting at Moving vehicles*

On January 29, 2006, Deputy Juarez, while off duty, was the victim of a carjacking in the City of Long Beach. During the incident Deputy Juarez was forced to fire his Department issued weapon, Beretta 92F, at the suspect fearing that the suspect was going to run him over. The suspect was not hit by Deputy Juarez gunfire and fled the scene.

The facts of this non-hit shooting were presented to the Executive Force Review Committee on July 27, 2006. As a result of that presentation, the Executive Force Review Committee deemed the shooting within Departmental standards; however, the Committee requested an Internal Affairs Bureau investigation naming Deputy Jaime Juarez as a Subjects for the above policy violations. The committee required no additional questions and made a decision as to the outcome of the case. **Refer to Exhibit A - IAB File SH-2163795 for the facts surrounding the non-hit shooting.**

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 27, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
EXECUTIVE FORCE REVIEW COMMITTEE

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **REQUEST FOR INTERNAL AFFAIRS BUREAU INVESTIGATION**

I am requesting an investigation of Deputy Jaime Juarez #[redacted] by Internal Affairs Bureau for violation of Sheriff's Department policy as detailed below. This investigation of possible misconduct is a result of information presented in case #SH2163795 to the Executive Force Review Committee on July 27, 2006.

SUBJECTS: Deputy Jaime Juarez #[redacted]

INCIDENT DATE: January 29, 2006

DATE OF DEPARTMENT'S KNOWLEDGE: January 29, 2006

POTENTIAL MPP VIOLATIONS: 3-01/030.10: Obedience to Laws, Regulations, and Orders

COMPLAINANT: Johnny G. Jurado, Commander
Leadership & Training Division

JGJ:MAH:mh

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 27, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: JOHN H. CLARK, CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, JANUARY 29, 2006, INVESTIGATION #IV2176952 (SH2163795)**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on January 29, 2006.

The Committee met on July 27, 2006, and consisted of myself and Commanders Eric B. Smith (Leadership and Training Division) and Cecil W. Rhambo (FOR I).

The Committee deemed:

- as **Founded** the allegation that Deputy Jaime Juarez, #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/030.10: Obedience to Laws, Regulations and Orders, as it pertains to Section 3-01/025.40: Assaults by Moving Vehicles - Firearms Policy.

The Committee recommended that Deputy Jaime Juarez #[redacted] receive a **Written Reprimand**.

JGJ:MAH:mh

DISPOSITION WORKSHEET

Re:	IAB # 2176952
Subject:	**Jaime Juarez, #** [redacted]
Investigator:	Elier Morejon, Sergeant
Advocate:	Julia Kiser, Sergeant

SUMMARY:

On January 29, 2006, at approximately 1:00 a.m., Deputy Jaime Juarez was driving his girlfriend home to her house in Long Beach after a date. Deputy Juarez was off duty and had his Department issued Beretta 92F in his waistband. He pulled his 2005 Chrysler 300 sedan into his girlfriend's driveway, left the motor running, and got out. The driveway had a metal gate pulled closed, across it. Deputy Juarez walked around to open the door for his girlfriend. She got out of the car. As they were saying their goodbyes, Suspects Arthur Fernandez and Daniel Jacinto approached them from the front yard of the next door neighbor's house.

Suspect Fernandez got into the driver's seat of Deputy Juarez's car, put it in drive, and rammed it against the closed gate. Deputy Juarez drew his duty weapon from his waistband and pointed it at Suspect Fernandez through the passenger side of the car and verbally identified himself as a Deputy Sheriff. Suspect Fernandez rammed the metal gate with the car a second time, then put the car in reverse. Deputy Juarez continued to order Suspect Fernandez to stop, without success.

Suspect Jacinto approached Deputy Juarez, looking upset, challenged him, pulled his shirt off, and yelled, "You're not a cop! Shoot me if you are!" Suspect Fernandez got out of Deputy Juarez's car and started to approach him. Deputy Juarez ordered both Suspect Jacinto and Fernandez to back away from him. He continued to verbally identify himself as an off-duty Deputy Sheriff. Two females walked over to Suspect Jacinto and started trying to hold him back.

Suspect Fernandez got back into Deputy Juarez's car and immediately started backing out of the driveway, onto northbound Harbor Avenue. Suspect Fernandez backed the car all the way into the middle of the street. Deputy Juarez positioned himself ten to fifteen feet into the street and pointed his weapon at Suspect Fernandez, ordering him to stop. Suspect Fernandez put the car in drive and swerved to the right, heading directly for Deputy Juarez. Deputy Jaurez said he was unable to move fast enough from the car driving towards him, and he fired two rounds from his gun at Suspect Fernandez, striking his car twice between the passenger's side mirror and the passenger's side door lock. Suspect Fernandez drove north on Harbor Avenue and out of view.

Long Beach Police responded to the scene and Deputy Juarez made the appropriate notifications in a timely manner. His car was recovered later. One count of felony car jacking was filed against Suspect Fernandez.

DISPOSITION WORKSHEET
DEPUTY JAIME JUAREZ, #[redacted]
IAB CASE NO. 2176952

DISPOSITION OF CHARGES

The following potential charge was prepared by the Advocacy Unit. Please indicate your disposition of the potential charge, and put any additional sustained charge(s) (with reference to the investigation) on attached sheet(s).

Potential Charge #1:

That in violation of the Department's Manual of Policy and Procedures section 3-01/030.10: Obedience to Laws, Regulations, and Orders, as it pertains to section 3-01/025.40: Assaults by Moving Vehicles - Firearms Policy, on or about January 29, 2006, Deputy Juarez positioned himself in the path of a moving motor vehicle and discharged his firearm at the motor vehicle and/or its' occupant in response to the threat posed solely by the vehicle without an objectively reasonable belief that the vehicle or suspect posed an immediate threat of death or serious physical injury to the Department member or another person AND that the Department member had no reasonable alternative course of action to prevent the death or serious physical injury, as evidenced by, including, but not limited to:

1.) Moving from the sidewalk and/or driveway to a position of tactical disadvantage ten to fifteen feet in the street while attempting to detain fleeing car-jacking suspect Arthur Fernandez at gun point, and/or

2.) Continuing to attempt to detain fleeing Suspect Fernandez at gunpoint despite his repeated, albeit unsuccessful, efforts to stop him.

Disposition:

__X__ **Charge founded as delineated**
____ **Charge founded as modified**
____ **Charge unresolved**
____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised August 1, 2005) lists the following analogous misconduct with associated disciplinary penalties:

DISPOSITION WORKSHEET
DEPUTY JAIME JUAREZ, #[redacted]
IAB CASE NO. 2176952

Conduct	**Standard Discipline**
Obedience to Laws, Regulations and Orders.	W/R to Discharge.

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_____ **Suspension with loss of pay and benefits for __ days**
__X__ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	IA B FILE No.
07-28-06	1	Men's Central Jail	IV 2176952

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
3-01/030.10 Obedience to Laws and Regulations re: 3-01/025.40 Shooting at moving vehicles

DATE, TIME, DAY OF OCCURRENCE	RELATED URN FILE No. IF APPLICABLE
01-2-06, 0100, Sunday	None

LOCATION OF OCCURRENCE [redacted]

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ☒ OTHER SOURCES (SPECIFY) EFRC

SUBJECT No. 1 OF 1	LAST NAME	FIRST NAME	MI	RANK OR TITLE	EMP. No.
	Juarez	Jaime	------	DEPUTY	[redacted]

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION
MCJ	10-28-05	Custody Division

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO _____ ☐ OTHER _____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
M	H	Blk	Bro	507	140	Adult	[redacted]

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON	SIDE	DATE	TIME
05-28-05	10-28-05	TAPE Lucid OF 17800	☐ A ☐ B	04-25-06	1000

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
None			

SUBJECT No. OF	LAST NAME	FIRST NAME	MI	RANK OR TITLE	EMP. No.

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO _____ ☐ OTHER _____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON	SIDE	DATE	TIME
		TAPE ____ OF ____	☐ A ☐ B	_____	_____

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT W - WITNESS

ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☐ NO

CODE	No. OF	LAST NAME	FIRST NAME	MI	SEX	RACE	D.O.B.
		See SH-2163795					

RESIDENCE ADDRESS _____ RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT _____ CDL OR LASD EMPLOYEE NO _____ BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE _____ TIME _____

CODE	No. OF	LAST NAME	FIRST NAME	MI	SEX	RACE	D.O.B.

RESIDENCE ADDRESS _____ RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT _____ CDL OR LASD EMPLOYEE NO _____ BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE _____ TIME _____

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
Eller Morejon	SERGEANT	[redacted]	LT. MJ PARICK	08-02-06 IAB
ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED	

SH-AD-669-2/93

IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION

I.A.B. FILE No IV 2176952

NARRATIVE SHOULD BE AN OBJECTIVE AND UNBIASED STATEMENT OF THE FACTS: INVESTIGATOR OPINIONS SHALL NOT BE INCLUDED.

No. OF ITEMS	LIST EXHIBITS/EVIDENCE FIRST (IF STORED, STATE LOCATION - AUDIO TAPES SHOULD BE CLEARLY LABELED), THEN BEGIN NARRATIVE

ADMINISTRATIVE RIGHTS FORMS. (ATTACH ONE FORM FOR EACH EMPLOYEE INTERVIEWED)

AUDIO TAPES. ALL INTERVIEWS SHALL BE TAPE RECORDED AND ALL TAPES MUST BE INCLUDED. (LIST EACH INTERVIEWEE BY NAME.)

None - See SH-2163795 for interviews.

761551N25A SHAD32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: AUGUST 10, 2006

FILE IAB IV 2176952

OFFICE CORRESPONDENCE

FROM: JOHN H. CLARK, CAPTAIN
MEN'S CENTRAL JAIL

TO: JAIME JUAREZ, DEPUTY
MEN'S CENTRAL JAIL

SUBJECT: **WRITTEN REPRIMAND**

On January 29, 2006, you were involved in an off-duty, non-hit shooting, in the city of Long Beach. You confronted the suspect who had just stolen your personal vehicle. As the suspect drove away in your vehicle, you ran into the street and ordered the suspect to stop. The suspect ignored you and drove the vehicle toward you. Fearing for your safety, you stepped back and simultaneously fired two rounds at the suspect with your Department issued Beretta pistol. One round struck the vehicle, but it did not stop the suspect from driving away.

Manual Section 3.01/025.40, *Assaults by Moving Vehicles-Firearms Policy*, prohibits you from placing yourself in the path of a moving motor vehicle because it is inherently unsafe.

As such, you are hereby reprimanded for violating Manual of Policy and Procedures Section 3.01/025.40, Assaults by Moving Vehicles-Firearms Policy.

Future violations of a similar nature could result in more severe discipline.

JAIME JUAREZ #[redacted]

8/10/06
DATE

WITNESS

8/10/06
DATE

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
September 21, 2009	Compton Station	☐	☒

Incident Information

URN:	Date:	Time:
009-15348-2847-013	September 20,2009	0255 hours

City or Station: Compton

Location: 4605 East Alondra Boulevard

Nature of Incident: Suspect had just commited an Armed Robbery and Deputies attempted to take him into custody when the suspect fired several rounds at the deputies. Deputy personnel in fear for their lives, returned fire striking the suspect. He sustained multiple gunshot wounds to the head & torso. He was pronounced dead at the scene. Deputy Juarez sustained a through & through bullet wound to his right calf.

Location Type (*circle one or more*):
Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)**
Other: Alley

Lighting (*circle only one*):
(Darkness), Daylight, Other
Street Lights

Weather (*circle only one*):
(Clear), Cloudy, Fog, Rain

Distance:

Total # of Shots Fired by Deputy: 76

Total # of Shots Fired by Suspect: Unknown

Incident Type (*circle one or more*):
Accidental, **(Armed Person)**, Fleeing Suspect, Foot Pursuit, Gun Take Away, **(Moving Vehicle)**, **(Sniper/Ambush)**, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other:

Initiated by (*circle only one*):
Arrest Warrant, Call, **(Observation)**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*):
Detective, Inmate Transport, Other, **(Routine Patrol)**

Aero Unit? ☒ Canine Unit? ☐

Employee Information

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Witness Information

Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph

Involved Deputies

Employee #	Last Name	First Name	M.I	(*circle one or more*):	
[redacted]	Modica	Michael	A.	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting
Employee #	Last Name	First Name	M.I	(*circle one or more*):	
				On Duty Present during shooting	Witness to shooting Involved in shooting

Supervisor Information

Employee #	Last Name	First Name	M.I.
[redacted]	Larson	Leslie	A.

Person Completing Form

Employee #	Last Name	First Name	M.I.
[redacted]	Alerich	Michael	J.

PSTD Use Only
SH #

See Reverse

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09-20-09	0530 Hours		

Employee #	Last Name	First Name	M.I
[redacted]	Brickert	Scott	J.
[redacted]	Ramirez	Jack	H.
[redacted]	[redacted]	[redacted]	[redacted]

Method

(AW)	Arwen
(BC)	Baton:(Control)
(BI)	Baton:(Impact)
(BF)	Bodily Fluids
(CN)	Canine
(CR)	Carotid Restraint
(CH)	Choke Hold
(CT)	Control Holds:(Control Techniques)
(TT)	Control Holds:(Team Takedown)
(TD)	Control Holds:(Takedown)
(CE)	Chemical
(OC)	Chemical Agents (OC Spray)
(TG)	Chemical Agents (Tear Gas)
(EX)	Explosives
(FH)	Firearm (Handgun)
(FR)	Firearm (Rifle)
(FS)	Firearm (Shotgun)
(FO)	Firearm (Other)
(FB)	Flashbang
(FL)	Flashlight
(OE)	Other Weapon: Edged
(OV)	Other Weapon: Vehicle
(OB)	Other Weapon: Blunt Object
(OO)	Other Weapon: Other
(PK)	Personal Weapon: Feet/Leg: (Kick)
(PS)	Personal Weapon: Feet/Leg: (Sweep)
(PH)	Personal Weapon (Hand/Arm)
(PP)	Personal Weapon (Push)
(PO)	Personal Weapon (Other)
(RS)	Resistance
(CN)	Restraint Device (Capture Net)
(RH)	Restraint Device (Handcuffs)
(HB)	Restraint Device:Hobble (Legs Only)
(TP)	Restraint Device:Hobble (TARP)
(RE)	Restraint Device: REACT Belt
(SP)	Sap
(SH)	Shield
(SG)	37mm Stinger
(SB)	Sting Ball
(ST)	Stun Bag
(TR)	Taser
(UC)	Uncooperative

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	SW	9			GS	LE
E#1	S#1	FH	BR	9	Y	Y	GS	CH
E#2	S#1	FH	BR	9	Y	Y	GS	CH
E#3	S#1	FH	BR	9	Y	Y	GS	CH
E#4	S#1	FH	BR	9	Y	Y	GS	CH
E#5	S#1	FR	BR	9	Y	Y	GS	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 009-15348-2647-013

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Juarez	Jaime	

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	Hisp.	Deputy	Compton Station	286B

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
EM (PM) Day	(Regular) Overtime Off Duty	☐	N/A

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☒	Long Beach Memorial	☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
7	[redacted]	Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	

Age:	Height:	Weight:
[redacted]	507	160

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:
[redacted]	[redacted]	[redacted]

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	46			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

E 2

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
[redacted]	[redacted]	Deputy	[redacted]	[redacted]

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
[redacted]	[redacted]	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
8-10	[redacted]	Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	

Age:	Height:	Weight:
[redacted]	[redacted]	[redacted]

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:
[redacted]	[redacted]	[redacted]

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	13			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

E 3

Employee #	Last Name	First Name	M.I.
[redacted]	Miranda	Marco	A.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	Hisp.	Deputy	Compton Station	283H

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
(EM) PM Day	(Regular) Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
[redacted]	[redacted]	Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	

Age:	Height:	Weight:
[redacted]	507	165

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:
[redacted]	[redacted]	[redacted]

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	2			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 009-15348-2847-013

E 4

Employee #	Last Name	First Name	M.I.
[redacted]	Lopez	Edgar	

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	Hisp.	Deputy Sheriff	Compton Station	283H

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
(EM) PM Day	(Regular) Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
6	[redacted]	Plain Clothes no Vest / Raid Jacket w/ Vest; Plain Clothes w/ Vest / Uniform no Vest; Raid Jacket no Vest / (Uniform w/ Vest)	

Age:	Height:	Weight:
[redacted]	506	155

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:
[redacted]	[redacted]	[redacted]

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	3			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	

E 5

Employee #	Last Name	First Name	M.I.
[redacted]	Coberg	Michael	D.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	White	Deputy Sheriff	Compton Station	

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
(EM) PM Day	(Regular) Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
8	[redacted]	Plain Clothes no Vest / Raid Jacket w/ Vest; Plain Clothes w/ Vest / Uniform no Vest; Raid Jacket no Vest / (Uniform w/ Vest)	

Age:	Height:	Weight:
[redacted]	6-01	235

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:
[redacted]	[redacted]	[redacted]

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[redacted]	[redacted]	[redacted]	☒	1	[redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	12			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
		Plain Clothes no Vest / Raid Jacket w/ Vest; Plain Clothes w/ Vest / Uniform no Vest; Raid Jacket no Vest / Uniform w/ Vest	

Age:	Height:	Weight:

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
☐	☐		☐		☐

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 009-15348-2847-013

S 1

Last Name: Valdovinos	First Name: Felipe	M.I.	
AKA Last Name: Baldovinos	First Name: Felipe	M.I.	
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: 27 D.O.B. 01-07-82	Height: 5-10 Weight: 185	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge: 664/ 187 P.C.	Secondary Charge:	
Coroner Case? ☒	Coroner Case #: 2009-06455	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: N/A	Model:	Year:	

S

Last Name:	First Name:	M.I.	
AKA Last Name:	First Name:	M.I.	
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S

Last Name:	First Name:	M.I.	
AKA Last Name:	First Name:	M.I.	
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S

Last Name:	First Name:	M.I.	
AKA Last Name:	First Name:	M.I.	
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

HIT SHOOTING
EVALUATION

UNIT:	Compton Station
DATE:	September 20, 2009
TIME:	0250 hours
LOCATION:	4605 East Alondra Boulevard, Compton, CA.
URN#:	009-15348-2847-013
IAB#:	SH2252404

NATURE OF INCIDENT: On September 20, 2009, Deputies [redacted] and Jaime Juarez were working Compton Station patrol in Unit [redacted]EM's. As they drove southbound on Lime Avenue approaching Alondra Boulevard, they saw two male Hispanics emerge from a darkened alley in front of them. The suspects seemed surprised by the deputies presence and began to walk away. Both deputies exited their car and called the two suspects to the vehicle to investigate their activities.

One suspect complied and placed his hands on the hood of the radio car while Suspect Valdovinos continued to walk away. Both deputies ordered him to stop and to turn around; however, the suspect began to run southbound on the sidewalk toward Alondra Boulevard. When the suspect reached the sidewalk of Alondra Boulevard, he turned, reached into his waistband, produced a handgun and fired several rounds at the deputies. As the deputies moved for cover, the suspect at the radio car ran away northbound and out of sight.

After firing at the deputies, the suspect ran southeast, across Alondra Boulevard toward a strip mall, as the deputies followed from across the street on the north sidewalk. While following the suspect, they broadcasted details of the shooting and requested assistance. As the suspect ran eastbound along storefronts, he again fired at the deputies, at which time they returned fire and crossed Alondra Boulevard, continuing to exchange gunfire with the suspect.

The suspect then ran to entrance of the southbound 710 Freeway on-ramp, as Deputies Marco Miranda and Edgar Lopez Unit 283H and Michael Coberg Unit 284EM's arrived and followed the suspect onto the ramp. They quickly stopped as the suspect tried to climb over a brick wall. Deputies [redacted] and Juarez arrived on foot,

advising the other deputies the suspect was armed and had shot at them. As the deputies exited their vehicles, the suspect fell to the ground, clutching his waistband. As the suspect stood, he placed one hand on his waistband. Deputies Miranda, Lopez, and Coberg believed the suspect was about to shoot at them, and fearing for their safety, each fired a volley of rounds, which struck the suspect.

Deputy Juarez sustained a "through and through" bullet wound to his right calf. It is believed he sustained this wound in the suspect's initial gunfire. Deputy Juarez was transported to Long Beach Memorial Hospital where he was treated and released. Deputies [redacted] Miranda, Lopez and Coberg were uninjured.

Suspect Valdovinos sustained multiple gunshot wounds to the head and torso. He was pronounced dead at the scene.

The suspect's weapon, a loaded Smith & Wesson 9mm pistol, was recovered at the scene in close proximity to the suspect's body. In the weapon's chamber, an expended shell casing was "stove-piped." Numerous shell casings and projectiles from the suspect's weapon and deputies' weapons were recovered at the scene.

It was later determined that the suspects had just committed an armed robbery of a catering truck located at 4605 East Alondra Boulevard, just prior to being contacted by Deputies [redacted] and Juarez. Suspect Valdovinos matched the description of the suspect who was armed in that incident. The investigation of the robbery is ongoing. Suspect Valdovinos was a known "T Flats" gang member.

The second suspect who fled the scene has not been identified.

On September 23, 2009, investigators attended the autopsy of Suspect Valdovinos. Present during the autopsy was lieutenant David Coleman of Homicide Bureau and Sean Hassett of the "Justice System Integrity Division" of the Los Angeles County District Attorney.

The post mortem examination was conducted by Doctor Gudstadt. He determined the cause of death to be multiple gunshot wounds. Several items of ballistic evidence were recovered. The ballistic evidence was booked at the Sheriffs Department crime.

This case is active.

The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

JUAREZ, Jaime, Deputy Sheriff, #[redacted]
Compton Station, Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: June 22, 2005
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents: **(1) SH2163795, Off-Duty, Fleeing Suspect**
Prior Founded Force Incidents: [redacted]

[redacted] Deputy Sheriff, #[redacted]

EMPLOYEE WORK HISTORY:

Date of Employment: [redacted]
Date assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

MIRANDA, Marco, Deputy Sheriff, #[redacted]
Compton Station, Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment: May 2, 2002
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

LOPEZ, Edgar, Deputy Sheriff, #[redacted]
Compton Station, Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	January 7, 1998
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

COBERG, Michael, Deputy Sheriff, #[redacted]
Compton Station, Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	December 6, 2004
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	**(1) SH2242518, CPT., Armed Suspect**
Prior Founded Force Incidents:	[redacted]

SUSPECT:

VALDOVINOS, Felipe, MH/26 yrs. DOB: 01-07-1982, 510, 185 lbs., black/brown [redacted]

Deceased, CII: [redacted] FBI: [redacted]

Subject Valdovinos' [redacted]

Refer to Exhibit A, Homicide Book pages 141 thru 154 for Suspect Valdovinos' Criminal History.

DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:

1. [redacted] MH/22 D.O.B. [redacted]

2. [redacted] MH/36 D.O.B. [redacted]

3. [redacted] MH/33 D.O.B. [redacted]

INJURIES:

Suspect:

Subject Valdovinos sustained multiple fatal gunshot wounds to his head and torso. He was pronounced dead at the scene by Los Angeles County paramedics at 0310 hours.

I.A.B. Note: Refer to Exhibit A, Homicide Book pages 104-140 for Coroner's Autopsy Report.

Deputy Personnel:

Deputy Jaime Juarez was transported to Long Beach Memorial Hospital via ambulance and treated by Doctor Collier. Doctor Collier stated Deputy Juarez sustained a through and through gunshot wound to his lower right leg. Deputy Juarez was treated and released.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during evening hours. The weather was warm.

Several light poles were located in the parking lot of the business complex. The poles were positioned along the north side of the parking lot. With the exception of the lights affixed to the large sign in the center of the complex, the poles were mounted approximately three feet south of the south sidewalk of Alondra Boulevard.

One set of lights were mounted in the parking lot between Mac's Liquor and the Coin Laundry.

One set of lights were mounted in front of the Party House.

One set of lights were mounted on the south side of a large sign in the center portion of the business complex, in front of El Puerto Mariscos.

One set of lights were mounted near the east end of Los Dos Hermanos Market.

Additional florescent lighting was mounted beneath the facade directly in front of the stores in the complex.

WEAPONS USED BY SUSPECT'S:

A loaded Smith & Wesson 9mm pistol. In the weapon's chamber, an expended shell casing was "stove-piped."

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Jaime Juarez
Service Weapon- Beretta, 92F (Serial Number BER[redacted], Double Action Semiautomatic Pistol, 9mm luger
Type Of Ammunition- Winchester T-Series 9mm Luger ammunition.
Ammunition- Forty-six rounds fired and none left in the magazine.
Shell Casings- Forty-six 9mm caliber shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

Deputy [redacted]
Service Weapon-Beretta, 92F (Serial Number BER[redacted], Double Action Semiautomatic Pistol, 9mm luger
Type Of Ammunition- Winchester T-Series 9mm Luger Ammunition.
Ammunition- Thirteen rounds fired and three left in the magazine.
Shell Casings- Thirteen 9mm caliber shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

Deputy Marco Miranda
Service Weapon-Beretta, 92F (Serial Number BER[redacted], Double Action Semiautomatic Pistol, 9mm luger
Type Of Ammunition- Winchester T-Series 9mm Luger Ammunition.
Ammunition- Two rounds fired and fourteen left in the magazine.
Shell Casings- Two 9mm caliber shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

Deputy Edgar Lopez
Service Weapon-Beretta, 92F (Serial Number BER[redacted], Double Action Semiautomatic Pistol, 9mm luger
Type Of Ammunition- Winchester T-Series 9mm Luger Ammunition.
Ammunition- Three rounds fired and thirteen left in the magazine.

Shell Casings- Three 9mm caliber shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon:

Deputy Michael Coberg
Service Weapon-Beretta, 92F (Serial Number BER[redacted], Double Action Semiautomatic Pistol, 9mm luger
Type Of Ammunition- Winchester T-Series 9mm Luger Ammunition.
Ammunition- Twelve rounds fired and four left in the magazine.
Shell Casings- Twelve 9mm caliber shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon: [redacted]

All weapons were examined, test fired, and found to be functional by Firearms Examiner Marco Lezza#[redacted] **Lab Receipt Number's K143432 & K143433** Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section **(Refer to Exhibit A, Homicide Book, Pages 70 -73).**

INVOLVED DEPUTY (S) STATEMENTS:

Deputy Jaime Juarez, Employee #[redacted] was interviewed by Homicide Investigators Richard Garcia and Mitchell Robinson on May 13, 2008. Sergeants Jack Ramirez and Al Maldonado of Internal Affairs Bureau interviewed him on April 8, 2009. The following summary is of both interviews.

Deputy Juarez said he and Deputy [redacted] were working unit [redacted] PM's. While they were driving south on Lime Avenue, approaching Alondra Boulevard, they saw two male Hispanics crossing Lime Avenue in front of them. They stopped their patrol car and called out to the males. He said one of the males walked toward them as the second male, Suspect Valdovinos, started running south on Lime Avenue. Deputy Juarez said as the suspect ran south on the sidewalk, he saw Valdovinos remove a handgun from his waistband with his right hand.

Deputy Juarez said as he got to the corner of Lime Avenue and Alondra Boulevard, the suspect had reached the south curb line of Alondra Boulevard. He said Valdovinos turned and began to shoot in his (Deputy Juarez) direction. Deputy Juarez believes that the first or second round fired by the suspect struck him in his right leg. Deputy Juarez

said the suspect continued to run toward the stores located in the strip mall which lined the south curb line of Alondra Boulevard.

Deputy Juarez said as the suspect ran he would shoot at them over his left shoulder (Deputies Juarez and [redacted]. He said as Valdovinos reached the front of the stores, Valdovinos began to move east and continued to fire at them. Deputy Juarez said at one point he noticed that the suspect was limping. He said he continued to return fire at the suspect, who again shot at them. Deputy Juarez said his weapon jammed, but he was able to clear his weapon. He said he had fired all three of his magazines during the incident. He said as the suspect ran onto the entrance to the southbound 710 freeway, Deputy Juarez reloaded his weapon with a magazine he obtained from Deputy [redacted]

He said he utilized his handheld radio to update responding units as to the suspect's description and location. He said he saw two assisting units enter the on ramp to the southbound 710 freeway. He said he and Deputy [redacted] ran toward the assisting units. He said shortly after that, he heard gunshots.

I.A.B. Note: Refer to Exhibit A, Pages 4 and 5 of the Homicide Book, for Homicide's Supplementary report. Also see copies of interview transcriptions submitted with this case file.

Deputy [redacted] Employee #[redacted] was interviewed by Homicide Investigators Richard Garcia and Mitchell Robinson on May 13, 2008. Sergeants Jack Ramirez and Al Maldonado of Internal Affairs Bureau interviewed him on April 8, 2009, at about 1026 hours. The following is a summary of both interviews.

Deputy [redacted] said he and Deputy Juarez were driving southbound on Lime Avenue, approaching Alondra Boulevard, when they saw two male Hispanics. Deputy [redacted] said they went to contact them. He said they called out to the males. He said one male began to walk toward them, and the other male (later identified as Valdovinos) began running southbound on Lime Avenue. Deputy [redacted] said he saw the suspect reaching into his waistband as Deputy Juarez began to run after him. Deputy [redacted] said he started to follow Deputy Juarez and he (Juarez) advised him the suspect was armed with a handgun. Deputy [redacted] said he utilized his handheld radio to advise other units that they were in foot pursuit of an armed suspect.

Deputy [redacted] said as the suspect ran across Alondra Boulevard, he turned and began to fire his handgun at them. He said he began to return fire with his duty weapon. He said he advised responding units that he and his partner had just been involved in a shooting. Deputy [redacted] said as Suspect Valdovinos ran across Alondra Boulevard he would turn in their direction and fire his weapon at he and Deputy Juarez. Deputy [redacted] said the suspect crossed the street and arrived at the strip mall running from west to east. He said as the suspect ran eastbound, he fired several rounds at them, stopping periodically and going down to one knee.

Deputy [redacted] said as they paralleled Suspect Valdovinos, Deputy Juarez told him that he may have been shot. He said at one point he and Deputy Juarez reloaded their weapons on one of the lanes of Westbound Alondra Boulevard. He said Suspect Valdovinos continued east bound to the entrance of the 710 freeway. He said Deputy Juarez advised units via his handheld radio that he had been shot and gave the suspect's updated location. He said they both started running toward the units on the freeway and began yelling out that the suspect had a gun and that a deputy had been shot.

I.A.B. Note: Refer to Exhibit A, of the Homicide Book, for Investigator's supplementary report page 3. Also see copies of transcribed interviews submitted with this case file.

Deputy Marco Miranda, # [redacted] was interviewed by Homicide Investigators Richard Garcia and Mitchell Robinson. Sergeants Jack Ramirez and [redacted] of Internal affairs interviewed Deputy Miranda on May 3, 2010.

On September 20, 2009, Deputy Miranda was working patrol unit 283H with his partner (Edgar Lopez). Deputy Miranda was the passenger (bookman). During his work shift he monitored a radio call of a Deputy involved in a shooting at Atlantic Avenue and Alondra Avenue (Compton). He said he and his partner immediately responded to the Location. He said as they arrived a the location an update came over the radio indicating the suspect was last seen southbound on the southbound 710 freeway on ramp. Deputy Miranda said they turned onto the southbound 710 freeway from westbound Alondra Avenue. He said they arrived simultaneously with Deputy Coberg (unit284E). He said as they turned onto the on ramp they observed the suspect attempting to climb a chain link fence. Deputy Miranda said he and Deputy Lopez exited their vehicle, as did Deputy Coberg. He said as they walked toward the front of Deputy Coberg's patrol car, he started to order the suspect to get down from the fence and show his hands. Deputy Miranda said the suspect dropped to the ground with his back toward he and Deputy Lopez. While the suspect was on the ground, he placed his hand into his waistband. Simultaneous to the suspect dropping to the ground and reaching toward his waistband, Deputy Miranda said he heard Deputy Juarez yelling the suspect had a gun and "just shot me." Deputy Miranda said the suspect then quickly "spun" toward them with his hands at his waistband. He said fearing for his and the other Deputy's safety and believing the suspect was armed, he said he fired his duty weapon at the suspect. Deputy Miranda believed he fired two times.

I.A.B. NOTE: Refer to Exhibit A, of the Homicide Book, for Investigator's supplementary report pages 4 and 5. Also see transcribed interviews submitted with this case file.

Deputy Edgar Lopez #[redacted] was interviewed by Homicide Investigators, Sergeant Richard Garcia ad Detective Mitchell Robinson on September 20, 2009. Sergeants Jack Ramirez and [redacted] of the Internal Affairs Bureau interviewed Deputy Lopez on May 3, 2010. The following is the summary of the interviews.

On September 20, 2009, Deputy Lopez said he was working patrol unit 283H with his partner (Marco Miranda). Deputy Lopez said he was the Driver. During his work shift he monitored a radio call of a Deputy involved in a shooting at Atlantic Avenue and Alondra Avenue (Compton).

He said he immediately responded to the area from east of the 710 freeway on Alondra Avenue. He said as he neared the location, additional information was received over the radio providing a description of the suspect and stating a deputy had been shot and the suspect was seen going onto the on ramp for the south bound 710 freeway.

Deputy Lopez said he arrived at the location simultaneously with Deputy Coberg (unit 284E). Deputy Lopez said he stopped his patrol vehicle behind Deputy Coberg. Deputy Lopez said he looked toward the west and saw the suspect trying to climb the wall on the west side of the on ramp. He said the suspect was hanging from the fence by one hand, his other hand was not visible. Deputy Lopez said he exited his vehicle with his gun drawn and began to approach the suspect in order to apprehend him. Simultaneous to his approach, he said heard a deputy yelling from west of the location saying the suspect has a gun and shot a deputy. He said at that point the suspect jumped down from the wall and landed sideways in relation to his position. He said the suspect was in a crouched position with his left hand on the ground and his right hand near his waistband. Deputy Lopez said he began backing up toward the radio car while ordering the suspect to show his hands. He said the suspect looked in his direction. Deputy Lopez said based on the suspect's movement, he believed the suspect was drawing a gun. He said fearing the suspect was going to shoot him or the other deputies, he fired his duty weapon at the suspect. Deputy Lopez said he believed he fired three times.

I.A.B. NOTE: Refer to Exhibit A, of the Homicide Book, for Investigator's supplementary report, pages 5 and 5A. Also see transcribed interviews submitted with this case file.

Deputy Michael Coberg, #[redacted] was interviewed on September 20, 2009, by Sergeant Richard García and Investigator Mitchell Robinson of Homicide Bureau. Sergeants Jack Ramirez and [redacted] of Internal Affairs Bureau interviewed him on May 4, 2010. The following is the summary of the interviews.

On September 20, 2009, Deputy Coberg said he was working patrol unit 284E. He said he monitored emergency radio traffic requesting deputies respond to assist regarding a deputy involved in a shooting in the area of Atlantic Avenue and Alondra Boulevard.

Deputy Coberg said he immediately responded. He said as he neared the area he was updated over the radio that the suspect was last seen running eastbound on Alondra Avenue to the southbound on-ramp to the 710 freeway. He said he arrived on scene simultaneously with another patrol unit (Deputy Lopez and Miranda). Deputy Coberg said he saw the suspect attempting to climb a wall on the west side of the on-ramp. He said he exited his patrol vehicle in order to apprehend the suspect. Deputy Coberg said he drew his weapon and began to order the suspect to show his hands. Deputy Coberg said the suspect was suspended from the chainlink fencing on top of the block wall by his left hand. He said the suspect's right hand was at his waistband. Deputy Coberg said the suspect came down from the wall. Simultaneously he heard Deputy Juarez and [redacted] yelling," he's got a gun, a deputy was shot." He said the suspect's back was toward him. He said when the suspect came down from the wall, his (Suspect's) momentum put him in a squatting position. Deputy Coberg said he continued to command the suspect to show his hands. He said the suspect refused to comply. He said the suspect began to stand up and "swung" his body to the right.

Deputy Coberg said he believed the suspect was drawing a gun. He said fearing the suspect was going to shoot him or the other deputies, he fired his duty weapon at the suspect. Deputy Coberg said he believed he fired eight to ten times. Deputy Coberg said the suspect went down and he continued to order the suspect to show his hands. He said Paramedics were requested and pronounced the suspect dead at the scene.
Deputy Coberg said after the shooting incident, he saw a semi automatic handgun on the ground approximately twenty feet north of the suspect.

I.A.B. Note: Refer to Exhibit A, Pages 5A and 5B of the Homicide Book, for Homicide Investigator's interview of Deputy Coberg. Also see the transcribed interviews submitted with this case file.

NON-DEPARTMENT WITNESSES:

INTERVIEW OF VICTIM [redacted]

On September 20, 2009 at approximately 0750 hours, Detective Aguilera interviewed Victim [redacted] at Compton Sheriffs Station. Also present during the interview was Deputy District Attorney Shannon Presby, District Attorney Senior Investigator [redacted] from the Justice System Integrity Division of the Los Angels County District Attorney's Office, and Sergeants [redacted] and Jack Ramirez, from Internal Affairs Bureau. The interview was audio recorded, and the following is a summary of the interview: The interview was translated by Sergeant [redacted]

Victim [redacted] was working in a [redacted] which was parked in the parking lot of [redacted] She was getting ready to wash dishes when she heard a knock on the door, followed by someone saying, "money." She looked out of the serving window on the passenger side and saw a male-Hispanic pointing a black handgun at her. The suspect

told her that he knew she had money, demanded it, and said he was going to kill her. He also told her that it was his neighborhood and he knew they were helping someone sell narcotics at the location.

As the suspect pointed the gun at her, she saw three additional suspects attempting to open the driver's door, as her [redacted] Victim [redacted] was trying to hold it closed. She saw the suspects attempting to punch Victim [redacted] thru the partially opened door. She ran over and attempted to help Victim [redacted] keep the door closed. She saw the suspect with the gun, hit Victim [redacted] twice on top of the head. She threw a bottle of salsa at the suspects and continued to assist Victim [redacted] One of the suspects was able to reach inside and punch her in the mouth. During the struggle one of the suspects threw the bottle back at Victim [redacted]

After helping Victim [redacted] with the door, she called 9-1-1, from her cell phone. The suspects fled and she was able to give a description and the direction where the suspects went. While she was on the phone with the police, she heard approximately 30-40 gunshots.

She described the suspect with the gun as a male-Hispanic, 20-25 years old, dark complexion and wearing a black hooded sweatshirt with the hood on over his head. She described the additional three suspects as light complected.

Detective Aguilera noted a swollen upper lip and a cut on her right index finger. Victim [redacted] said the cut may have occurred when she was struggling with the suspects over the door.

The interview concluded.

SUSPECT (S) INTERVIEWS:

S#1/Valdovinos, Felipe MH/01-07/82

Deceased

S#2/ Bracamontes, Johnnie MH/20 D.O.B. 04-19-90

On January 11, 2010, Detective [redacted] of [redacted] received information from an anonymous informant identifying Suspect Johnnie Bracamontes as being the person who was with Suspect Valdovinos on the night of the Deputy Involved shooting that occurred on 09-20-10.

On February 11, 2010, Homicide Investigators attempted to interview Suspect Bracamontes at the Century Detention Center. He refused to be interviewed.

I.A.B. NOTE: Refer to Exhibit C, for a copy of Homicide Investigator's supplementary report which contains additional information.

INTERVIEW OF VICTIM [redacted]

On September 20, 2009 at approximately 0828 hours, Detective Aguilera interviewed Victim [redacted] at Compton Sheriff's Station. Also present during the interview was Deputy District Attorney Shannon Presby, District Attorney Senior Investigator [redacted] from the Justice System Integrity Division of the Los Angeles County District Attorney's Office, and Sergeants [redacted] and Jack Ramirez, from Internal Affairs Bureau. The interview was audio *recorded, and* the following is a summary of the interview:

Victim [redacted] said he was sitting down at a table with an unknown male-Hispanic. The table was in the parking lot just south of the [redacted] A male-Hispanic suspect approached from north of the catering truck and pointed a black handgun at them. The suspect stated, "Raise up fools! Give me everything you got!" The unknown male took out his wallet and handed it to a second male-Hispanic suspect who had just appeared. Victim [redacted] took out his wallet and cell phone and gave it to the second suspect. The unknown male victim immediately fled, and soon after, Victim [redacted] fled eastbound Alondra Boulevard.

He described the suspect with the gun as approximately 24-25 years old, bald, dark complected with a tattoo on his face. The suspect wore a blue hooded sweatshirt that covered his head. The second suspect was approximately 16 years old with a white t-shirt and black pants.

Approximately 20 seconds later, as he walked east on Alondra Boulevard, he saw a Sheriff's Patrol car stopped facing south on Lime Avenue, north of Alondra Boulevard. He saw two suspects run westbound Alondra Boulevard from Lime Avenue, and two additional suspects running southeast across Alondra Boulevard from Lime Avenue. The armed suspect who had earlier robbed him, stopped in the middle of Alondra Boulevard and began to shoot towards a Deputy who was standing at the northeast corner of Lime Avenue and Alondra Boulevard. The suspect continued to walk and fire rounds at the Deputy, as the Deputy returned fire. He said the suspect fired approximately 7-8 times at the Deputy. He lost sight of the second suspect who continued running southeast.

Victim [redacted] saw a payphone at the corner of Frailey Avenue and Alondra Boulevard. He called 9-1-1 and told them that a Deputy was being shot at. He saw the suspect walk towards the on ramp of the southbound 710 Freeway from Alondra Boulevard.

He lost sight of the suspect when the suspect went onto the on ramp, and saw patrol cars drive towards the on ramp.

Victim [redacted] said approximately one hour before the shooting, he saw the armed suspect at "Los Dos Amigos" bar, with an unknown female.

Victim [redacted] described his wallet as white on one side and green on the other. He said the word, "Mexico" was inscribed on one side of the wallet. The wallet contained a California Identification Card in his name, a bank card, and $120.00 U.S. Currency. The cell phone was a Metro PCS phone that was pink in color.

The interview concluded.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Homicide Investigators Richard Garcia and Mitchell Robinson
Court: Compton Superior Court
Charges Filed: (2) Felony counts of 664/187 P.C., (1) Felony count of 211 P.C. and Gang Enhancements
Court Case Status: Pending

PROPERTY DAMAGE:

I.A.B. Note: Refer to Exhibit A, Pages 22 and 23 of Homicide Book.

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INVESTIGATORS LOG

OFFICER INVOLVED SHOOTING FORM

PURSUIT EVALUATION FORM

INVESTIGATIVE SUMMARY

TRANSCRIPTIONS

EXHIBITS A THROUGH C

A Homicide Book under number 009-15348-2847-013

B District Attorney's Letter of Opinion

C Photographs

MISCELLANEOUS DOCUMENTS

Administrative Rights Forms
Compton Station PM & EM shift In-Services for 09-19-09 & 09-20-09
Weapons Qualifications Records and Assignment Card for
Involved Deputies

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

May 24, 2010

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #: 09-0586
L.A.S.D. URN #: 009-15348-2847-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 20, 2009, fatal shooting of Felipe Valdovinos by Los Angeles County Sheriff's (LASD) Deputies Jaime Juarez, [redacted] Marco Miranda, Edgar Lopez and Michael Coberg. We have determined that the deputies acted lawfully in self-defense, in the defense of each other and in the arrest of a dangerous fleeing felon.

The following analysis is based upon a series of reports prepared by the LASD submitted to this office on March 25, 2010. The District Attorney Command Center was notified of this shooting at 4:28 a.m. on September 19, 2009. The District Attorney Response Team (DART), consisting of Deputy District Attorney Shannon Presby and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a "walk-through" of the shooting scene. The DART also participated in witnesses interviews. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

In the early morning hours of September 19, 2009, [redacted] and [redacted] were working in a [redacted] parked at [redacted] in the City of Compton. [redacted] was seated outside the truck eating. At approximately 2:45 a.m.,

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

Valdovinos and several other men approached [redacted] and another customer also seated outside the truck. Valdovinos pointed a black handgun at [redacted] and the other customer and demanded money. [redacted] complied and handed his wallet and cell phone to a second suspect who was assisting Valdovinos. [redacted] described the person with the gun as a bald male between 24-25 years old with a tattoo on his face.[1]

[redacted] and [redacted] saw the robberies taking place outside of the [redacted] Immediately after robbing the customers Valdovinos and the other robbers attempted to enter the [redacted] and [redacted] resisted. Valdovinos hit [redacted] in the head numerous times with the handgun, and then struck [redacted] in the face with his fist. Despite this attack, [redacted] and [redacted] were able to close and lock the catering truck door and deny access to the truck.

Thwarted at their attempt to enter the [redacted] Valdovinos and the other robbers fled. [redacted] called 911 and told the operator that the robber with the gun was a male between 20 and 25 years old with a dark complexion wearing a black hooded sweatshirt.[2]

Shortly after the robbery, at approximately 2:55 a.m., Deputies Juarez and [redacted] were driving southbound on Lime Street approaching Alondra Boulevard when they saw Valdovinos and another male jaywalk across Lime Street. Both deputies were dressed in full uniform and driving a black and white vehicle conspicuously marked with Los Angeles County Sheriff's Department insignias. The deputies stopped their car and directed Valdovinos and his companion to approach the patrol vehicle. Valdovinos immediately turned away from Juarez and [redacted] and began to run south on Lime Street. Juarez ordered him to stop but Valdovinos refused to comply. As he was running, Valdovinos took a handgun from his waistband area and held it in his right hand. Juarez alerted [redacted] that Valdovinos had a gun as both deputies pursued Valdovinos on foot.

As Valdovinos ran across Alondra Boulevard he stopped, turned around and began shooting at Juarez and [redacted] One of the bullets hit Juarez in the leg. Deputies Juarez and [redacted] returned fire and broadcast their location and observations. Once Valdovinos reached the south side of Alondra Boulevard he began to run eastward. As Valdovinos ran east on Alondra he continued to shoot at Juarez and [redacted] who were following him on the north side of Alondra Boulevard.

Valdovinos continued east until he reached the on-ramp to the 710 freeway, whereupon he turned south entering the on-ramp. The west side of the 710 on-ramp from Alondra Boulevard is bounded by cinder block wall approximately eight feet high. The southern span of this wall is topped by a chain link fence approximately four feet high. Once Valdovinos turned south on the on-ramp he was out of view of Juarez and [redacted]

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[1] This description matches the physical appearance of Valdovinos who was 27 years old at the time of this incident and had multiple tattoos on his head and face.
[2] Valdovinos was wearing a black hooded jacket at the time of this incident.

Deputies Edgar Lopez and Marco Miranda were on patrol when they heard the radio broadcast of a deputy involved shooting. As they responded to the call, the broadcast was updated indicating that the suspect was last seen entering the 710 on-ramp at Alondra Boulevard. Deputy Coberg heard the same broadcasts and also responded to the 710 on-ramp. Lopez, Miranda and Coberg arrived at the on-ramp at the same time and saw Valdovinos attempting to scale the chain link fence at the top of the cinder block wall.

Lopez, Miranda and Coberg got out of their patrol vehicles and ordered Valdovinos to stop and show his hands. Valdovinos left hand was grasping the chain link fence while his right hand was concealed at his waist area. After a moment, Valdovinos dropped from the fence to the ground and crouched facing away from Deputies Lopez, Miranda and Coberg. At that moment Coberg heard Deputies Juarez and [redacted] yell that Valdovinos had a gun and had shot a deputy. Coberg ordered Valdovinos to show his hands. Valdovinos did not comply. Instead he suddenly stood up and began to turn toward Lopez, Miranda and Coberg. Believing that Valdovinos was about to shoot them, Deputies Lopez, Miranda and Coberg fired at Valdovinos striking him numerous times. Valdovinos died from those injuries. A black .9mm handgun was recovered from the ground near where Valdovinos was shot.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he, or the person defended, was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal. 4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM 3470.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

A peace officer is entitled to use deadly force to capture a dangerous person who has committed a felony. A dangerous person is defined as one who (a) poses a significant threat of death or serious bodily injury to the person attempting the apprehension or others, or (b) has committed a forcible and atrocious felony. People v. Ceballos (1974) 12 Cal.3d 470. A forcible and atrocious felony is one that by its nature and manner of its commission reasonably creates a fear of death or great bodily injury. CALCRIM 505 (bench notes).

A police officer may use deadly force in the apprehension of a suspect where the officer has probable cause to believe that the suspect poses a threat of death or serious physical harm to the officer or others. This threat of harm exists if the suspect threatens the officer with a weapon or there is probable cause to believe that the suspect has committed a felony involving the infliction or threatened infliction of serious physical harm. Tennessee v. Garner (1985) 471 U.S. 1.

CONCLUSION

Valdovinos committed multiple armed robberies and assaults just prior to his contact with the deputies. When Deputies Juarez and [redacted] attempted to detain him, Valdovinos began shooting at them and wounded Juarez. Valdovinos engaged in a running gun battle with deputies as he fled down Alondra Boulevard, firing numerous times at Juarez and [redacted] These acts constituted an attempt to murder a peace officer and an assault with a semiautomatic firearm upon a peace officer. Further, Valdovinos' decision to shoot at Juarez and [redacted] demonstrated that he was willing kill in order to effectuate his escape. Juarez and [redacted] return fire was thus legally justified in self-defense, in defense of each other and in an effort to arrest a dangerous fleeing felon.

When Valdovinos was confronted by Deputies Lopez, Miranda and Coberg he was directed to show his hands. Instead, he crouched down with his back to the deputies and his right hand shielded from their view. These deputies knew that Valdovinos had shot and wounded Deputy Juarez just moments before. Despite repeated orders to show his hands Valdovinos abruptly turned toward Lopez, Miranda and Coberg with his right hand at his waist. Believing that Valdovinos was going to continue his deadly attack, Deputies Lopez, Miranda and Coberg fired to end the threat.

We find that LASD Deputies Jaime Juarez, [redacted] Marco Miranda, Edgar Lopez and Michael Coberg acted lawfully in self-defense and in the defense of each other, and in an effort to arrest an extremely dangerous fleeing felon when they shot Valdovinos. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By 

SHANNON PRESBY
Deputy District Attorney
(213) 974-3888

c: Deputy Jaime Juarez, Serial # [redacted]
Deputy [redacted] Serial # [redacted]
Deputy Marco Miranda, Serial # [redacted]
Deputy Edgar Lopez, Serial # [redacted]
Deputy Michael Coberg, Serial # [redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 10, 2011

OFFICE CORRESPONDENCE FILE NO. SH2252404

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY JAIME JUAREZ #
DEPUTY [redacted] #
DEPUTY MARCO MIRANDA #
DEPUTY EDGAR LOPEZ #
DEPUTY MICHAEL COBERG #
COMPTON STATION

Deputies [redacted] and Jaime Juarez drove southbound on Lime Avenue and saw two male Hispanics emerge from a darkened alley in front of them. The suspects seemed surprised by the deputies presence and began to walk away. Both deputies exited their car and called the two suspects to the vehicle to investigate their activities.

One suspect complied and placed his hands on the hood of the radio car while Suspect Valdovinos continued to walk away. Both deputies ordered him to stop and to turn around; however, the suspect began to run southbound on the sidewalk toward Alondra Boulevard. When the suspect reached the sidewalk of Alondra Boulevard, he turned, reached into his waistband, produced a handgun and fired several rounds at the deputies. As the deputies moved for cover, the suspect at the radio car ran away northbound and out of sight.

After firing at the deputies, the suspect ran southeast, across Alondra Boulevard toward a strip mall, as the deputies followed from across the street on the north sidewalk. While following the suspect, they broadcasted details of the shooting and requested assistance. As the suspect ran eastbound along storefronts, he again fired at the deputies, at which time they returned fire and crossed Alondra Boulevard, continuing to exchange gunfire with the suspect.

The suspect then ran to entrance of the southbound 710 Freeway on-ramp, as Deputies Marco Miranda, Edgar Lopez, and Michael Coberg arrived and followed the suspect onto the ramp. They quickly stopped as the suspect tried to climb over a brick wall.

Deputies [redacted] and Juarez arrived on foot, advising the other deputies the suspect was armed and had shot at them. As the deputies exited their vehicles, the suspect fell to the ground, clutching his waistband. As the suspect stood, he placed one hand on his waistband. Deputies Miranda, Lopez, and Coberg believed the suspect was about to shoot at them, and fearing for their safety, each fired a volley of rounds, which struck the suspect.

Deputy Juarez sustained a "through and through" bullet wound to his right calf. It is believed he sustained this wound in the suspect's initial gunfire. Deputy Juarez was transported to Long Beach Memorial Hospital where he was treated and released. Deputies [redacted] Miranda, Lopez and Coberg were uninjured.

Suspect Valdovinos sustained multiple gunshot wounds to the head and torso. He was pronounced dead at the scene.

The suspect's weapon, a loaded Smith & Wesson 9mm pistol, was recovered at the scene in close proximity to the suspect's body. In the weapon's chamber, an expended shell casing was 'stove-piped." Numerous shell casings and projectiles from the suspect's weapon and deputies' weapons were recovered at the scene.

The second suspect who fled the scene has not been identified.

On December 9, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Jaime Juarez #[redacted] #[redacted] Marco Miranda #[redacted] Edgar Lopez #[redacted] Michael Coberg #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
09/09/11	Compton Station	☐	☒

Incident Information

URN:	Date:	Time:
011-13346-2830-055	09/09/11	2119

City or Station: Compton Station

Location: [redacted] Cypress Street

Nature of Incident:

Location Type (*circle one or more*):
Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)**
Other: _____

Lighting (*circle only one*):
(Darkness), Daylight, **(Other)**, **(Street Lights)**

Weather (*circle only one*):
(Clear), Cloudy, Fog, Rain

Distance: 15-20 feet

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
7	None

Incident Type (*circle one or more*):
Accidental, **(Armed Person)**, **(Fleeing Suspect)**, **(Foot Pursuit)**, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: _____

Initiated by (*circle only one*):
Arrest Warrant, Call, **(Observation)**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*):
Detective, Inmate Transport, Other, **(Routine Patrol)**

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	Shift Time (*circle only one*)	Shift Type (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	M.I.

Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)	
[redacted]	Jones	Robert	L.	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting
[redacted]	King	Matthew	E	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Johnson	Eric	NMN

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Susan	E

PSTD Use Only

SH # _____

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09/09/11	2310		

Employee # [redacted]	Last Name Bly	First Name David	M.I	L
Employee # [redacted]	Last Name Quichocho	First Name Frank	M.I	F
Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I	[redacted]

Shooting / Force Information

Method

(AW)	Arwen
(BC)	Baton: (Control)
(BI)	Baton: (Impact)
(BF)	Bodily Fluids
(CN)	Canine
(CR)	Carotid Restraint
(CH)	Choke Hold
(CT)	Control Holds: (Control Techniques)
(TT)	Control Holds: (Team Takedown)
(TD)	Control Holds: (Takedown)
(CE)	Chemical
(OC)	Chemical Agents (OC Spray)
(TG)	Chemical Agents (Tear Gas)
(EX)	Explosives
(FH)	Firearm (Handgun)
(FR)	Firearm (Rifle)
(FS)	Firearm (Shotgun)
(FO)	Firearm (Other)
(FB)	Flashbang
(FL)	Flashlight
(OE)	Other Weapon: Edged
(OV)	Other Weapon: Vehicle
(OB)	Other Weapon: Blunt Object
(OO)	Other Weapon: Other
(PK)	Personal Weapon: Feet/Leg: (Kick)
(PS)	Personal Weapon: Feet/Leg: (Sweep)
(PH)	Personal Weapon (Hand/Arm)
(PP)	Personal Weapon (Push)
(PO)	Personal Weapon (Other)
(RS)	Resistance
(CN)	Restraint Device (Capture Net)
(RH)	Restraint Device (Handcuffs)
(HB)	Restraint Device: Hobble (Legs Only)
(TP)	Restraint Device: Hobble (TARP)
(RE)	Restraint Device: REACT Belt
(SP)	Sap
(SH)	Shield
(SG)	37mm Stinger
(SB)	Sting Ball
(ST)	Stun Bag
(TR)	Taser
(UC)	Uncooperative

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	22-250	(36)	30-60 caliber	(SL)	Slug
(22)	22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S-1	E-1	UC					NN	
E-1	S-1	FH	BR	9	Y	Y	GS	AR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 011-13346-2830-055

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Juarez	Jaime	NMN

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	H	Deputy Sheriff	Compton Station	287E

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
EM (PM) Day	(Regular) Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
7	[redacted]	Plain Clothes no Vest / Raid Jacket w/ Vest; Plain Clothes w/ Vest / Uniform no Vest; Raid Jacket no Vest / (Uniform w/ Vest)	

Age:	Height:	Weight:
[redacted]	507	150

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:
[redacted]		

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
[redacted]	[redacted]	[redacted]	☒	2	[redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	7			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

E ___

Employee #	Last Name	First Name	M.I.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
		Plain Clothes no Vest / Raid Jacket w/ Vest; Plain Clothes w/ Vest / Uniform no Vest; Raid Jacket no Vest / Uniform w/ Vest	

Age:	Height:	Weight:

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
☐	☐		☐		☐

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):

Shift Time (circle only one):	Shift Type (circle only one):	Intoxication/Drug Usage?	Substance Used:
EM PM Day	Regular Overtime Off Duty	☐	

Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one):	Other Factors:
		Plain Clothes no Vest / Raid Jacket w/ Vest; Plain Clothes w/ Vest / Uniform no Vest; Raid Jacket no Vest / Uniform w/ Vest	

Age:	Height:	Weight:

Range Qualification Date:	PPC Qualification Date:	Laser Training Date:

Certified with Weapon Used?	Patrol Certification?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:	Directed Force:
☐	☐		☐		☐

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 011-13346-2830-055

Suspect Information

S 1

Last Name: Jones	First Name: Brian	M.I.: D	
AKA Last Name:	First Name:	M.I.:	
Sex: M Race: B	Street Address: Homeless	City:	State & Zip Code:
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 22 D.O.B. 02/08/89	Height: 510 Weight: 170	FBI #: [redacted]	CII #: [redacted]
Booking #: 2872050	Primary Charge: 417(c) PC	Secondary Charge: 69 PC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Chevrolet	Model: Monte Carlo 2D	Year: 2002	

S ___

Last Name:	First Name:	M.I.:	
AKA Last Name:	First Name:	M.I.:	
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S ___

Last Name:	First Name:	M.I.:	
AKA Last Name:	First Name:	M.I.:	
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S ___

Last Name:	First Name:	M.I.:	
AKA Last Name:	First Name:	M.I.:	
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT-SHOOTING
URN 011-13346-2830-055

Sergeants David Bly and Frank Quichocho of Internal Affairs Bureau responded with Lieutenant [redacted] to the corner of Aprilia Avenue and Cypress Street in the city of Compton to investigate a deputy-involved, hit shooting. Investigators learned the following:

Compton Station Deputies, Jaime Juarez, #[redacted], and his partner, [redacted], #[redacted], were traveling east on Alondra Boulevard in their marked patrol car when they saw the suspect's vehicle burning its tires out from southbound Central Avenue to westbound Alondra Boulevard at a high rate of speed.

Deputies made a U-turn and attempted to catch up to the suspect. When the deputies stopped at Aprilia Avenue, they saw that the suspect's vehicle had collided into a block wall located near the southwest corner of Aprilia Avenue and Cypress Street. As the deputies pulled in behind the suspect's vehicle, they saw him crawling out of the passenger's side window holding a black handgun in his right hand. Deputies began giving the suspect commands to stop. The suspect did not comply and ran north on Aprilia Avenue.

Deputies chased the suspect north on Aprilia Avenue and then east on Cypress Street. As the deputies chased after the suspect, they saw him reaching for his waistband area. The suspect then suddenly slowed down and turned towards Deputy Juarez. Believing the suspect had armed himself, and fearing for his and his partner's safety, Deputy Juarez fired several rounds at the suspect. The suspect continued to run east on Cypress Street when he suddenly slowed down and turned towards Deputy Juarez a second time. Still believing the suspect had armed himself, Deputy Juarez fired several more rounds at the suspect.

The deputies gave the suspect additional commands to stop, however, he continued running east on Cypress Street. The suspect then stopped between two parked cars once he reached the north sidewalk. The suspect continued reaching near his waistband area, then again turned towards Deputy Juarez. Believing the suspect was still armed, and fearing for his safety, Deputy Juarez fired several more rounds at the suspect. The suspect fell to the ground and was taken into custody without further incident.

The suspect sustained a single gunshot wound to the right forearm. He was transported to Harbor/UCLA Medical Center where he was treated for his injuries and cleared for booking.

No suspect handgun was recovered.

IAB Note: The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, Homicide investigator's observations, as well as information obtained from the original crime report and supplemental reports along with interviews of the involved employees and witnesses. (*Refer to Exhibits A through F)*

IAB Note: IAB Lieutenant [redacted] checked to see that the Watch Commander, Lieutenant Susan Young, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant [redacted] checked to see if the Watch Commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators, in which they had.

INVOLVED PERSONNEL

JUAREZ, Jaime, Deputy Sheriff, #[redacted]
Field Operations Region II
Compton Station

Work History

Date of Employment	06/22/05
Date Assigned to Patrol	[redacted]
Date Completed Patrol Training	
Prior Founded Force Incidents	08/10/06 as related to SH2163795, under IV2176952, founded regarding 3-01/030.10 MMP, Obedience to Laws, Regulations and Orders as it pertains to 3-01/025.40 MMP, Assault by Moving Vehicles-Firearms Policy, written reprimand.

SUSPECT

JONES, Dwayne Brian, MB/22, DOB: 02/08/89

A check of the suspect's criminal history [redacted]

IAB Note: See to Exhibit "A", pages 96-110, for further information.

SWORN WITNESSES

[redacted], Deputy Sheriff, #[redacted]
Field Operations Region II
Compton Station

CIVILIAN WITNESSES

[redacted] FH/21 DOB [redacted]

[redacted] MH/21 DOB [redacted]

IAB Note: See Exhibit "A" pages 25 and 26 for additional witnesses who stated they did not see or hear anything and they heard gun shots only and/or heard orders such as "get down."

SUSPECT INJURIES

Subject Jones was transported to Harbor/UCLA Medical Center where Doctor Christine Yoon treated him for a gunshot wound to his right forearm.

IAB Note: See Exhibit "A", page 30 and pages 32-33, for further information.

DEPUTY INJURIES

No injuries.

PHYSICAL EVIDENCE

IAB Note: See Exhibit "A", pages 70-75, for a list of evidence collected at the scene and CSI diagrams. Also, see page 77 for a report noting Deputy Juarez' handgun was determined to be functional.

INVESTIGATORS OBSERVATIONS

IAB investigators respond to the scene and observed where the suspect collided his vehicle into a block wall, the route of the foot pursuit, and where the shooting took place.

IAB Note: See Exhibit "B" for a CSI diagram and pictures of the scene, also a CD containing all of crime scene photographs.

IAB Note: The distance of the foot pursuit was approximately 345 feet as measured from the where the suspect crashed his vehicle to where he was taken into custody. The measurement is approximate and was measured using a tool on "Google Maps" and a review of CSI diagrams (Exhibit "A" page 75).

A review of Dispatch-9 radio recordings revealed the following summary of radio traffic. All times are approximate.

Dispatch-9:

2119 hours: Unit [redacted], Deputy [redacted], advised 10-33, 998, at Cypress and Aprilia regarding a 417 suspect, units responding. Approximately 35 seconds later, Deputy [redacted] requested Fire at Corlett and Cypress, detaining one suspect and all deputies accounted for. Deputy [redacted] requested additional units code-3.

2120 hours: Air unit advised they were over head and directed units in for a crime scene containment. Aero requested units to respond to Corlett and Cypress regarding civilians gathering at the corner.

L-tac:

2120 hours: No radio traffic regarding the shooting. Century units were requested to respond to the scene for a crime scene containment.

IAB Note: See Exhibit "C" for a CD containing the radio traffic.

FORCE USED BY DEPUTY PERSONNEL

Deputy Juarez: Shot 7 rounds from his department issued 9MM Beretta.

FORCE USED BY THE SUSPECT

Armed suspect, uncooperative, resisting/fleeing suspect.

PROPERTY DAMAGE

A "no parking" sign pole hit and knocked down by the suspect's vehicle as he turned north on Aprilia Avenue from Alondra Boulevard and very minor damage to a block wall where the suspect's vehicle came to rest. Front end damage to the suspect's vehicle.

IAB Note: See Exhibit "A" pages 34-44 for a Compton Station Traffic Collision Report, also see Exhibit "B" pages 16 and 17 for photographs of the damage.

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigator: Homicide Detectives Ken Clark and John Fredendall.

Court: Compton Court Department M-60

Charges: 148(a) P.C. and 14601.5(a) C.V.C.

Court Date: On September 13, 2011 Suspect Jones pleaded to one count of 148(a) P.C. and received 5 days jail and 36 months probation. Additionally, as a result of this incident, Suspect Jones was found in violation of his D.U.I. probation and received 90 days jail.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during night time hours with five overhead street lamps that generally illuminated the areas of where the Suspect collided his vehicle, the beginning of and some portions of the foot pursuit route, and where the incident ended. The street lamps are located on Aprilia Avenue and Cypress Street. **See Exhibit "B" for a CSI diagram.**

INVOLVED EMPLOYEE STATEMENT

JUAREZ, Jaime, Deputy Sheriff, #[redacted]

Deputy Juarez was interviewed by Homicide Investigators Ken Clark and John Fredendall on September 10, 2011, at approximately 0057 hours. The interview took place at Compton Station and was recorded for review. Deputy Juarez was also interviewed by IAB Sergeants David Bly and Frank Quichocho on February 28, 2012, at approximately 1009 hours. That interview took place at IAB and was recorded for review. The following is a summary of both interviews:

Deputy Juarez said he and his partner, Deputy [redacted], were on patrol traveling eastbound on Alondra Boulevard when they saw a silver vehicle making a westbound turn onto Alondra Boulevard from Central Avenue. Deputy [redacted] was the driver and Deputy Juarez was the bookman. He said he and Deputy [redacted] had been partners for approximately three years and have had conversations concerning officer safety, tactical situations, and what each other would doing during those situations.

Deputy Juarez said he saw and heard the suspect's vehicle tires skidding and smoking as the suspect made the westbound turn. Instead of completing the turn into the number two lane, the suspect drove into the number one lane. He said the suspect then suddenly changed lanes into the number two lane and almost collided into a vehicle in that lane.

Deputy Juarez said they made a U-turn at Central Avenue and attempted to catch up to the suspect. He said they did not activate their red lights and siren or request back-up because they were trying to locate and catch up to the suspect. They lost sight of the suspect and were not sure if the suspect continued traveling westbound or turned north on Aprilia Avenue.

Deputy Juarez said they slowed and stopped at Aprilia Avenue and looked north for the suspect. Their vehicle was facing westbound on Alondra Boulevard in the "**T**" intersection when Deputy Juarez said he saw the suspect had crashed into the westside sidewalk area approximately 75 feet north of their position. Deputy Juarez said his (Juarez') window was down when he saw the suspect had crashed.

Deputy Juarez said, "And we see the smoke and we see a male black crawling out of the open window, passenger window, with what appeared to me was a black handgun in his right hand." He said they were still on Alondra Boulevard when he saw the suspect with a handgun climbing out of his vehicle. Deputy [redacted] turned north and started driving toward the suspect's vehicle, during this time Deputy Juarez said he heard Deputy [redacted] yell out "gun."

Deputy Juarez said the suspect was climbing out of the passenger window face down with his stomach on the bottom of the window frame. He said he did not remember if there were working street lamps on in the area, but did say it was not fully dark yet. As

they drove toward the suspect, he could clearly see the suspect was holding a black object in his right hand that he believed was a handgun. Deputy Juarez said their vehicle head lights were on but they did not activate the overhead lights. He said he did not have his spotlight on and did not know if Deputy [redacted] had his spotlight on or not. Deputy Juarez said this was the last time he clearly saw the suspect holding a gun.

IAB Note: See Exhibit "B" for photograph #4 depicting the patrol car, the suspect's car, and the eastbound intersection of Aprilia Avenue and Cypress Street (note the street lamp at the corner).

Deputy Juarez said, at this point, he did not request back-up. He said, "No, I kept my eyes on him. I didn't wanna look down and find my radio and lose sight of him."

Deputy Juarez said he saw the suspect running in a northeast direction as they stopped their vehicle behind the suspect's vehicle. He said he did not see how the suspect landed on the ground from climbing out of the car and only that he remembered seeing the suspect running away.

Deputy Juarez said he exited the patrol car and drew his duty weapon, which is outfitted with a tactical flashlight. The suspect was 20-30 feet away from him still holding the gun and running toward Cypress Street. Deputy Juarez said, during this time, he did not request back-up because he was focused on the suspect. Deputy [redacted] was to the left and behind of Deputy Juarez and Deputy Juarez said he saw him out of the corner of his eye.

Deputy Juarez said he did not give the suspect any orders at this time and he does not recall if Deputy [redacted] was ordering the suspect to do anything or not.

Deputy Juarez said he ran up to the suspect's vehicle and visually cleared the interior of the car for additional suspects. While Deputy Juarez cleared the suspect's vehicle, he said he briefly lost sight of the suspect and, additionally, that was the last time he saw Deputy [redacted] until the suspect was taken into custody. However, Deputy Juarez said, "I knew he was back there. We've been in multiple foot pursuits and I know he's gonna be right behind me."

Deputy Juarez did not stop and search the suspect's vehicle, but slowed and looked inside using his tactical gun light to clear it. Deputy Juarez then looked northeast to locate the suspect but did not see him. He said he ran northeast toward Cypress street to locate the suspect.

Deputy Juarez said, "The direction he traveled, I knew he was gonna run eastbound on Cypress, because he cut in a northeast direction, so that's why I ran towards that direction. And then when I got to Cypress, I saw him in the middle of the street."

IAB Note: See Exhibit "B" for photograph #6 depicting a view of eastbound Cypress Street from Aprilia Avenue.

Deputy Juarez said he did not broadcast he was in foot pursuit, but remembered hearing radio traffic when he started running toward Cypress Street. Deputy Juarez did not actually hear what the radio traffic was and thought it could have been Deputy [redacted] advising they were in foot pursuit. He said he knew Deputy [redacted] would transmit the pursuit because he and Deputy [redacted] have had previous discussions that "the lead guy won't put anything out because he's concentrating on the suspect, and the guy in the back will put it out."

IAB Note: See Exhibit "C" for a CD containing the radio traffic in this incident. At 2119 hours Deputy [redacted], advised 10-33, 998, at Cypress and Aprilia regarding a 417 suspect, units responding. Approximately 35 seconds later, Deputy [redacted] requested Fire at Corlett and Cypress, detaining one suspect and all deputies accounted for.

Deputy Juarez said when he reached the corner at Cypress Street the suspect was approximately 20-25 feet east of him in the middle of Cypress Street. He said, "I saw him running. His back was towards me. And I saw him messing around with his waistband area. Both of his hands were in his waistband area." He said he ordered the suspect to stop running.

Deputy Juarez continued to run after the suspect and described what he saw the suspect doing. He said, "I saw he was moving his hands, arms, but not like you said, freely. It was like he was either holding onto something."

Deputy Juarez said the suspect continued running eastbound toward the north side of Cypress Street and he continued to order him to stop. The suspect still had his hands at his waistband when Deputy Juarez saw his left shoulder turning left and back toward him. Deputy Juarez said, "That's when I believed that he was already armed, and fearing for my life, I fired one or two shots, I don't recall how many."

IAB Note: See Exhibit "B" for photograph #6 depicting a view of eastbound Cypress Street from Aprilia Avenue. The first shots took place in the street in the general area just east of the car parked on the north side of the street.

Deputy Juarez said the suspect never completed his turn and never completely faced him. He said the suspect continued to run eastbound on Cypress Street and the suspect again started to turn his upper body toward him. He said, "He continued eastbound on Cypress, and again, he still has his hands in the same, the same manner that he had earlier, reaching in his waistband. So I continually give him orders to stop running, and again he turns to the, or begins to turn to his left, and that's when I shot another one or two shots."

IAB Note: See Exhibit "B" for photograph #9 depicting a view of eastbound Cypress Street. The second round of shots took place in the street in the general area just in front of the first car parked on the north side of the street.

Deputy Juarez said the suspect was approximately 20-25 feet in front of him during the first two shooting occurrences and he picked up his sights using his tactical flashlight and aimed at the suspect's "center mass." He said he recognized his back drop of several parked cars on the street during the first shots and he did not recall his back drop during the second shots fired.

During the first two shooting occurrences Deputy Juarez said he knew he had parked cars to the north and south he could have used for cover and concealment, but he did not utilize them. He said he felt safe and remained generally in the middle of the street as he followed and shot at the suspect. He said, "I had a good eye on him while he was running, so it would have taken him the whole turn around so I could have moved to the side, so I knew I had the vehicles there if I needed them. I thought I was safe because he would have to turn his body entirely around, and that would have gave me time to, you know, get cover behind the vehicle."

The suspect continued to run eastbound while he discarded a sweater in the street. Deputy Juarez said he does not remember if the suspect was wearing the sweater or where it came from, but he saw it on the street as he pursued the suspect.

IAB Note: See Exhibit "B" for photographs #10 and #11 depicting a view of eastbound Cypress Street and the discarded sweater. Additionally, photographs #10, #11, and #12 shows the two parked cars the suspect ran in-between before the third round shots where fired.

Deputy Juarez said the suspect ran northbound in-between two parked cars on the north side of the street while he (Juarez) advanced to a position in front of the first parked car for cover and concealment. Deputy Juarez lost sight of the suspect as he ran in-between the cars, but picked him up again as the suspect came up onto the sidewalk-grass area. Deputy Juarez moved up to the sidewalk and the suspect was approximately15 feet in front of him.

Deputy Juarez said, "So he continued northbound, I continue northbound, and I lose him between the two cars, and then when he comes out onto the sidewalk, he again turns toward my direction, and fearing that he had already armed himself, I shoot another one or two rounds from the sidewalk."

Deputy Juarez said he advanced toward the suspect as he order him to raise his hands and to lay on the ground. The suspect complied with his orders and gave up. Within two seconds Deputy [redacted] moved in and handcuffed the suspect. Deputy Juarez conducted a quick pat down search of the suspect for weapons. Deputy Juarez said during the foot pursuit he continued to tell the suspect to stop running.

Deputy Juarez said the suspect never said a word during or after the incident.

Deputy Juarez said during the foot pursuit and the shooting he never saw or heard Deputy [redacted] behind him, but he "knew" he was there. He said, "I knew he was back there. We've been in multiple foot pursuits and I know he's gonna be right behind me."

Deputy Juarez said during the entire incident he never thought to stop pursuing the suspect to set up a containment because he knew he had his partner behind him and he was trying to apprehend the suspect. He said, "The distance wasn't all that great where I think he was gonna get away. And I knew I could catch him, so I didn't wanna let him go and risk him getting away on a containment."

Deputy Juarez said approximately 20-30 seconds had elapsed from the time he exited his patrol car until the suspect was handcuffed.

Deputy Juarez said he told Homicide investigators he had [redacted] with his duty weapon prior to the shooting. However, during his IAB interview he stated he was really [redacted] because he had shot at the mobile range.

Deputy Juarez said he and Deputy [redacted] shoot at the Compton Station mobile range at least [redacted], but he did not fill out the scantron card [redacted]. He said, "I don't remember the last time I actually filled out a card. So I might have [redacted], but I don't recall, but we go there maybe [redacted], [redacted] So I'm, I'm not sure if I filled out the card [redacted]."

IAB Note: See Exhibit "D" for a diagram with Deputy Juarez' notations.

IAB Note: See Exhibit "E" for Compton Station's Foot Pursuit Evaluation Form.

[redacted]

IAB Note: Refer to Deputy Juarez' Homicide and IAB transcribed interviews for further information.

SWORN WITNESS STATEMENTS

[redacted], Deputy Sheriff, [redacted]

Deputy [redacted] was interviewed by Homicide Investigators Ken Clark and John Fredendall on September 10, 2011, at approximately 0205 hours. The interview took place at Compton Station and was recorded for review. Deputy [redacted] was also interviewed by IAB Sergeant David Bly on March 5, 2012, at approximately 1356 hours. That interview took place at IAB and was recorded for review. The following is a summary of both interviews:

Deputy [redacted] said he and his partner, Deputy Juarez, were working early morning shift, unit [redacted] He said he was the driver and Deputy Juarez was the bookman. He said he and Deputy Juarez had been partners for approximately three years and have had conversations concerning officer safety, tactical situations, and what each other would be doing during those situations.

Deputy [redacted] said they were driving eastbound on Alondra Boulevard approaching Central Avenue when he saw a car coming southbound on Central making a westbound turn onto Alondra Boulevard. He said the car was driving at a high rate of speed and the tires skidded and screeched as it made the turn.

Deputy [redacted] said he made a U-turn at Central Avenue and was now traveling west on Alondra Boulevard in an attempt to catch up to the suspect. They wanted to stop the suspect's vehicle regarding the unsafe turn and the high rate of speed. He said he did not activate their red lights or siren yet because he wanted to catch up to the suspect. He said there was some distance to close before he would turn on his red lights.

Deputy [redacted] said the suspect continued driving west on Alondra Boulevard when they noticed the suspect made a fast right lane change cutting off cars. He said they lost sight of the suspect as they approached Aprilia Avenue and he believed the suspect turned northbound on Aprilia Avenue. They came to a quick stop at the corner of Aprilia Avenue and looked northbound for the suspect's vehicle. They saw the suspect had collided with the curb and Deputy [redacted] said he saw smoke coming from the suspect's vehicle. He said it was dark and there were working street lamps on Aprilia Avenue and the suspect's vehicle was approximately 75-100 feet away from them.

Deputy [redacted] said only his headlights were on and he could not remember if he turned his spot light on or not.

Deputy [redacted] said as he started to turn north Aprilia Avenue, he saw the suspect trying to climb out the passenger window holding his right hand up in the air and pushing off the car with his left hand. He said he saw the suspect holding an black object in his right hand. He said as he stopped behind the suspect's vehicle the suspect had exited the car completely. He said he could not describe the black object the suspect was holding other than it was some type of object. However, he believed and thought the suspect was holding a gun and he told Deputy Juarez, "Hey, he's got a gun." Deputy Juarez did not respond to Deputy [redacted].

Deputy [redacted] said he did not request back-up because he was concentrating on the suspect. The suspect was climbing out of the passenger window face down with his stomach on the bottom of the window frame. He said he did not see how the suspect landed on the ground from climbing out of the car and only the that he remembered seeing the suspect running away.

Deputy [redacted] said he parked his patrol car approximately 15-20 feet behind the suspect's vehicle and exited his patrol car with his weapon and flashlight drawn. He saw the suspect run north on Aprilia Avenue to eastbound Cypress Street. Deputy [redacted] saw Deputy Juarez to his right in his peripheral vision and he saw him holding his duty weapon. Deputy [redacted] heard Deputy Juarez yelling at the suspect to stop. Deputy Juarez started to advance towards the suspect after he made a quick check of the suspect's vehicle by looking into the passenger window. Deputy [redacted] said he glanced into passenger side of the suspect's vehicle to make sure there was no other suspects in the car and he then followed Deputy Juarez.

Deputy [redacted] said based on his observations, the suspect's actions, and his own training and experiences of armed suspect's running from him and other deputies, he believed the suspect was holding a gun in his right hand. He said neither he or Deputy Juarez broadcasted a 417 suspect was fleeing from them. He said, "We were concentrating on him. We didn't know if there's other people in the vehicle and it was just happening so fast."

Deputy [redacted] said he saw the suspect running eastbound on Cypress Street and Deputy Juarez was in foot pursuit. He briefly lost sight of the suspect after the suspect turned eastbound on Cypress Street. Deputy [redacted] followed Deputy Juarez who was approximately 15 feet in front of him.

Deputy [redacted] said as he reached the corner of Aprilia and eastbound Cypress Street, he saw the suspect in the middle of Cypress Street and he requested the patch on the radio.

He said Deputy Juarez was approximately 15 feet in front of him when he saw Deputy Juarez raise his handgun and fire one or two rounds at the suspect. Deputy Juarez obscured his view of the suspect and Deputy [redacted] did not clearly see what the suspect was doing prior to Deputy Juarez shooting. He said he thought Deputy Juarez must of saw the suspect's gun and was in fear. Deputy [redacted] said he broadcasted "998" and he believed he advised they were in foot pursuit.

IAB Note: See Exhibit "C" for a CD containing the radio traffic in this incident. At 2119 hours Deputy [redacted], advised 10-33, 998, at Cypress and Aprilia regarding a 417 suspect, units responding. Approximately 35 seconds later, Deputy [redacted] requested Fire at Corlett and Cypress, detaining one suspect and all deputies accounted for.

Deputy [redacted] said he had his handgun drawn but he did not fire because Deputy Juarez was in front of him. The suspect was in the middle of the street and was slightly advancing to the north curb line when Deputy [redacted] said he saw the suspect slowing down and turning with Deputy Juarez following him. He said there was a red vehicle at the curb line he could have used for cover and concealment, but he wanted to stay with and follow Deputy Juarez. Deputy [redacted] yelled to the suspect to stop and to show his hands.

Deputy [redacted] said Deputy Juarez was still approximately 15 feet in front of him running after the suspect who was approximately 15 feet in front of Deputy Juarez. He said they were all in the middle of Cypress Street when he saw the suspect make a sudden stop and slowly turn to his left toward Deputy Juarez. He said he could only see the suspect's body movement and he did not see the suspect's hands. He said Deputy Juarez fired one to two additional rounds at the suspect. He said he believed the suspect still presented a threat.

Deputy [redacted] said he had already passed the parked red vehicle and there was no cover or concealment for him to utilize. He said Deputy Juarez was still in front of him and he could not fire his weapon at the suspect.

Deputy [redacted] said the suspect continued to run toward the sidewalk on Cypress Street and he followed the suspect and Deputy Juarez. He said Deputy Juarez followed the suspect who was now in-between two parked cars. Deputy Juarez was in front of a parked car and then moved north onto the sidewalk. He said he heard Deputy Juarez fire one to two more rounds at the suspect.

Deputy [redacted] said he did not see the suspect's hands because the suspect was behind the parked cars and he could not see what the suspect did before or after Deputy Juarez fired his last shots. He said he approached Deputy Juarez and the parked cars and he saw the suspect lying face down on the ground north of the parked cars. He said Deputy Juarez was covering the suspect at gun point, ordering him to place his hands behind his back. He said he saw the suspect was apparently hit by at least one of Deputy Juarez' rounds.

Deputy [redacted] said he approached the suspect and told him, "give me your hands" and the suspect complied. He handcuffed the suspect without further incident. The suspect did not say anything and he did not ask the suspect any questions. He said Deputy Juarez did a quick pat down checked of the suspect for weapons and he (Deputy [redacted]) conducted a more detail search of the suspect.

Deputy [redacted] said he did not see the suspect discard any clothing, but saw a sweater jacket in the street during the incident.

Deputy [redacted] said he and Deputy Juarez waited with the suspect until responding units arrived at the scene. The first unit arrive approximately 20-30 seconds after he handcuffed the suspect. He said people in the neighborhood started to come out of their homes to see what had happened.

Deputy [redacted] said from the time they first saw the suspect's car on Alondra Boulevard until he handcuffed him was approximately forty seconds to one minute. He said he never lost sight of Deputy Juarez from the time they exited their patrol car and he never saw the suspect make a "tossing motion" during the incident.

Deputy [redacted] said he never thought of stopping or telling Deputy Juarez to stop so they could set up a containment. He said, "Because we, we were so close to him that we can still gain on him and handle (it) ourselves. Instead of stop moving and containment."

Deputy [redacted] was carrying a back-up gun in his left front pant pocket and he never drew that weapon during the incident. Deputy [redacted] said he did not fire his duty weapon during the incident.

IAB Note: Homicide conducted a check and inventory of Deputy [redacted] duty weapon (9MM Beretta, serial number, BER[redacted]) and ammunition. The weapon contained one round chambered, with fifteen rounds in the magazine. Deputy [redacted] carried two addition magazines in his magazine pouch, one magazine contained fifteen rounds and the other magazine contained fourteen rounds.

Deputy [redacted] said prior to the check of his duty weapon and ammunition he was confident each of his three magazines would have fifteen rounds in them. He said he was surprised one of the magazines only contained fourteen rounds and the last time he checked his magazines was when he last shot at the range for qualification. He said he could not remember when he [redacted].

Deputy [redacted] said he and Deputy Juarez would [redacted] at the mobile range at Compton Station. He said, "Well, I don't know dates but we go, like I said, we were asked, our region was asked to go [redacted]. So, I mean, it's, it was free ammo to us. It was, we would go every [redacted] just to keep the memory going." He said he did not fill out a scantron card every time the shot, but only during the months he was [redacted].

IAB Note: See Exhibit "D" for a diagram with Deputy [redacted] notations.

IAB Note: See Exhibit "E" for Compton Station's Foot Pursuit Evaluation Form.

IAB Note: Refer to Deputy [redacted] Homicide and IAB transcribed interviews for further information.

CIVILIAN STATEMENTS

IAB Note: See Exhibit "A" for a CD containing Homicide's recorded interviews of the following two witnesses.

[redacted]

Ms. [redacted] was interviewed by Homicide Investigators Ken Clark and John Fredendall on September 10, 2011, at approximately 0434 hours. The interview took place at [redacted], Compton and was recorded for review. The following is a summary of that interview:

Ms. [redacted] said she was home in the kitchen when she heard the sounds of a car crash which she thought was coming from Alondra Boulevard. She exited her home (facing north) and she looked south toward Alondra Boulevard and saw the suspect's vehicle and the suspect climbing out of the passenger side car window. Deputies were also stopped by the suspect's vehicle.

IAB Note: Ms. [redacted] residence is located on the [redacted] See Exhibit "B" photographs #6 and #7 depicting Ms. Guzman's residence.

Ms. [redacted] said the deputies had their hands on their holstered guns and she heard deputies telling the suspect to not move or they would shoot. She said deputies told the suspect to get on the ground. However instead, the suspect pretended to get on the ground and then started running toward and onto Cypress Street.

Ms. [redacted] said she did not see the suspect holding any objects in his hands. She saw the suspect run east past the front of her house, but did not see what the suspect was doing with his hands. Ms. [redacted] thought the suspect was not a "regular person" so she entered her house and closed the door. She said she did not look out of any windows, but heard the words "don't run." She said she saw shadows in the front of her house that indicated to her the deputies were following the suspect.

Ms. [redacted] said she heard three sounds that she thought were gun shots, but at the time she heard them, she did not know what the sounds were. She then saw the lights of patrol cars on Cypress Street.

Ms. [redacted] said she did not hear the suspect say anything.

IAB Note: See Exhibit "A" page 25 for a report authored by Deputy T. Woodward # [redacted] documenting Ms. [redacted] and Witness [redacted] statements. Mr. [redacted] said he only heard five gun shots. Also, see page 26 for a report authored by Deputy S. Giles # [redacted] documenting [redacted] and [redacted] statements. Ms. [redacted] said she only heard seven gunshots and someone saying "get down" and Mr. [redacted] said he only heard 2-3 gunshots.

[redacted]

Mr. [redacted] was interviewed by Homicide Investigators Ken Clark and John Fredendall on September 10, 2011, at approximately 0445 hours. The interview took place at [redacted], Compton and was recorded for review. The following is a summary of that interview:

Mr. [redacted] said he was in his home in the bathroom when he heard the sounds of a car crash. He said a few seconds later he heard gunshots. He did not hear anyone talking before or after the gunshots.

SUSPECT STATEMENTS

JONES, Brian

Suspect Jones was interviewed by Homicide Investigators Ken Clark and John Fredendall on September 10, 2011, at approximately 0611 hours. The interview took place at Century Regional Detention Facility and was recorded for review. The following is a summary of that interview:

Suspect Jones would not answer questions regarding him driving the car that collided on Aprilia Avenue. He said he was in the alley at Aprilia Avenue when deputies told him to "come here." He said he ran from the deputies because he always runs from the police. He also said deputies exited their vehicle with their weapons drawn and he ran away because he was scared.

Suspect Jones said he ran to Cypress Street where deputies shot at him from behind, hitting his arm. He said he heard a deputy say "pop him" and he then heard gun shots. He said his arm hurt but he continued to run from the deputies until he gave up at a grassy area at Cypress Street and Corlett Street without further incident.

Suspect Jones denied having a gun and said deputies did not say anything to him during the foot pursuit.

IAB Note: See Exhibit "A" pages 67-69 for a report authored by Sergeant Fredendall documenting Suspect Jones' statement.

IAB Note: See Exhibit "A" for a CD containing Homicide's recorded interview with Suspect Jones.

SH2296738

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Investigator's Log

Audio/Video Tracking Sheet

Officer Involved Shooting Form

Investigative Summary

Deputy Jaime Juarez' Transcribed Homicide and IAB Interviews.

Deputy [redacted] Transcribed Homicide and IAB Interviews.

Exhibit A: **Homicide Book under file 011-13346-2830-055, including two CDs containing Homicide interviews.**

Exhibit B: **One CSI crime scene diagram, 19 crime scene photographs, and one CD containing all of the crime scene photos.**

Exhibit C: **One CD containing Compton radio traffic.**

Exhibit D: **Two crime scene diagrams with notations from Deputies Juarez and [redacted]**

Exhibit E: **Compton Station Foot Pursuit Evaluation Form.**

Exhibit F: **A copy of Deputy Juarez' range scores.**

Miscellaneous Documents

Administrative Rights Forms
In-service for September 9, 2011, Compton Station PM shift.

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

January 5, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #11-0605
L.A.S.D. File #011-13346-2830-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 9, 2011, non-fatal shooting of Brian Dwayne Jones by Los Angeles County Sheriff's Department (LASD) Deputy Jaime Juarez. We have concluded that Deputy Juarez acted lawfully in self-defense and defense of his partner, Deputy [redacted]

The following analysis is based upon investigative reports, analyzed evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by Sergeants John Fredendall and Kenneth Clark. The District Attorney Command Center was notified of the shooting at approximately 11:20 p.m., on September 9, 2011. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Senior Investigator Andy Le, responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene. Compelled statements were not considered in this analysis.

FACTUAL ANALYSIS

On September 9, 2011, at about 9:20 p.m., Deputies [redacted] (driver) and Juarez (passenger) were on uniformed patrol in a marked patrol car driving east on Alondra Boulevard when they saw Brian Jones speeding south on Central Avenue in the City of Compton. Jones made a right turn at a high rate of speed, causing his car's tires to screech and smoke as he continued west on Alondra Boulevard. Deputy [redacted] made a U-turn and tried to catch up to Jones who made an abrupt lane change to narrowly avoid colliding into another vehicle traveling in the same direction. Out of the deputies' sight, Jones made a right turn north on Aprilia Avenue, struck a

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

parking restriction sign on the west sidewalk, veered back on the roadway and veered back off the road striking a brick wall where the vehicle came to rest. When the deputies reached the intersection of Alondra Boulevard and Aprilia Avenue, they saw Jones' car smoking on the sidewalk against the wall. As [redacted] drove closer to investigate, the deputies saw Jones crawl out of the front passenger window with what appeared to both deputies to be a black handgun in his right hand. Jones jumped from the window and ran north on Aprilia Avenue towards Cypress Street.

When the patrol car stopped, Juarez, followed by [redacted] ran after Jones who continued running east on Cypress Street with his hands near his waistband, ignoring the deputies' orders to stop. As the deputies began to run after Jones, [redacted] yelled, "Gun!" Jones turned his left shoulder towards the pursuing deputies as if he was going to face them. Believing that Jones was armed and about to shoot at him and his partner, Juarez fired one or two rounds from his service weapon at Jones. Jones turned back away from the deputies and continued to run east on Cypress Street with his hands near his waistband out of the deputies' view. Juarez ordered Jones to stop running. Jones again turned to his left and Juarez fired one or two rounds at him. Jones discarded his sweater. He continued running east and then north between two parked cars. Juarez followed, his sight of Jones momentarily blocked by a car. While running on the north sidewalk of Cypress Street, Jones turned his left shoulder towards Juarez, who fired a third volley of one or two rounds at Jones.[1] With Juarez five to 10 feet away, Jones went to the ground, put his hands in the air and surrendered. [redacted] handcuffed Jones, who was bleeding from a gunshot wound to his right arm.

Jones was transported to UCLA Harbor General Medical Center where he was treated for one gunshot wound to his right forearm. His blood showed evidence of alcohol consumption (.02%).

No weapons were recovered from Jones or the surrounding area. The deputies did not see Jones make any movements consistent with discarding a weapon. The deputies were unable to explain what happened to the gun they had seen Jones holding. While returning to the patrol car, the deputies observed people along the route of the foot pursuit.

In case number 1CP06706, the District Attorney's Office filed 2 misdemeanor counts against Jones for resisting arrest and driving with a suspended license. On September 13, 2011, Jones pleaded guilty to resisting arrest.[2]

Approximately two and a half years before this incident, Juarez and [redacted] were involved in an on duty shooting, in which Juarez was shot.

[1] Juarez was armed with a Beretta, model 92F, 9mm semiautomatic handgun. He fired seven rounds during the incident. [redacted] had his gun drawn during the pursuit, but did not fire any rounds because his partner was in his field of fire.
[2] Jones' criminal history reflects several prior arrests for firearms violations.

Statement of Brian Dwayne Jones

On September 10, 2011, at 6:11a.m., Jones was interviewed in jail after being treated in the hospital. After waiving his *Miranda* rights, Jones told investigators that he was walking down the street and began running when the deputy said to "come here." He was "running and man the police was chasing after me and he started shooting. He hit me in the arm once from behind and I tried to keep running but it was hurting too much so I told them I give up and stuff and got on the grass and he got on top of me." Jones denied having driven the crashed car. Jones claimed that he runs from the police every time he sees them. He denied having a weapon. He claimed that the deputies never gave him any orders to stop.[3]

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. (*California Criminal Jury Instructions* 3470.) If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575).

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that Deputies Juarez and [redacted] were attempting to capture Brian Jones who had been driving recklessly, collided into a wall and was

[1] Nancy Guzman was inside of her Cypress Street residence and heard a vehicle collision. When she exited, she saw the deputies standing outside of their patrol car shouting to a male to exit the crashed vehicle and "go to the ground." The male exited the passenger window, initially complied with the deputies' orders, but then ran away. For her safety, Guzman went back inside and heard three gunshots.

fleeing the scene. Both deputies believed that they saw a firearm in Jones' hand when he exited the vehicle. Ignoring the deputies' orders to stop running and with his hands near his waistband, Jones began to turn as if to face the deputies three times as he was fleeing. Each time, reasonably believing that Jones was about to shoot at him and his partner, Juarez fired one or two rounds from his service weapon at Jones, striking him once. Eventually, Jones surrendered and was taken into custody.

It is unclear from the evidence presented whether the deputies were mistaken that Jones had a gun or whether Jones discarded the firearm unbeknownst to them. Nevertheless, we conclude that Jones' actions placed the deputies in reasonable fear of death or great bodily injury causing Deputy Juarez to respond with deadly force. Jones drove the vehicle recklessly without regard to human life. After colliding with the wall, Jones fled from the scene of the collision and ignored the deputies' commands to stop. The deputies were reasonable in believing that Jones was a dangerous criminal willing to resort to deadly force to effectuate his escape. By fleeing with his hands near his waistband, Jones was giving the deputies every reason to believe that he was armed. Each time he began to turn on the deputies showing no signs of surrender, Deputy Juarez was reasonable in believing that Jones might shoot at them. The lawful use of self-defense does not require that the danger actually existed so long as the beliefs of the person acting in self-defense were reasonable. Under these circumstances, Deputy Juarez' belief that Jones might use deadly force to escape was reasonable.

Given the rapidly evolving, life threatening situation that confronted Deputy Juarez, we conclude that he acted lawfully in self-defense and defense of Deputy [redacted] We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JASON P. LUSTIG
Deputy District Attorney
(213) 974-3888

c: Deputy Jaime Juarez #[redacted]

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 18, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2296738
Incident:	Hit Shooting
Incident Date:	September 9, 2011
Unit:	Compton Station/FOR II
Suspect:	Brian D. Jones, M/22
Involved Employees:	Deputy Jaime Juarez Deputy [redacted]
EFRC Date:	June 13, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Anthony La Berge, and Commander Stephen Johnson met and reviewed the above case.

FINDINGS:

The Committee determined the force used by Deputy Juarez was objectively reasonable and in compliance with Department Policy. The tactics are addressed under separate cover memorandium.

RECOMMENDATIONS:

The Committee recommended Deputy Juarez and Deputy [redacted] attend eight hours of Tactics and Survival Training, class 2A. Additionally, the Committee recommended the unit commander, Captain Diane E. Walker, conduct a unit wide briefing regarding the unique circumstances of this incident.

MJR:JER:jer

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: June 18, 2012

OFFICE CORRESPONDENCE

FILE NO. IV2314663
SH2296738

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the hit shooting incident which occurred on March 12, 2011.

The Committee met on June 13, 2012, and consisted of me, Commander Stephen B. Johnson, Custody Operations Division, and Commander Anthony La Berge, Field Operations Region I.

The Committee deemed:

- as **Founded** the allegation that Deputy Jaime Juarez, #[redacted] in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/030.10, Obedience to Laws, Regulations and Orders (Specifically pertaining to, 5-09/220.50, Foot Pursuits), on or about September 9, 2011, while engaged in a foot pursuit of a potentially armed suspect, he failed to initiate a radio broadcast with appropriate information necessary within the first few seconds in order to ensure adequate resources could be coordinated to assist himself and his partner, Deputy [redacted] in apprehending the pursued suspect.

The Committee recommended that Deputy Jaime Juarez, #[redacted] receive a **Written Reprimand**.

MJR:JER:jer

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: June 18, 2012

OFFICE CORRESPONDENCE

FILE NO. IV2314663
SH2296738

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

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The Committee recommended that Deputy [redacted] #[redacted] receive a **Written Reprimand**.

MJR:JER:jer

DISPOSITION WORKSHEET

Re: SH2296738
Subject: **Jaime Juarez #[redacted]**
Investigator: Sgt. David Bly #[redacted]
Advocate: Paul Patterson, Sergeant

SUMMARY:
(Insert here)

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/030.10, Obedience to Laws, Regulations and Orders (Specifically pertaining to, 5-09/220.50, Foot Pursuits), on or about September 09, 2011, while engaged in a foot pursuit of a potentially armed suspect, Subject Jaime Juarez failed to initiate a radio broadcast with appropriate information necessary within the first few seconds in order to ensure adequate resources could be coordinated to assist Subject Jaime Juarez and the subject's partner (Deputy [redacted] in apprehending the pursued suspect.

Evidence Reference:

_____

Defenses/Conflicting Evidence:

_____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised March 20, 2011) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Obedience to Laws, regulations and Orders	W/R to 5days

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_____ **Suspension with loss of pay and benefits for __ days**
__X__ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

DATE July 5, 2012

OFFICE CORRESPONDENCE FILE NO. IAB SH2296738

FROM: DIANE E. WALKER, CAPTAIN
COMPTON STATION

TO: JAIME JUAREZ, DEPUTY
COMPTON STATION

SUBJECT: WRITTEN REPRIMAND

On or about September 9, 2011, while engaged in a foot pursuit of a potentially armed suspect, you failed to initiate a radio broadcast with appropriate information necessary within the first few seconds in order to ensure adequate resources could be coordinated to assist you and your partner (Deputy [redacted] in apprehending the pursued suspect.

You are hereby reprimanded for failing to follow an order and carry out a specific duty and responsibility assigned to you pursuant to the following excerpts of the Department's Manual of Policy and Procedures:

3-01/030.10 OBEDIENCE TO LAWS, REGULATIONS AND ORDERS
Members, who violate any rules, regulations, or policies of the Department or the County, shall be subject to disciplinary action.

5-09/220.50 FOOT PURSUITS
Deputy personnel initiating a foot pursuit shall broadcast the following information to SCC within the first few seconds:

- *Unit identifier,*
- *Suspect location and direction,*
- *Reason for the foot pursuit,*
- *Suspect description,*
- *Whether or not the suspect is armed, if known.*

Barring extenuating circumstances, if a Deputy is unable to promptly and successfully broadcast this information, the foot pursuit shall be terminated and containment immediately established.

You are admonished that future actions of this nature may result in more severe discipline.

I have read and received a copy of this memorandum.

Jaime Juarez — Date: 7/5/12

Witness — Date: 7/5/12

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
05/13/15	Central Patrol Division/Compton Station	☐	☑

Incident Information

URN: 015-05947-2824-051

Date: 05/13/15 Time: 1741 hours

City or Station: Compton

Location: [redacted] North Long Beach Boulevard

Nature of Incident: Subject [redacted] running toward deputies with handgun. Subject then raised handgun in their direction. Dep Juarez fired his handgun, striking subject's leg.

Location Type (check one or more):
- ☐ Backyard
- ☐ Beach
- ☑ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☐ Residence
- ☐ Rural
- ☐ School
- ☑ Street

Other: Sidewalk

Lighting (check only one):
- ☐ Darkness
- ☑ Daylight
- ☐ Other
- ☐ Street Lights

Weather (circle only one):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance: 20-25 Feet

Total # of Shots Fired by Deputy: 4

Total # of Shots Fired by Suspect: 0

Incident Type (check one or more):
- ☐ Accidental
- ☑ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☐ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot

Other: 923's in area.

Initiated by (check only one):
- ☐ Arrest Warrant
- ☐ Call
- ☑ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (check only one):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	Shift Time (check only one)	Shift Type (check only one)
[redacted]	Aviles	David	NMI	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)	
[redacted]	Miller	Ralph	E.	☑ On Duty ☐ Present during shooting	☐ Witness to shooting ☐ Involved in shooting
				☐ On Duty ☐ Present during shooting	☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Cruz	Ulysses	A.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Mitry	Nabeel	S.

SH # 2379366

See Reverse

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph
Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

Officer Involved Shooting
Involved Employee Information

URN: 015-05947-2824-051

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Juarez	Jaime	NMI

Sex	Race	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.)
M	H	Deputy	Compton	287D1

Shift Time (circle only one)	Shift Type (circle only one)	Intoxication/Drug Usage?	Substance Used
☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty	☐	

Hospital Admission?	Hospital Name	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☑

Hrs of sleep prior to shooting	Duty Time (hrs)	Clothing (circle only one)	Other Factors
8	[redacted]	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	

Age	Height	Weight
[redacted]	5' 7"	157

Range Qualification Date	PPC Qualification Date	Laser Training Date
[redacted]	[redacted]	[redacted]

Certified with Weapon Used?	Patrol Certification?	Certification Unit	Prior Shootings?	Number of Prior Shootings	Directed Force
[redacted]	[redacted]	[redacted]	☑	3	[redacted]

Weapons Fired Brand	Caliber	# Shots	Weapons Fired Brand	Caliber	# Shots
Sig Sauer	9mm	4			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

E ___

Employee #	Last Name	First Name	M.I.

Sex	Race	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.)

Shift Time (circle only one)	Shift Type (circle only one)	Intoxication/Drug Usage?	Substance Used
☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty	☐	

Hospital Admission?	Hospital Name	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting	Duty Time (hrs)	Clothing (circle only one)	Other Factors
		☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	

Age	Height	Weight

Range Qualification Date	PPC Qualification Date	Laser Training Date

Certified with Weapon Used?	Patrol Certification?	Certification Unit	Prior Shootings?	Number of Prior Shootings	Directed Force
☐	☐		☐		☐

Weapons Fired Brand	Caliber	# Shots	Weapons Fired Brand	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.

Sex	Race	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.)

Shift Time (circle only one)	Shift Type (circle only one)	Intoxication/Drug Usage?	Substance Used
☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty	☐	

Hospital Admission?	Hospital Name	Coroner Case?	Coroner Case #	Interviewed?
☐		☐		☐

Hrs of sleep prior to shooting	Duty Time (hrs)	Clothing (circle only one)	Other Factors
		☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	

Age	Height	Weight

Range Qualification Date	PPC Qualification Date	Laser Training Date

Certified with Weapon Used?	Patrol Certification?	Certification Unit	Prior Shootings?	Number of Prior Shootings	Directed Force
☐	☐		☐		☐

Weapons Fired Brand	Caliber	# Shots	Weapons Fired Brand	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 015-05947-2824-051

Suspect Information

S 1

Last Name [redacted]	First Name [redacted]	M.I. [redacted]	
AKA Last Name	First Name	M.I.	
Sex: M Race: B	Street Address [redacted]	City [redacted]	State & Zip Code [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 17 D.O.B. [redacted]	Height: 5' 11" Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # [redacted]	Primary Charge: 245(a)(1) P.C.	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☑	Substance Used: Marijuana
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make	Model:	Year:	

S

Last Name	First Name	M.I.	
AKA Last Name	First Name	M.I.	
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S

Last Name	First Name	M.I.	
AKA Last Name	First Name	M.I.	
Sex: Race:	Street Address:	City	State & Zip Code
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S

Last Name	First Name	M.I.	
AKA Last Name	First Name	M.I.	
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

See Other Side

Officer Involved Shooting

URN: 015-05947-2824-051

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05/13/15	1857	08/22/18	

Employee # [redacted]	Last Name	Diez	First Name	Justin	M.I. R.
Employee # [redacted]	Last Name	Grote	First Name	Dinah	M.I. L.
Employee # [redacted]	Last Name	Peacock	First Name	Daniel	M.I. L.

Shooting / Force Information

Method

(AW)	Arwen
(BC)	Baton (Control)
(BI)	Baton (Impact)
(BF)	Bodily Fluids
(CN)	Canine
(CR)	Carotid Restraint
(CH)	Choke Hold
(CT)	Control Holds (Control Techniques)
(TT)	Control Holds (Team Takedown)
(TD)	Control Holds (Takedown)
(CE)	Chemical
(OC)	Chemical Agents (OC Spray)
(TG)	Chemical Agents (Tear Gas)
(EX)	Explosives
(FH)	Firearm (Handgun)
(FR)	Firearm (Rifle)
(FS)	Firearm (Shotgun)
(FO)	Firearm (Other)
(FB)	Flashbang
(FL)	Flashlight
(OE)	Other Weapon: Edged
(OV)	Other Weapon: Vehicle
(OB)	Other Weapon: Blunt Object
(OO)	Other Weapon: Other
(PK)	Personal Weapon: Feet/Leg: (Kick)
(PS)	Personal Weapon: Feet/Leg: (Sweep)
(PH)	Personal Weapon (Hand/Arm)
(PP)	Personal Weapon (Push)
(PO)	Personal Weapon (Other)
(RS)	Resistance
(CN)	Restraint Device (Capture Net)
(RH)	Restraint Device (Handcuffs)
(HB)	Restraint Device:Hobble (Legs Only)
(TP)	Restraint Device:Hobble (TARP)
(RE)	Restraint Device: REACT Belt
(SP)	Sap
(SH)	Shield
(SG)	37mm Stinger
(SB)	Sting Ball
(ST)	Stun Bag
(TR)	Taser
(UC)	Uncooperative

Brand

(AK)	AK-47	(IV)	Iver Johnson	(RO)	Rossi
(BN)	Benelli	(JE)	Jennings	(SW)	Smith & Wesson
(BR)	Beretta	(LO)	Loran	(SR)	Sturm Ruger
(BW)	Browning	(LU)	Luger	(SS)	SIG Sauer
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	HI Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Ithica	(RG)	RG	(ZZ)	Other Brand
		(RI)	RGI		

Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

Body Part Injured

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

Caliber

(9)	9 mm	(24)	.243 caliber	(41)	.410 guage
(10)	10 mm	(25)	.25 caliber	(44)	.44 caliber
(12)	12 guage	(30)	.308 caliber	(45)	.45 caliber
(20)	20 guage	(35)	.357 caliber	(50)	50 mm
(21)	.22-250	(36)	30-60 caliber	(SL)	Slug
(22)	.22 caliber	(38)	.38 caliber	(WW)	Other caliber
(23)	.223 caliber	(40)	.40 caliber		

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E	FH	HI	22			NN	
E	S	FH	SS	9	Y	Y	GS	LE

See Front Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

ADDENDUM

INCIDENT:	**On-Duty Hit Shooting, Suspect Injured**
IAB FILE #:	**SH 2379366**
URN #:	**015-05947-2824-051**
DATE/TIME:	**May 13, 2015 / 1741 hours**
LOCATION:	**[redacted] North Long Beach Boulevard, Compton**

SUMMARY

On August 6, 2018, upon reviewing the completed Homicide case book, it was noted Homicide investigators located surveillance cameras on the light poles, at the intersection of Long Beach Boulevard and Compton Boulevard **[Exhibit A, page 58]**. There was no indication in the Homicide case book if there was an attempt made to retrieve any potential video of the incident.

The IAB investigator contacted Sergeant Sandra Nava, Homicide Bureau, and inquired about the potential surveillance footage. Sergeant Nava prepared a supplemental report describing the inquiry Homicide investigators made regarding potential surveillance footage **[Miscellaneous Documents]**.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Hit Shooting, Suspect Injured**
IAB FILE #:	**SH 2379366**
URN #:	**015-05947-2824-051**
DATE/TIME:	**May 13, 2015 / 1741 hours**
LOCATION:	**[redacted] North Long Beach Boulevard, Compton**

SUMMARY

On May 13, 2015, an Internal Affairs Bureau (IAB) team, comprised of Sergeants Justin Diez, #[redacted] Dinah Grote, #[redacted] and Daniel Peacock, #[redacted] responded to Compton Station regarding an on-duty deputy involved hit shooting. [redacted] (hereafter referred to as Subject [redacted] sustained one gunshot wound to his upper left thigh. He was subsequently transported to St. Francis Medical Center where he was treated for his injuries. The involved deputies were not injured during the incident. On July 21, 2015, this case was reassigned to Sergeant Jeffrey Hamil, and later reassigned to Sergeant John Gutierrez on September 21, 2017.

IAB Sergeant Diez confirmed the on-duty watch commander, Lieutenant Nabell Mitry, #[redacted] took reasonable steps to ensure the involved and witness personnel did not discuss the incident amongst themselves, or with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Sergeant Diez confirmed the involved personnel gathered in the company of a supervisor until they provided a statement to the assigned investigators.

Detective Sergeants Sandra Nava, #[redacted] and Kenneth Clark, #[redacted] under the supervision of Lieutenant David Coleman, #[redacted] from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the shooting investigation. For further information regarding the shooting investigation refer to the Homicide Bureau casebook under URN #015-05947-2824-051 **[Exhibit A]**.

SYNOPSIS

On May 13, 2015, at approximately 1741 hours, Witness [redacted] who was working at [redacted] located at [redacted] saw a group of fifteen or twenty people congregate at a park across the street, west of Long Beach Boulevard. Witness [redacted] heard the group of people screaming and they began to scatter and run. At the same time, Witness [redacted] saw Subject [redacted] standing on the west sidewalk holding a handgun with two hands extended out in front of him.

Witness [redacted] saw Subject [redacted] fire two shots toward the group of people and then run south on the west sidewalk. Witness [redacted] said Subject [redacted] turned and fired two additional shots at the fleeing group of people. Subject [redacted] ran south on the sidewalk toward Compton Boulevard, where Compton Station patrol deputies were stopped at the intersection. Refer to photographs to see the layout of area where this incident occurred **[Exhibit B]**.

IAB Note: Four fired .22 long rifle caliber cartridge casings were located in front of [redacted] which were identified as having been fired by the High Standard pistol possessed by Subject [redacted] [Exhibit A, pages 119-121].

Compton Station Deputy Jaime Juarez, # [redacted] (Driver), and his partner, Deputy David Aviles, # [redacted] (Passenger), were in their marked patrol vehicle working routine patrol as Unit 287D1. They were on Compton Boulevard, facing east, stopped at the intersection in the left turn lane, prepared to proceed north on Long Beach Boulevard. While waiting to turn north on Long Beach Boulevard, they heard gunshots coming from north of their location, on Long Beach Boulevard. The gunshots were in close proximity to them.

Deputy Aviles immediately broadcast radio traffic over Compton Metro L-TAC **[Exhibit C, Compton Metro L-TAC]**. Deputy Aviles notified Compton Station patrol units he heard gunshots on Long Beach Boulevard north of Compton Boulevard. Deputy Juarez slowly turned through the intersection of Long Beach Boulevard and Compton Boulevard to look for the source of the gunshots. Deputy Juarez saw Subject [redacted] running south on Long Beach Boulevard, on the west sidewalk. Deputy Juarez said Subject [redacted] ran in his direction while holding a handgun in his right hand.

Deputy Juarez quickly turned north and stopped his vehicle facing north in the southbound traffic lanes. Deputy Juarez yelled to Deputy Aviles that Subject [redacted] had a gun. Deputy Aviles turned and also saw Subject [redacted] running in his direction with a handgun in his hand. Deputy Juarez quickly exited the driver's door and simultaneously saw Subject [redacted] look in his direction and begin to raise his ([redacted]'s) handgun.

Fearing for his life, and the life of his partner, Deputy Juarez fired four rounds from his duty weapon, striking Subject [redacted] once in the upper left thigh.

Deputy Aviles requested the duplex patch, via his handheld radio. He broadcasted 9-9-8, which indicated he was involved in a shooting **[Exhibit C, Dispatch 9 radio traffic]**. Deputy Aviles advised SCC he needed medical assistance for the suspect and he coordinated the response of additional units to assist with securing the area.

Deputy Juarez and Deputy Aviles saw a .22 caliber semiautomatic handgun lying next to Subject [redacted]. The deputies approached Subject [redacted] and handcuffed him with no additional use of force. Subject [redacted]s handgun was loaded with one round in the chamber and six live rounds in the magazine.

Immediately after the deputy involved shooting, several civilians approached and started yelling at Subject [redacted] "Fuck you crab. That's what you get! Get the fuck out of our neighborhood."

IAB Note: The word "crab" is a derogatory term used toward Crip gang members. The area where the deputy involved shooting occurred is controlled by Elm Street Piru, a criminal street gang, whose rivals include the Crips, a criminal street gang.

Deputy Juarez and Deputy Aviles saw Subject [redacted] was shot in the left leg and they applied a tourniquet to stop the bleeding. Subject [redacted] was transported to St. Francis Medical Center, Lynwood, for treatment for his gunshot wound.

Security surveillance cameras were mounted across the street from where the deputy involved shooting occurred, at [redacted] located at [redacted] Boulevard **[Exhibit D, [redacted] CPT, surveillance video]**. The surveillance video recording shows a blurred, faint, distant image of Subject [redacted] running south on Long Beach Boulevard on the west sidewalk. This was consistent with witness accounts.

IAB Note: A comparison of the surveillance video footage time stamp and the SCC radio transmission revealed an approximate thirty nine minute time difference, which was determined to be a time demarcation error in the privately owned surveillance video.

IAB Note: Homicide Investigators indicated the surveillance cameras were located at [redacted], but they were mounted on [redacted], which is attached to [redacted]

Surveillance cameras were mounted on the light poles above the intersection of Compton Boulevard and Long Beach Boulevard. Homicide Bureau Investigators tried to retrieve footage from the surveillance system, but they were unsuccessful.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office reviewed the shooting of Subject [redacted] by Deputy Juarez. In their letter of opinion, dated October 6, 2017, Deputy District Attorney Shannon Presby concluded Deputy Juarez acted in lawful self-defense **[Exhibit E]**.

INVOLVED PERSONNEL AND WORK HISTORY

Jaime Juarez, Deputy Sheriff, #[redacted]

Central Patrol Division
Compton Station

Date of Employment:	June 22, 2005
Date Assigned to Patrol/Compton Station:	August 31, 2008
Date Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	3
Prior Founded Force Incidents:	[redacted]

Equipment Worn on Person

On May 13, 2015, Deputy Juarez was wearing his Class "A" uniform with a protective vest and a Sam Browne duty belt. The equipment worn on his duty belt included his Sig Sauer P226, 9mm firearm, two loaded magazines, handcuffs, oleoresin capsicum (OC) spray, expandable baton, handheld radio, flashlight and keys.

SUBJECT INFORMATION

[redacted] – Male, Black, DOB: [redacted] 6-00, 180 lbs.
[redacted] CII #[redacted]
FBI #[redacted] MAIN #[redacted]

IAB Note: Subject [redacted] has relocated to [redacted]

The Consolidated Criminal History Reporting System (CCHRS) [redacted]

[Exhibit A, pages 61-62]

SUBJECT INJURIES

Subject [redacted] sustained one gunshot wound to his upper left thigh. He was treated at St. Francis Medical Center and released to Los Padrinos juvenile hall **[Exhibit A, pages 127-132]**.

IAB Note: Subject [redacted] told medical staff at St. Francis he smoked marijuana prior to the deputy involved shooting [Exhibit A, page 142].

DEPUTY PERSONNEL INJURIES

No deputies were injured during this incident.

PHYSICAL EVIDENCE

All physical evidence was located and collected by Los Angeles County Sheriff's Department Homicide Bureau and Scientific Services Bureau personnel. For descriptions of the evidence collected and where it was collected, see the Homicide Bureau casebook **[Exhibit A, pages 113-126]**. Also see scene photographs of the evidence **[Exhibit B]**.

INVESTIGATORS OBSEVATIONS

The scene was described in detail by Homicide Bureau Investigators William Cotter, #[redacted] and Shannon Laren, #[redacted] and documented with photographs. The scene description covered the entire incident and shooting location. The descriptions were consistent with the observations of the IAB investigators who responded to the scene.

Forensic Identification Specialists Mira Amin, #[redacted] and Nancy Clark, #[redacted] assisted Homicide Bureau investigators with the processing of the crime scene. For details, see the Homicide Bureau casebook **[Exhibit A pages 55-60]**. Their description of the scene was consistent with the initial IAB investigator's observations. The scene was also photographed and sketched by the Sheriff's Department Scientific Services Bureau. Included as a permanent record within the IAB casebook are compact discs containing scene investigation photographs and photographs of the involved deputy personnel **[Exhibit B]**. See crime scene sketch and evidence collected **[Exhibit F]**.

WEAPON USED BY DEPUTY JUAREZ

Deputy Juarez fired four rounds of Department issued 9mm ammunition from his Department issued Sig Sauer P226 semiautomatic pistol, serial number [redacted] The firearm was examined by Homicide Investigators Nava and Clark. They later released custody of the firearm to Forensic Identification Specialists Mira Amin of the Los Angeles County Sheriff's Department Scientific Services Bureau Crime Lab, who subsequently booked the firearm into evidence for further examination. Deputy Juarez' weapon was found to be functional. See Scientific Services Bureau's Test Fire and Function Check Report **[Exhibit G]**.

Date last qualified: [redacted]

IAB Note: Deputy Personnel are required to qualify every trimester. A copy of the involved deputy's complete training records, including range qualification scores and dates, were included as a permanent record within this IAB casebook [Exhibit H].

WEAPON USED BY SUBJECT [redacted]

Subject [redacted] was armed with a High Standard, Sport-King, .22 long rifle caliber semiautomatic pistol, serial number [redacted]. The firearm contained one round in the chamber, and a magazine loaded with six rounds. See Scientific Services Bureau Laboratory Examination Report **[Exhibit A, pages 120-121]**.

PROPERTY DAMAGE

Metal security gates in front of [redacted] North Long Beach Boulevard, [redacted] sustained minor damage from three bullet strikes. The property damage is described in **[Exhibit A, pages 59-60]**. Refer to crime scene photographs **[Exhibit I]**.

LIGHTING AND WEATHER CONDITIONS

The incident took place on a clear sunny day, at approximately 1741 hours.

RADIO TRANSMISSIONS

Internal Affairs Bureau Investigators reviewed Sheriff's Communications Center's (SCC) radio traffic associated with the incident **[Exhibit C]**. The following is a brief synopsis of those transmissions:

COMPTON METRO L-TAC

17:40 Hours – Deputy Aviles broadcast hearing gunshots in the area of Long Beach Boulevard, north of Compton Boulevard.

DISPATCH CHANNEL 9

17:41:00 Hours – Deputy Aviles requests the duplex patch. He conducts a radio broadcast advising of a deputy-involved shooting.

17:41:14 Hours – Deputy Aviles requests the fire department for a wounded suspect.

17:41:40 Hours – Field sergeant acknowledged SCC's request to respond to scene.

17:42:58 Hours – Deputy Aviles coordinates units to contain the crime scene.

17:49:56 Hours – Units switch to A-Tac 4. SCC drops the duplex patch.

A-TAC 4

Frequency A-Tac 4 was used by Compton Station personnel at the command post to coordinate their resources.

SURVEILLANCE VIDEO

During a canvass of the scene, Homicide Bureau investigators discovered video surveillance cameras at [redacted] (Times obtained from video display. Time on the display is approximately thirty nine minutes faster than actual time). Internal Affairs Bureau Investigators reviewed the surveillance video footage associated with the incident **[Exhibit D]**. The following is a brief synopsis of the video:

[redacted] **Camera 1 Part 2, West Facing Camera:**

06:20:34 Hours – Blurred, unfocused view of Subject [redacted] running south on Long Beach Boulevard, on the west sidewalk. Unknown male running toward [redacted] south Long Beach Boulevard, on the east sidewalk.

[redacted] **Camera 2 Part 2, Inside [redacted] Northside:**

06:20:40 Hours – Unknown male seen running into [redacted] of [redacted]

06:21:01 Hours – Unknown male walks out of [redacted]

[redacted] **Camera 5 Part 2, Inside [redacted] Northwest:**

06:20:42 Hours – Unknown male seen running into [redacted] area of [redacted]

06:20:58 Hours – Unknown male walks out of [redacted]

[redacted] **Camera 6 Part 2, Outside Facing Down:**

06:20:40 Hours – Unknown male seen running in front of [redacted]

06:21:00 Hours – Unknown male walking away from [redacted]

Homicide Bureau investigators discovered surveillance cameras on the light poles, which they described as, "traffic controlled" cameras, at the intersection of Long Beach Boulevard and Compton Boulevard. Homicide investigators attempted to retrieve video footage from the surveillance system, but they were unsuccessful.

STATEMENTS

The following narratives are intended only as a summation of the actual interview(s). Additional information and the precise wording may be obtained by reviewing the digital audio recordings and verbatim transcriptions. IAB investigators reviewed all reports authored by the involved Department personnel.

WITNESS DEPUTY DAVID AVILES:

Homicide Bureau Interview

On May 13, 2015, Deputy David Aviles was interviewed by Homicide Bureau Investigators Nava and Clark. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 37-39]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Internal Affairs Bureau Interview

On August 10, 2018, at approximately 1302 hours, Deputy Aviles was interviewed at the Internal Affairs Bureau by IAB Sergeants John Gutierrez and Andy Ruiz. The interview was audio recorded and transcribed. The following is a summary of the interview:

On May 13, 2015, Deputy Aviles worked routine patrol on PM shift, with his partner Deputy Jaime Juarez, as unit 287D1. Deputy Aviles had been in patrol for approximately [redacted] years. He was assigned to Compton Station on June 13, 2010.

Deputy Aviles said he and Deputy Juarez were going to get something to eat. Deputy Aviles said Deputy Juarez drove east on Compton Boulevard in the left hand turn lane to proceed north on Long Beach Boulevard.

While waiting to proceed through the intersection, Deputy Aviles said he and Deputy Juarez heard several gunshots coming from north of them, on Long Beach Boulevard. Deputy Aviles said he immediately notified other deputies over Compton Metro L-TAC, he heard shots fired on Long Beach Boulevard north of Compton Boulevard.

Deputy Aviles said when they drove into the intersection, Deputy Juarez told him, "He's over here." Deputy Aviles said Deputy Juarez turned the patrol car, and stopped in the southbound lanes of Long Beach Boulevard facing north. Deputy Aviles turned his attention to his left and saw Subject [redacted] running toward them on the west sidewalk, while holding a handgun in his right hand. Deputy Aviles said he struggled to unlatch his seatbelt so he could exit the patrol car.

Deputy Aviles said he saw Subject [redacted] start to raise the handgun up in his right hand. He could not remove his seatbelt, and he was in fear he would be shot while sitting in the patrol car.

Deputy Aviles said he yelled at Subject [redacted] "Stop. Stop. Stop." Or, "Drop the gun." Deputy Aviles said he heard Deputy Juarez fire several rounds from his duty weapon, and he saw Subject [redacted] fall to the ground.

Deputy Aviles said Deputy Juarez was partially out of the patrol car when he fired his duty weapon at Subject [redacted] Deputy Aviles then unlatched his seatbelt, exited his patrol vehicle, requested the duplex patch and broadcast he was involved in a shooting.

Deputy Aviles and Deputy Juarez initially detained Subject [redacted] at gunpoint, then decided to approach him so he would not retrieve the handgun that was lying next to him. They approached Subject [redacted] and Deputy Aviles held him at gunpoint as Deputy Juarez handcuffed him. Deputy Aviles said they immediately requested medical assistance over the duplex patch as well as additional units for crowd control.

After Subject [redacted] was handcuffed, Deputy Aviles saw a group of individuals walk toward him. Deputy Aviles said due to recent tension against law enforcement nationally, he thought the group was about to assist Subject [redacted] or retrieve the handgun that was on the ground. Deputy Aviles said he pointed his duty weapon at the group and ordered them to stay back. Deputy Aviles then realized the group was yelling profanities at Subject [redacted] The group obeyed his commands and walked away.

Deputy Aviles noticed Subject [redacted] was bleeding from his thigh. To stop the bleeding, a tourniquet was applied prior to the arrival of paramedics. Deputy Aviles said Deputy Juarez directed assisting units to respond and contain the area.

Deputy Aviles did not fire his duty weapon during the incident.

Deputy Aviles was relieved at the scene and transported to Compton Sheriff's Station.

Deputy Aviles was not injured during the incident.

INVOLVED EMPLOYEE JAIME JUAREZ:

Homicide Bureau Interview

On May 13, 2015, Deputy Jaime Juarez, was interviewed by Homicide Bureau Investigators Nava and Clark. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 39-42]**. The interview was transcribed and placed as a permanent record within the IAB case file.

Homicide Bureau Round Count

On May 13, 2015, Homicide Investigators Nava and Clark conducted a round count of Deputy Juarez' firearm, Sig Sauer P226, serial number [redacted] at Compton Sheriff's Station. The firearm contained a total of fifteen rounds, fourteen in the magazine and one in the chamber.

Internal Affairs Bureau Interview

On August 10, 2018, at approximately 1420 hours, Deputy Juarez was interviewed at Internal Affairs Bureau by Sergeants John Gutierrez and Andy Ruiz. The interview was audio recorded and transcribed. The following is a summary of the interview:
On May 13, 2015, Deputy Juarez worked routine patrol on PM shift with his partner, Deputy David Aviles as unit 287D1. Deputy Juarez had been in patrol for approximately [redacted] years. He was assigned to Compton Station on August 31, 2008.

Deputy Juarez said he and Deputy Aviles were going to get something to eat. Deputy Juarez drove east on Compton Boulevard toward Long Beach Boulevard. He was in the left hand turn lane to proceed north on Long Beach Boulevard when he heard approximately five gunshots coming from a northeast direction. Deputy Juarez said the gunshots sounded close in proximity.

Deputy Juarez said Deputy Aviles immediately put out radio traffic over Compton Metro L-TAC, indicating they heard gunshots. Deputy Juarez expected to see chaos, gunshot victims, or a shooting suspect as he turned north on Long Beach Boulevard. Deputy Juarez continued east on Compton Boulevard, then north on Long Beach Boulevard, when he saw Subject [redacted] running south on the west sidewalk of Long Beach Boulevard. Deputy Juarez saw Subject [redacted] was holding a medium sized handgun in his right hand as he ran toward him.

Deputy Juarez said he told Deputy Aviles, "He's over here." Deputy Juarez stopped his vehicle in the southbound lanes of Long Beach Boulevard. Deputy Juarez did not want to pass the threat by going into the northbound lanes of traffic. To have a position of advantage when entering Long Beach Boulevard, he drove into the southbound lanes. Deputy Juarez said he exited his patrol car and noticed Subject [redacted] was startled at his presence. Deputy Juarez said Subject [redacted] slowed, or stopped running and began to raise his handgun toward him. Being in fear for his life, his partner's life, and the public's safety, Deputy Juarez fired his duty weapon four times at Subject [redacted] as he stood behind the open door of his patrol vehicle.

Subject [redacted] was struck by the gunfire, dropped his handgun and fell to the ground. Deputy Juarez said he was approximately 20-25 feet away from Subject [redacted] when he fired his duty weapon. He had good eyesight alignment and good point of aim at Subject [redacted] Deputy Juarez said he did not see any civilian foot traffic, nor did he see any [redacted] through the glass windows of the [redacted] prior to shooting.

Deputy Juarez said Deputy Aviles requested the duplex patch and broadcast he was involved in a shooting. Deputy Aviles coordinated assisting units to their location, and requested medical assistance for Subject [redacted]

Deputy Juarez said he saw Subject [redacted] s handgun on the ground, but still within arm's reach of him. To prevent another deputy involved shooting, he coordinated with Deputy Aviles to approach Subject [redacted]

Deputy Aviles held Subject [redacted] at gunpoint as Deputy Juarez handcuffed him with no additional use of force. Deputy Juarez said when they approached Subject [redacted] he said, "I dropped it already. I dropped it."

Deputy Juarez said as he was handcuffing Subject [redacted] an unknown number of people began to run toward them while yelling profanities. Deputy Juarez realized Subject [redacted] was from a rival criminal street gang of the individuals who were yelling.

Deputy Juarez said he saw Subject [redacted] s left leg was bleeding. He observed Deputy Aviles rendered aid by placing a tourniquet on Subject [redacted] s leg. IAB investigators asked Deputy Juarez if any gunshot victims were located from the prior shooting they heard, prior to them rounding the corner. Deputy Juarez said, "No," but he located bullet casings north of the area where the deputy involved shooting occurred.

IAB investigators asked Deputy Juarez if he had time to use a less-lethal use of force option during the encounter. Deputy Juarez said from the time he heard the first gunshots, to the time he fired his duty weapon at Subject [redacted] thirty seconds had elapsed.

Deputy Juarez said he expected to see gunshot victims when he turned the corner onto Long Beach Boulevard, and he did not expect to see Subject [redacted]

Deputy Juarez said he was relieved at the scene and transported to Compton Sheriff's Station.

Deputy Juarez was not injured during the incident.

CIVILIAN WITNESS STATEMENTS

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigator Cotter. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 48-49]**. Witness [redacted] was working at [redacted] and saw Subject [redacted] shooting at unknown individuals prior to the deputy involved shooting. The interview was transcribed and placed as a permanent record within the IAB case file.

IAB Interview

IAB investigators made several attempts to contact Witness [redacted] Witness [redacted] did not respond to a certified letter **[See Miscellaneous Documents]**.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Nava and Clark. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 35-37]**. Witness [redacted] was standing in front of [redacted], when he saw an unknown person in the back seat of a passing vehicle point a firearm out the window toward Subject [redacted] who was walking south on the west sidewalk of Long Beach Boulevard. Witness [redacted] entered the [redacted] and heard gunshots, but he did not see the shooting. The interview was transcribed and placed as a permanent record within the IAB case file.

IAB Interview

IAB investigators contacted Witness [redacted] but he recently had surgery, was in bad health, and refused to be interviewed.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Cotter and Laren. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 46-47]**. Witness [redacted] was inside [redacted] when the shooting occurred. The interview was transcribed and placed as a permanent record within the IAB case file.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Cain and Caouette. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 52-53]**. Witness [redacted] was inside [redacted] when she heard gunshots, but she did not see the shooting. The interview was transcribed and placed as a permanent record within the IAB case file.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Cain and Caouette. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, pages 53-54]**.

Witness [redacted] was inside [redacted] when he heard gunshots, but he did not see the shooting. The interview was transcribed and placed as a permanent record within the IAB case file.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Cotter. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, page 46]**. Witness [redacted] was inside [redacted] when he heard gunshots, but he did not see the shooting. The interview was transcribed and placed as a permanent record within the IAB case file.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Cain and Caouette. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, page 52]**. Witness [redacted] was inside [redacted] when he heard gunshots, but he did not see the shooting. The interview was transcribed and placed as a permanent record within the IAB case file.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Cotter. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, page 46]**. Witness [redacted] was inside [redacted] when she heard gunshots, but she did not see the shooting. The interview was transcribed and placed as a permanent record within the IAB case file.

WITNESS [redacted]

Homicide Bureau Interview

On May 13, 2015, Witness [redacted] was interviewed by Homicide Bureau Investigators Cotter and Laren. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, page 45]**. Witness [redacted] was in front of [redacted] when the deputy involved shooting occurred. The interview was not transcribed because Witness [redacted] mumbled incoherent statements.

SUBJECT STATEMENTS

SUBJECT [redacted]

Homicide Bureau

Homicide Bureau Investigator Nava said Subject [redacted] invoked his rights not to speak. No interview was conducted with Subject [redacted].

IAB

IAB investigators made several attempts to contact Subject [redacted] Subject [redacted] did not respond to a certified letter **[Miscellaneous Documents]**.

ADDITIONAL INFORMATION

On August 26, 2015, a sustained petition was granted against Subject [redacted] for the charges of Resisting an Executive Officer, Penal Code section 69, and Minor in Possession of Firearm, Penal Code section 29610.

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SH 2379366

AUDIO VIDEO TRACKING SHEET

OFFICER INVOLVED SHOOTING FORM, SH-R-438A

INVESTIGATIVE SUMMARY

TRANSCRIBED INTERVIEWS

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness [redacted] (Homicide Interview)

Witness Deputy David Aviles (Homicide Interview)

Witness Deputy David Aviles (IAB Interview)

Involved Deputy Jaime Juarez (Homicide Interview)

Involved Deputy Jaime Juarez (IAB Interview)

EXHIBITS

A Homicide Casebook URN #015-05947-2824-051

B	One (1) DVD Containing Crime Scene Photographs and Photographs of Involved Deputies, Provided by Scientific Services Bureau
C	One (1) DVD Containing Radio Traffic
D	One (1) DVD Containing Video Surveillance Footage
E	Justice System Integrity Division (JSID) Letter of Opinion
F	Sketch of the Scene Provided by Scientific Services Bureau
G	Scientific Services Bureau, Laboratory Examination Report
H	Deputy Juarez' Training and Range Qualification Records
I	Photographs of Damage to Security Gates
J	Photographs used during Deputy Aviles' Interview
K	Photographs used during Deputy Juarez' Interview

MISCELLANEOUS DOCUMENTS

In-service, PM Shift, Dated May 13, 2015

Certified Letter Receipts

Administrative Rights Force/Shooting Investigation Forms

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

September 27, 2017

Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755



Re: Officer Involved Shooting of [redacted]
J.S.I.D. File #15-0246
L.A.S.D. File #015-05947-2824-051

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 13, 2015, non-fatal shooting of [redacted] by Deputy Jaime Juarez of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Jaime Juarez, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.lacounty.gov

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of [redacted]
J.S.I.D. File #15-0246
L.A.S.D. File #015-05947-2824-051

DATE: September 27, 2017

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the May 13, 2015, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Department (LASD) Deputy Jaime Juarez. We have determined that Deputy Juarez acted in lawful self-defense and the defense of another when he fired his duty weapon.

The District Attorney's Command Center was notified of this shooting on May 13, 2015, at approximately 6:13 p.m. The District Attorney Response Team responded to the location of the shooting where they received a briefing and walk-through of the scene.

The following analysis is based on reports, recorded interviews, surveillance videos, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

On Wednesday, May 13, 2015, at 5:41 p.m., Deputy Jaime Juarez and his partner, Deputy David Aviles, were in their marked LASD patrol car driving eastbound on Compton Boulevard approaching a red light at the intersection of Long Beach Boulevard in the City of Compton. Both deputies were wearing full LASD uniforms. Juarez was driving and Aviles was riding in the right front passenger's seat. Both deputies had worked this area for several years and knew it to be a high-crime area with gang violence.

The deputies were waiting for the traffic signal to change when they heard gunshots.[1] The source of the gunshots was very close in proximity and was coming from Long Beach Boulevard, north of Compton Boulevard. Aviles used his police radio to inform other Compton

[1] Juarez told Sheriff investigators he heard approximately five gunshots coming from north of his location.

deputies that he had heard gunshots. Juarez drove slowly through the intersection of Long Beach and Compton Boulevards as both deputies looked for the source of the gunshots. As they entered the intersection, Juarez stopped his car pointing northbound, in the southbound lanes of travel of Long Beach Boulevard. Juarez observed [redacted] running southbound, on the west sidewalk, in his direction with a large handgun in his right hand. Juarez yelled to Aviles that [redacted] had a gun. Aviles also saw [redacted] running in their direction holding a gun in his hand.

Juarez exited the driver's side door of the patrol car, and almost immediately he saw [redacted] look in his direction and begin to raise his gun. Fearing that [redacted] was going to shoot him or his partner, Juarez fired his service weapon at [redacted] dropped the handgun and fell to the ground.[2] Juarez did not remember whether he gave [redacted] any commands prior to shooting because the incident happened quickly. Juarez believed he fired three times, however, an inspection of his 9mm service weapon and casings from the scene indicated that he fired four times.



Juarez's patrol car facing northbound on Long Beach Boulevard at the intersection of Compton Boulevard.

[2] Aviles said he was trying to remove his seatbelt and exit the car when he heard gunshots coming from the driver's side of the patrol car. When he got out and pointed his gun at [redacted] he saw [redacted] on the ground with a gun next to his body.





Juarez's patrol car, pointing northbound in the southbound lanes of traffic.



The west sidewalk of Long Beach Boulevard and Juarez's patrol car in the intersection.

As Juarez and Aviles approached [redacted] to handcuff him, Jackson stated, "I dropped it already. I dropped it already." Deputies saw a .22 caliber semiautomatic pistol near [redacted] body, and Aviles kicked it away from [redacted] as Juarez handcuffed him. [redacted] gun was loaded with a bullet in the chamber and six live rounds in the magazine.



Firearm recovered at the scene.

Immediately after the deputy involved shooting, several people approached the deputies and were yelling at [redacted] "Fuck you crab![3] That's what you get! Get the fuck out of our neighborhood!" Aviles recognized some of those people as Piru gang members. The deputies observed that [redacted] had been shot in the leg, requested paramedics and applied a tourniquet to his leg to stop the bleeding. [redacted] was transported to the hospital, treated for a non-life-threatening gunshot wound to his left thigh and cleared for booking.

Statement of [redacted]

[redacted] was interviewed by investigators from LASD Homicide Bureau on the evening of the shooting. He said he was standing in front of the church located at 123 North Long Beach Boulevard on the west side of Long Beach Boulevard when he heard two men cursing and arguing with each other near the park, just north of his location.[4] He directed his attention to what he heard and he saw a pedestrian, later determined to be [redacted] walking southbound on Long Beach Boulevard on the same side of the street as the church. He also saw a car travelling southbound on Long Beach Boulevard with a man seated in the backseat. The car slowed and the man in the backseat leaned out and pointed a gun in the direction of [redacted] Believing a shooting was about to take place, [redacted] entered the church and heard three gunshots. Seconds later, he heard several more gunshots coming from the corner of Long Beach Boulevard and Compton Boulevard. When he went back outside the church he saw a deputy standing over [redacted] [redacted] did not see [redacted] with a gun in his hand when [redacted] walked past the church.

[3] The word "crab" is a derogatory name used to describe a rival Crip gang member. This neighborhood is controlled by Pirus, a criminal street gang, whose rivals include Crips.

[redacted]

Statement of [redacted]

[redacted] was interviewed by investigators from LASD Homicide Bureau on May 13, 2015, at the gasoline and tire service station located at 106 North Long Beach Boulevard. The station is directly across the street from where the deputy involved shooting occurred. [redacted] said he was standing near the station's gas pumps when his attention was drawn to a group of 15 to 20 people who had congregated near a park across the street on the west sidewalk of Long Beach Boulevard.

[redacted] said that he heard people from the group screaming and they began to scatter and run. At the same time, he saw [redacted] standing on the west sidewalk in front of a building just south of the park. [redacted] was holding a gun with two hands extended out in front of him. [redacted] fired two shots toward the group of people. [redacted] then ran southbound, turned and fired two more shots in the direction of the same fleeing group. [redacted] again ran southbound at "full speed" toward the corner with a gun in his right hand. He then saw [redacted] try to stop abruptly and fall to the ground with the handgun in his right hand. Simultaneously, he saw two uniformed deputies standing outside a patrol vehicle, shooting at [redacted] believed both deputies fired a total of three to four shots at [redacted]



Gas station where [redacted] was standing.[5]

[5] This photograph was not taken on the date of the deputy involved shooting.

Other Evidence

A forensic examination was conducted of [redacted] .22 caliber pistol, its magazine, and the seven cartridges contained therein. The pistol was test fired and determined to be functional.

Approximately 100 feet north of where [redacted] was shot by Juarez and south of the church, four expended .22 caliber casings were recovered in the street and west gutter of Long Beach Boulevard. The locations of the casings are consistent with [redacted] observations that [redacted] was moving south on Long Beach Boulevard heading toward Compton Boulevard. Forensic examination of those four expended cartridge casings confirmed that they were fired from [redacted] .22 caliber pistol.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146 (holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position [citations omitted] . . . the jury should consider all relevant circumstances surrounding the defendant's conduct. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard.")

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

CONCLUSION

Juarez and Aviles were on patrol in a high-crime area known for gang violence when they heard gunshots fired very close to their location. Juarez saw [redacted] running southbound directly at their patrol vehicle with a gun in his hand. Juarez notified Aviles and exited his marked patrol car wearing his full LASD uniform. Aviles also saw [redacted] with a handgun. Juarez saw [redacted] raise a large firearm in his direction. Believing that [redacted] was the individual that fired gunshots several seconds earlier, and in fear for his life and that of his partner, Juarez fired four rounds from his service weapon at [redacted] striking him once in the leg.

Juarez's belief was reasonable under the circumstances. [redacted] was running at full speed in the direction of the deputies. [redacted] close proximity to the deputies shortened the time that Juarez had to respond. [redacted] posed an immediate and significant danger of death or great bodily injury to Juarez and his partner, and Juarez was forced to make a split-second decision.

We find that Juarez's use of deadly force was reasonable to stop the deadly threat posed by [redacted] Accordingly, we find that Deputy Juarez acted in lawful self-defense and defense of Deputy Aviles when he used deadly force against [redacted] We are closing our file and will take no further action in this matter.

761551N25A - SH - AD - 32A (2/72)

SH2379364

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

Date: October 6, 2017
File No.: 015-05947-2824-051

FROM: EARL M. SHIELDS, CHIEF
DETECTIVE DIVISION

TO: JIM McDONNELL
SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING**

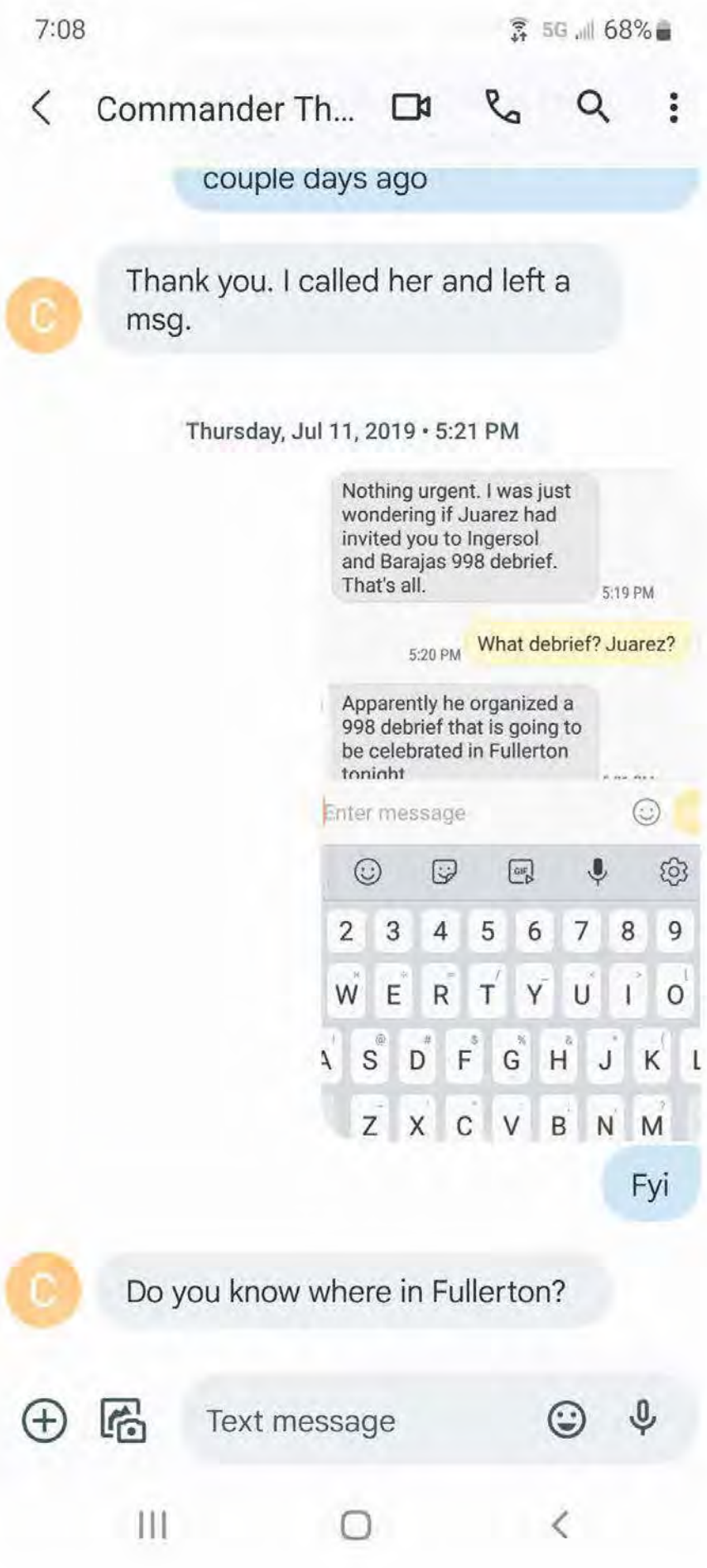
The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputy Jaime Juarez #[redacted]

STATION:	Compton
DATE / TIME OF SHOOTING:	May 13, 2015, 1741 Hours
SUSPECT:	[redacted] MB/17 (Injured – In Custody)
LOCATION:	101 North Long Beach Boulevard Compton

DISTRICT ATTORNEY'S CONCLUSION:

The following is an excerpt from the District Attorney's Letter of Opinion.

"We find that Juarez's use of deadly force was reasonable to stop the deadly threat posed by [redacted] Accordingly, we find that Deputy Juarez acted in lawful self-defense and defense of Deputy Aviles when he used deadly force against [redacted] We are closing our file and will take no further action in this matter."


7:08
5G 68%
Commander Th...
couple days ago
C
Thank you. I called her and left a msg.
Thursday, Jul 11, 2019 • 5:21 PM
Nothing urgent. I was just wondering if Juarez had invited you to Ingersol and Barajas 998 debrief. That's all.
5:19 PM
5:20 PM
What debrief? Juarez?
Apparently he organized a 998 debrief that is going to be celebrated in Fullerton tonight
Enter message
Fyi
C
Do you know where in Fullerton?
Text message

7:09 5G 68%

Commander Th...

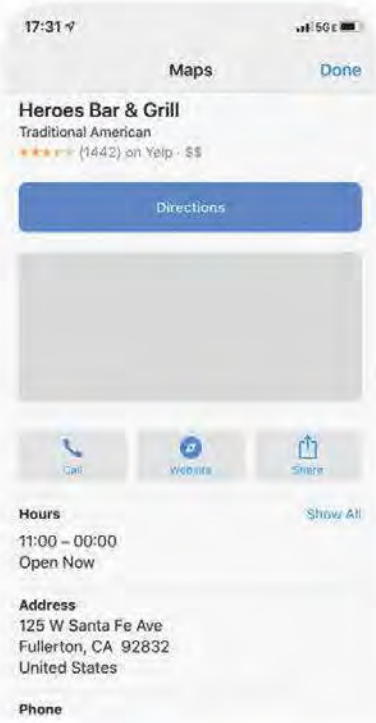
I'll see if I can find out

C Since it's in my town, I'd like to know if you can find out. Thanks.

Copy I'm trying right now

C Don't worry if you can't

Copy.

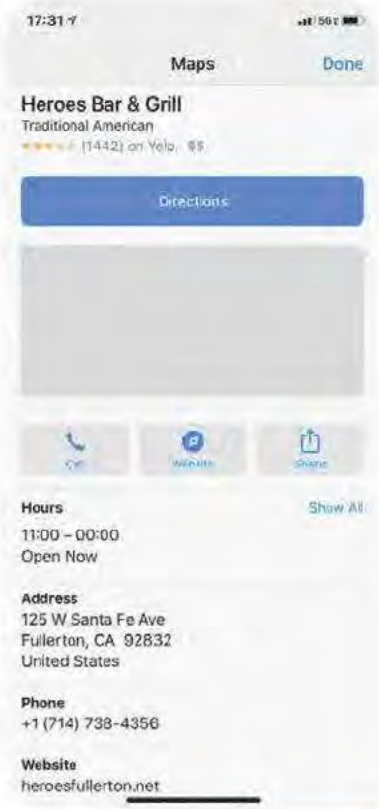


Text message

7:09 5G 68%

Commander Th...

Copy.



Subject: Fwd:
Got this from a separate source

C

Thanks. It is Heroes. A bar and restaurant. They can't get too rowdy there.

Copy

Text message

EXHIBIT 18

OMITTED

Los Angeles County Sheriff's Department
Compton Station

Los Angeles County Sheriff's Department Compton Station Actual Part I Crime - City of Compton (District I) August 1, 2017 - July 31, 2018													
	August	September	October	November	December	January	February	March	April	May	June	July	Total
Homicide	1	0	1	0	1	0	0	0	0	0	0	0	3
Forcible Rape	0	1	0	0	0	0	0	1	0	1	1	3	7
Robbery	7	4	13	4	5	7	4	7	7	4	11	4	77
Aggravated Assault	6	12	15	18	11	10	11	13	22	11	17	12	158
Burglary	7	6	9	11	11	12	4	6	5	14	5	8	98
Larceny-Other Theft	22	26	26	24	25	43	20	18	26	23	29	25	307
GTA	4	12	8	8	16	14	13	13	19	17	25	17	166
Arson	0	1	1	0	0	3	0	1	1	2	0	2	11
Grand Total	47	62	73	65	69	89	52	59	80	72	88	71	827

Los Angeles County Sheriff's Department Compton Station Actual Part I Crime - City of Compton (District I) August 1, 2018 - July 31, 2019													
	August	September	October	November	December	January	February	March	April	May	June	July	Total
Homicide	0	4	0	1	4	1	0	0	0	0	2	1	13
Forcible Rape	0	0	0	0	0	0	0	2	0	0	2	2	6
Robbery	5	10	5	9	6	9	5	7	8	9	6	8	87
Aggravated Assault	25	21	14	8	10	6	5	14	9	12	15	13	152
Burglary	8	8	13	12	10	7	0	7	6	5	11	7	94
Larceny-Other Theft	20	26	44	16	28	29	18	25	15	23	15	19	278
GTA	11	11	7	10	10	10	10	14	9	13	13	9	127
Arson	1	1	0	3	0	0	1	1	1	0	0	2	10
Grand Total	70	81	83	59	68	62	39	70	48	62	64	61	767

*Preliminary Data; Totals are based upon UCR guidelines; Homicides, Rapes, Aggravated Assaults are counted by victim
Tables prepared by CPT/CAU
Data Source: LARCIS Management Reports (5C) | August 15, 2019

UNLIMITED JURISDICTION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

[redacted]

Videotaped deposition of JOEL FLORES, [redacted]

[redacted]

Thursday, April 27, 2017, before

Dorien Saito, CSR 12568, CLR.

08/23/2017

A. I don't remember specifically getting permission from Peter Hish. I don't.
Q. Did you notify Sergeant Vienna of the move?
A. I don't remember.
Q. And did you notify Diaz that you were going to move her?
A. No.
Q. Do you know who did?
A. I don't.
Q. Why didn't you notify Diaz that you were going to move her to another deputy?
A. I didn't see the necessity.
Q. Okay. Did you ever discuss with Diaz about moving her?
A. No.
Q. And let's see. Did -- no. No. No. No. No.

Have you ever heard of the Banditos?
A. Yes.
Q. Are you a member of the -- or associated with the Banditos?
A. When you say "member" or "associated," what do you mean?
Q. Just what I said.

Do you have a tattoo?

08/23/2017

A. Yes.
Q. Do you have the Bandito tattoo?
A. Yes.
Q. So I assume that you're associated with that particular organization or group?
MR. HURRELL: Objection.
BY MR. SMITH:
Q. Let me ask it this way.
How would you describe the Banditos?
A. I don't know. When I was there in patrol -- I don't know -- fifteen years ago, I got the tattoo as a -- as a pride thing, recognition for hard work.
As far as a member of something, I don't -- I -- I was out of there probably in four and a half years and going about my career and my life.
So it was just a station mascot. No different to me than any kind of military organization. Each individual thing. Like the Marines or -- they have their -- their own tattoos.
Q. Well, what -- describe the symbol of the Banditos.
A. It's a skull.
Q. With a sombrero?
A. Yes.

08/23/2017

Q. And is -- is the skull -- is it smiling?
A. I don't believe so.
Q. All right. Is it holding a gun?
A. Yes.
Q. And is there smoke coming out of the gun?
A. I think so, yes.
Q. Is there any symbolism of smoke coming out of the gun?
A. Not that I'm aware of.
Q. Okay. And your tattoo, is that what it depicts?
A. Yes.
Q. Where -- what part of your body do you have the tattoo on?
I'm not going to ask you to show it.
MR. HURRELL: I'm going to object. That's -- that's invasion of his privacy. He disclosed he has it. That's sufficient.
MR. SMITH: All right.
Q. Okay. Do -- have you ever been informed by anybody that members of the Banditos treat female deputies differently than they treat male deputies?
MR. HURRELL: Well, I'll object based on the witness's testimony. The mem- -- the "members" as phrase is vague and ambiguous.

08/23/2017

the time. No -- no different than the mascot for Shootin Newton. They have a skull.

Q. Yeah, I know.

The -- do you have a number?

A. Yes.

Q. What was your number?

A. 40.

Q. Okay. And do you know what number they're at now?

A. I have no idea.

Q. Do you know what the last number is?

A. No clue.

Q. Is there any initiation right?

A. Not that I'm aware of.

Q. Was -- Andrew Hernandez or Marc Elizondo, do know whether or not they were -- considered themselves to be Banditos?

A. I have no idea.

Q. Do you know whether or not they had tattoos?

A. I don't.

Q. Okay. Did anybody ever indicate -- anybody that has the Bandito tattoo ever indicate to you that they were going to treat females differently that were deputies?

08/23/2017

A. No.
Q. Okay. Did you ever observe anybody that had the Bandito tat- -- --
Well, you must have observed other people that had the tattoo; right?
MR. HURRELL: Um --
MR. SMITH: I'm not going to ask him who they are.
MR. HURRELL: No, I know that. But he may -- he may not be able to see whether anybody has a --
BY MR. SMITH:
Q. Do you know whether or not -- well, you're Number 40.
Do you know whether any other Banditos have tattoos?
A. Yes.
Q. Okay. Do you know who they are?
A. Some of them.
Q. Okay. And are they still at East L.A. station?
A. Some of them.
Q. All right. Were -- were some of them there in 2014?
A. Yes.

08/22/2017

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, DORIEN SAITO, CSR 12568, CLR, a Certified Shorthand Reporter in and for the State of California, County of Los Angeles, do hereby certify;

That JOEL FLORES, the witness named in the foregoing deposition, was, before the commencement of the deposition, duly administered an oath in accordance with CCP 2094;

That said deposition was taken down in stenograph writing by me and thereafter transcribed into typewriting under my direction.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

Dated this 8th day of May, 2017.



CERTIFIED SHORTHAND REPORTER
IN AND FOR THE COUNTY OF
LOS ANGELES, STATE OF CALIFORNIA

08/23/2017

Exhibit 21: Facebook video clip of Sheriff Villanueva Social Media - 10-7-20

https://youtu.be/fiuBdTzdtbg



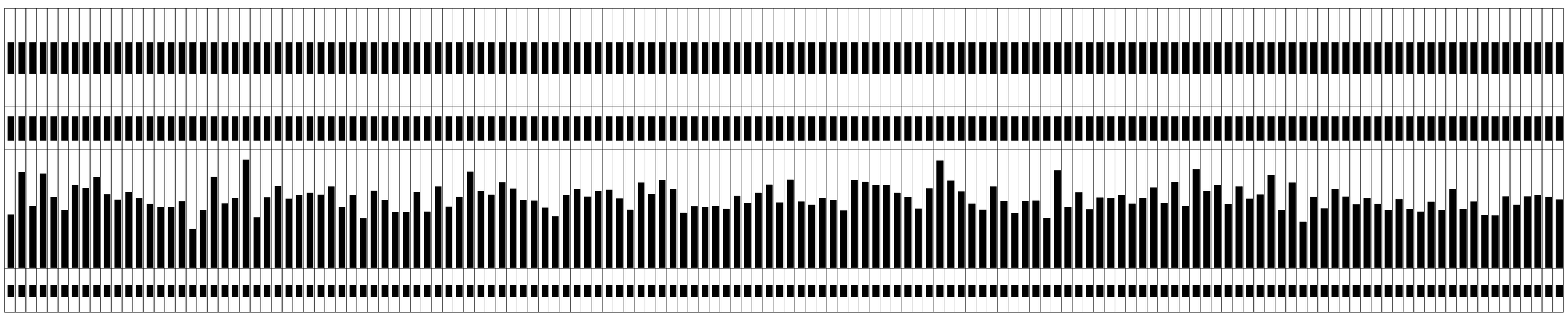
Investigator Deputy, PSN 425 - Promulgated 5/20/2022

NO CANDIDATE MAY BE APPOINTED UNTIL THE ADVANCED TESTING UNIT IS CONTACTED AND HAS VERIFIED ELIGIBILITY.

ALL REQUESTS FOR APPOINTMENTS MUST BE COORDINATED THROUGH YOUR DIVISION AIDE.

Total Candidates: 301 of 301

[redacted]	[redacted]	[redacted]	[redacted]
2	JUAREZ, JAIME	507794	5/20/2024
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]



LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

LAST NAME: HERNANDEZ FIRST NAME: MICHAEL DA CASE NUMBER: 40175332

X FELONY / MISDEMEANOR	AGENCY NAME: LASD - INTERNAL CRIMINAL	DA CASE NO.: 40175332	DATE: 02/06/2020
	AGENCY FILE NO. (DR OR URN): 918-00055-2003-441	DA OFFICE CODE: J.S.I.D. #19-0275R	VICTIM ASSISTANCE REFERRAL: ☐ YES – NOTIFY VWAP ☒ NO

SUSP NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)): HERNANDEZ, MICHAEL	PC	242	09/28/2018	B
		PC	242	09/28/2018	B
		PC	422(A)	09/28/2018	B
	DOB:	SEX (M/F): M	BOOKING NO.:	VIP – Yes X No	
	___ Gang Member Name of Gang			___ Victim Gang Member Name of Gang:	
	Victim Name:			Victim DOB:	
2	NAME (LAST, FIRST MIDDLE)): RODRIGUEZ, GREGORY	PC	242	09/28/2018	B
		PC	243(D)	09/28/2018	B
	DOB:	SEX (M/F): M	BOOKING NO.:	VIP – Yes X No	
	___ Gang Member Name of Gang			___ Victim Gang Member Name of Gang:	
	Victim Name:			Victim DOB:	
3	NAME (LAST, FIRST MIDDLE)): SILVERIO, DAVID	PC	242	09/28/2018	B
	DOB:	SEX (M/F): M	BOOKING NO.:	VIP – Yes X No	
	___ Gang Member Name of Gang			___ Victim Gang Member Name of Gang:	
	Victim Name:			Victim DOB:	

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
SAEED TEYMOURI/map		249495	

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SGT. JEFFERSON C CHOW FILING OFFICER (SIGNATURE): mailed 2/11/20 SERIAL #: 442300

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)

- A. Lack of Corpus
- B. Lack of Sufficient Evidence
- C. Inadmissible Search/Seizure
- D. Victim Unavailable/Declines To Testify
- E. Witness Unavailable/Declines to Testify
- F. Combined with Other Counts/Cases
- G. Interest of Justice
- H. Other (indicate the reason in Comments section)
- I. Referred to Non-California Jurisdiction
- J. Deferred for Revocation of Parole
- K. Further Investigation
- L. Prosecutor Prefiling Deferral

DISTRICT ATTORNEY'S REASON CODES

- M. Probation Violation filed in lieu of
- N. Referred to City Attorney for Misdemeanor Consideration

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY / MISDEMEANOR	AGENCY NAME: LASD - INTERNAL CRIMINAL	DA CASE NO.: 40175332	DATE: 02/06/2020
	AGENCY FILE NO. (DR OR URN): 918-00055-2003-441	DA OFFICE CODE: J.S.I.D. #19-0275R	VICTIM ASSISTANCE REFERRAL: ☐ YES – NOTIFY VWAP ☒ NO

SUSP NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
4	NAME (LAST, FIRST MIDDLE)): MUNOZ, RAFAEL	PC	242	09/28/2018	B
	DOB:	SEX (M/F): M	BOOKING NO.:	VIP -- Yes X No	
	Gang Member Name of Gang:		Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		
5	NAME (LAST, FIRST MIDDLE)):				
	DOB:	SEX (M/F):	BOOKING NO.:	VIP – Yes – No	
	Gang Member Name of Gang:		Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		
6	NAME (LAST, FIRST MIDDLE)):				
	DOB:	SEX (M/F):	BOOKING NO.:	VIP – Yes – No	
	Gang Member Name of Gang:		Victim Gang Member Name of Gang:		
	Victim Name:		Victim DOB:		

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
SAEED TEYMOURI/map		249495	

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SGT. JEFFERSON C CHOW FILING OFFICER (SIGNATURE): mailed 2/11/20 SERIAL #: 442300

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)			
A. Lack of Corpus	D. Victim Unavailable/Declines To Testify	H. Other (indicate the reason in Comments section)	L. Prosecutor Prefiling Deferral
B. Lack of Sufficient Evidence	E. Witness Unavailable/Declines to Testify	I. Referred to Non-California Jurisdiction	*DISTRICT ATTORNEY'S REASON CODES*
C. Inadmissible Search/Seizure	F. Combined with Other Counts/Cases	J. Deferred for Revocation of Parole	M. Probation Violation filed in lieu of
	G. Interest of Justice	K. Further Investigation	N. Referred to City Attorney for Misdemeanor Consideration

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Department (LASD) Sergeant Michael Hernandez, Serial #455317, and Deputies Gregory Rodriguez, Serial #511120, David Silverio, Serial #466408, and Rafael Munoz, Serial #290614 committed the crime of battery causing serious bodily injury, in violation of Penal Code section 243(d), the crime of criminal threats, in violation of Penal Code section 422(a), and the crime of battery, in violation of Penal Code section 242. For the reasons set forth below, this office declines to initiate criminal proceedings.

The following analysis is based on reports prepared by the LASD, submitted to this office by Sergeant Jeff Chow, LASD Internal Criminal Investigations Bureau (ICIB).

FACTUAL ANALYSIS

On the evening of September 27, 2018, East Los Angeles (ELA) sheriff deputies held an "off-training party" that lasted into the early morning of September 28, 2018.[1] The party took place at Kennedy Hall located at 451 South Atlantic Boulevard in the City of Los Angeles.[2] The party started at 8:00 p.m. and concluded at 3:00 a.m. the next morning. While the party was held in Kennedy Hall, many of the partygoers congregated and drank in the adjacent parking lot all night long. *See Figure 1.*



Figure 1: Kennedy Hall with the adjacent parking lot where partygoers congregated.

[1] Although referred to as East Los Angeles Station, this station is located in the city of Los Angeles, in an unincorporated part of the county.

[2] An "off-training" party is traditionally held for deputies who successfully completed patrol training at their respective patrol stations. "Off-training" parties are not department sponsored. "Off-training" parties are not held in department facilities or patrol stations.

All the involved deputies involved in this incident were assigned, or formerly assigned, to ELA Sheriff's Station.[3] All parties involved were off duty at the time of the incident and had been drinking alcohol. The alleged victims in this case are LASD Deputies Art Hernandez, Oscar Escobedo, Jose Fuentes, and Alfred Gonzalez.[4]

Rodriguez, Munoz, Silverio, M. Hernandez, and Deputy Vincent Moran, were all part of an older, more senior generation of deputy sheriffs who expressed their dislike of Gonzalez and his work ethic.[5]

On September 26, 2018, Rodriguez, Moran, and Munoz confronted Gonzalez at the ELA station barbeque area and took turns criticizing his lack of work productivity, work hours, and being too comfortable for a newer deputy.[6] Moran finished by telling Gonzalez to transfer to another patrol station. On September 27, 2018, Silverio confronted Gonzalez at the party and told Gonzalez he was not good at the station and M. Hernandez approached Gonzalez and called him a "pussy" and a "rat."

Gonzalez was one of the ten deputies, for whom the "off-training" party was held.

The "off training party" ended around 3:00 a.m.[7] Sometime between 3:50 a.m. to 4:00 a.m., an incident occurred in the parking lot adjacent to Kennedy Hall. At the conclusion of the incident, A. Hernandez had a bloody lip, was possibly rendered unconscious, and Escobedo had a sore neck. There are several different accounts as to what occurred. No surveillance video or cell phone recording was recovered which documented the incident.[8] The altercation occurred at night, and the lights in the parking lot were turned off.[9]

The following morning, A. Hernandez called off-duty Deputy Dwight Aguayo.[10] A. Hernandez told Aguayo that he was assaulted at the off-training party by Rodriguez and Munoz. He stated that he attempted to break up the confrontation between Rodriguez and Fuentes, and held Rodriguez back. While he was holding Rodriguez, Munoz pushed him. As a result, both A. Hernandez and Rodriguez fell to the ground. While on the ground, Munoz punch him several times. Another individual helped Munoz up, and he saw Munoz chase Fuentes toward Atlantic

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[3] Sergeant M. Hernandez was assigned to Men's Central jail at the time of the incident, but was formerly assigned to ELA Sheriff's Station.

[4] Sergeant Michael Hernandez and Deputy Art Hernandez share the same last name. As such, they are referred to as M. Hernandez and A. Hernandez respectively throughout the memo.

[5] Although there was some mention of a subculture "Banditos" existing at the ELA station, the "Banditos" were not a focus of this investigation nor were the suspects definitely identified as being part of this subculture. Furthermore, whenever mentioned, the "Banditos" were simply associated with a group of older, more senior deputies that simply ostracized younger deputies they felt were "lazy." At no point in this investigation did any witnesses indicate that the "Banditos" were equivalent to a gang or any type of criminal enterprise.

[6] This confrontation was captured by a surveillance camera at ELA station.

[7] Conrad S[redacted], owner of the Kennedy Hall, told all the attendees to leave the hall between 2:45 a.m. and 3:00 a.m., to which they did.

[8] Lieutenant Richard Mejia informed Sergeant Chow he heard a rumor the incident was captured on video with a cellular phone. No such video has ever surfaced.

[9] S[redacted] stated he turned off the lights to the parking lot when he closed the hall.

[10] Aguayo had attended the party, but did not witness any assaults.

Avenue. A. Hernandez ran to help Fuentes, and pushed Munoz to prevent him from assaulting Fuentes. As he did so, he was stuck by Rodriguez in the face. A. Hernandez stated his lips were bleeding and his face was hurting.

Aguayo reported this conversation to Deputy Louis Granados, who in turn told Sergeant Thomas Kim. Aguayo also reported this conversation to Lieutenant Richard Mejia. On September 28, 2018, A. Hernandez called Mejia to report this incident. Later that day, Escobedo called Mejia to tell him about this incident. Kim notified Lieutenant Eric Smitson. Smitson ordered Kim to conduct a supervisor inquiry into the assault allegations. When A. Hernandez arrived at the station, he had visible injuries and appeared to be distraught. Ultimately, a criminal investigation was opened by ICIB.

A. Hernandez, Escobedo, Fuentes, and Gonzalez provided interviews to ICIB investigators. M. Hernandez, Rodriguez, Munoz and Silverio declined to be interviewed by ICIB and requested to speak to an attorney. Several other off duty LASD employees provided statements as requested. Twenty-one deputies were identified as possible witnesses to the events and declined to be interviewed.

Deputy Art Hernandez

On September 28, 2018 at about 5:04 p.m., Sergeants Steve Kim and Chow spoke to A. Hernandez. They advised him they were investigators from ICIB and that they wanted to interview him about what occurred at the "off-training" party. At that time, A. Hernandez declined to be interviewed about the facts of this incident without having an attorney present. A. Hernandez did, however, provide investigators with his medical documentation from Whittier Presbyterian Hospital that indicated he was treated for a lip laceration. Chow noted A. Hernandez had a quarter-inch laceration to the left side of his mouth, for which he received two stitches. *See Figure 2.*

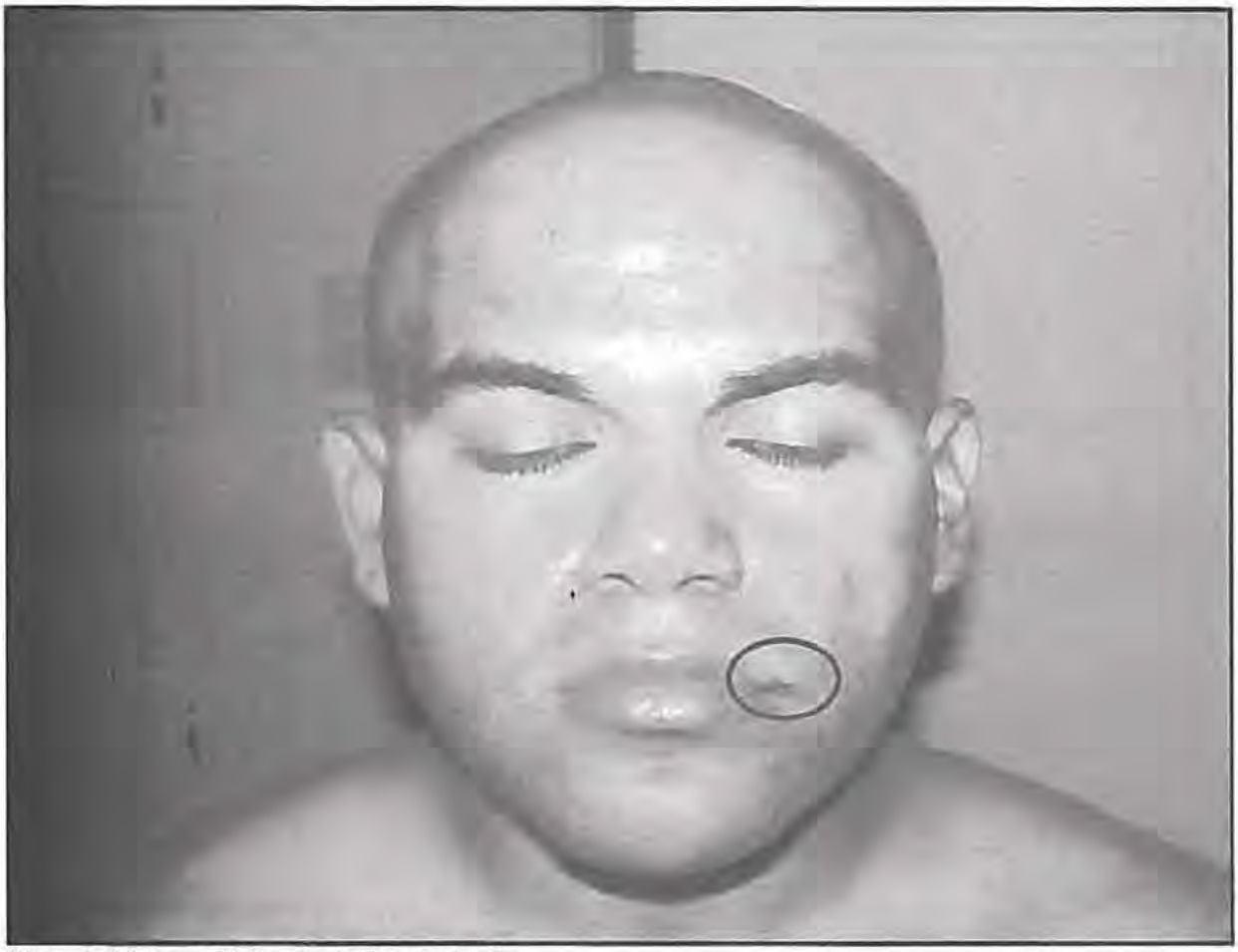


Figure 2: Picture of injury to A. Hernandez lip.

On October 4, 2018, A. Hernandez agreed to be interviewed with representation at the Association for Los Angeles Deputy Sheriffs (ALADS) office.[11] A. Hernandez stated he had been a deputy sheriff for four years and had worked at ELA for the past two years. His partner was Deputy Mario Contreras.

A. Hernandez arrived at the "off-training" party at approximately 10:40 p.m. At that time, he observed approximately 70 people at the party. At about 11:30 p.m., he saw Rodriguez, Munoz, Silverio, M. Hernandez, Moran, and Deputy Braulio Robledo arrive. Their presence made him apprehensive because he believed these deputies created tension by imposing "their work standards and ethics" upon other deputies at the ELA Sheriff's station. A. Hernandez said that those who did not perform to their standard were ostracized and harassed. Per A. Hernandez, those six deputies kept to themselves most of the night.

[11] ALADS is the LASD union that provides representation for deputies involved in disputes.

At approximately 2:00 a.m., A. Hernandez observed Gonzalez surrounded by Rodriguez, Silverio, M. Hernandez and several unknown males.[12] He heard the group tell Gonzalez that he was a "zero" and that he did not belong at the station.

Later, while A. Hernandez was speaking to Gonzalez in the parking lot, Rodriguez again approached and tapped Gonzalez on the shoulder and asked Gonzalez to follow him. At this time, Fuentes verbally intervened and asked Rodriguez why he needed to keep talking to Gonzalez all night long. Fuentes also told Rodriguez to leave Gonzalez alone.

Rodriguez became upset and said to Fuentes, "What the fuck did you say, dude? You have a problem?" Fuentes again told Rodriguez to leave Gonzalez alone. At this time, Rodriguez placed his forehead against Fuentes and pushed him once causing Fuentes to take one step backwards. In response, A. Hernandez bear hugged Rodriguez and pushed Rodriguez away from Fuentes. A. Hernandez continued to tell Rodriguez to calm down. In response, Munoz approached and told A. Hernandez to let Rodriguez go. A. Hernandez refused to do so and Munoz attempted to punch A. Hernandez, but he failed to connect. Munoz's momentum carried him into A. Hernandez and Rodriguez causing them all to fall to the ground. Munoz then punched A. Hernandez in the face two to three times.[13] Contreras helped A. Hernandez up and told A. Hernandez he was going to find him a ride home.

A. Hernandez then saw other unknown people fighting in the parking lot. He saw Escobedo pinned against a chain link fence and observed Rodriguez, Munoz, and others around Escobedo. A. Hernandez feared Escobedo was going to be assaulted by Munoz so A. Hernandez pushed Munoz, causing Munoz to fall to the ground. He then tried to push others away from Escobedo when he was hit on the left side of his face and was knocked out. A. Hernandez said to investigators that Contreras, Casas, and Daniel Gonzalez told him they saw Rodriguez punch A. Hernandez, which caused A. Hernandez to fall to the ground.[14]

A. Hernandez next remembers waking up in a patrol vehicle and estimates that he was unconscious for three to four minutes. A. Hernandez said he was transported home by Deputy Israel Martinez.

At about 11:00 a.m. that morning, A. Hernandez went to work at ELA station. At about 12:00 p.m., he drove himself to the hospital to get treated.

A. Hernandez stated that all the individuals in Munoz's group were drunk, loud, aggressive, and behaved like "thugs." A. Hernandez admitted that during the party he drank four "cups" of vodka mixed with tonic. He recalled his last drink of alcohol was at approximately 2:30 a.m.

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[12] Despite indicating 2:00 a.m., the Hall did not close till 2:45-3:00, per owner S[redacted].
[13] Off duty deputies Mario Contreras and David Casas have different recollections as to what occurred with Munoz and A. Hernandez when they toppled to the ground. See their statements below.
[14] Casas has a different recollection as to what occurred. See his statement below.

Deputy Jose Fuentes

On October 4, 2018, Fuentes was interviewed at ALADS about what happened at the "off-training" party. Fuentes stated he arrived at 11:00 p.m.

At about 3:45 a.m., Fuentes was in the parking lot with Gonzalez, A. Hernandez, Contreras, and Casas when Rodriguez approached and tapped Gonzalez on the shoulder and told Gonzalez he needed to speak to him. At this point, Fuentes verbally intervened and told Rodriguez, "Really, you're going to talk to him again?"

Rodriguez approached Fuentes, head butted him, and stated, "What the fuck did you say?" Fuentes repeated his words and in response, Rodriguez pushed him once, causing Fuentes to take a step back. In response, A. Hernandez bear hugged Rodriguez. Munoz responded and pushed A. Hernandez and Rodriguez to the ground.

At this point, M. Hernandez interjected himself and pushed Fuentes back and out of the parking lot. While pushing Fuentes, M. Hernandez kept stating, "What do you got to say?" Robledo followed M. Hernandez and kept stating, "No Fuentes, if you got something to say, say it!" Fuentes backed out of the parking lot and entered an LASD patrol vehicle driven by Deputy James Duran. Fuentes was taken to ELA station where his car was parked. At the station, he received a text message directing him to meet at A. Hernandez's residence. He did not recall who sent the message and he deleted the text.

Fuentes drove to A. Hernandez's residence and met up with Casas, Escobedo, and A. Hernandez.

Fuentes believed M. Hernandez was drunk. M. Hernandez's face was red, his eyes were glossy, and his speech was slurred. Fuentes stated he was not injured by any of the pushes he received that night.

During the party, Fuentes said he drank three beers and a shot of tequila. He said he stopped drinking alcohol about three hours before the incident.

Deputy Alfred Gonzalez

On October 4, 2018, Gonzalez was interviewed at ALADS about what happened at the "off-training" party. Gonzalez has been a deputy for six years and had worked at ELA station for over a year.

Gonzalez arrived at the party at about 7:00 p.m. to set up. At the party, Silverio confronted him and commented on how Gonzalez was not a good deputy for the station. Silverio loudly complained about Gonzalez wearing apparel representing ELA Sheriff's station.[15]

[15] Gonzalez was wearing clothing with ELA LASD on it.

Additionally, at the party, M. Hernandez approached Gonzalez and called him a "pussy" and a "rat." M. Hernandez also threatened to "deal" with him or his family. Gonzalez believed M. Hernandez was drunk and trying to provoke a fight.

Between 2:00 a.m. and 3:00 a.m., Rodriguez approached Gonzalez and told Gonzalez he wanted to talk to him. Fuentes, who stood nearby, verbally interjected and said, "Why do you guys need to talk to him so much?" In response, Rodriguez said to Fuentes, "What the fuck did you say?" Rodriguez placed his forehead against Fuentes and pushed him once.

In response, A. Hernandez wrapped his arms around Rodriguez's upper torso, pulling him away from Fuentes. Munoz then ran through the parking lot and pushed A. Hernandez, causing A. Hernandez and Rodriguez to fall to the floor. While both of them were lying on the floor, Munoz "hammer fist" punched A. Hernandez once in the face.

Gonzalez then saw M. Hernandez push Fuentes out of the parking lot. Fuentes asked Deputy Christopher Moore, who was on duty and present in the parking lot, to radio for backup.[16] Gonzalez ran to his vehicle, unlocked it, and turned on the engine. Gonzalez then saw M. Hernandez pushing Escobedo onto the west sidewalk of Atlantic Boulevard. M. Hernandez grabbed Escobedo's neck and shoulder and pinned him to the chain link fence.[17] Gonzalez ran to help Escobedo as M. Hernandez put Escobedo in a choke hold. Escobedo managed to slip out of his T-shirt and away from M. Hernandez. Gonzalez put Escobedo into his vehicle and Casas entered the driver's seat. Gonzalez saw Deputy Eduardo Muniz hold M. Hernandez at bay and Muniz told them to leave.[18]

Casas exited the vehicle at ELA station and Gonzalez drove Escobedo back to Kennedy Hall for Escobedo to pick up his vehicle. Escobedo and Gonzalez then caravanned to A. Hernandez's residence to confer.

Gonzalez estimated that 30 people were in the parking lot when the incident occurred.

During the party he worked as a bartender. Gonzalez stated that he served mixed drinks to Munoz that evening. Additionally, Gonzalez drank four vodka and tonics and three Modelo beers that night.

Gonzalez was not injured during the incident.

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[16] Despite being present, Moore said he did not see any physical altercation that night. He also stated that he did not radio for backup. See his statement below.

[17] This is contradictory to Contreras statement where Contreras said it was Silverio that pinned Escobedo to the chain link fence. See Contreras statement below.

[18] This is contradictory to Muniz statement. Muniz stated that he did not see any physical altercation that night. See his statement below.

Deputy Oscar Escobedo

On September 28, 2018 at about 8:24 p.m., Kim and Chow spoke to Escobedo. They advised him they were investigators from ICIB and that they wanted to interview him about what occurred at the "off-training" party. At this time, Escobedo declined to be interviewed without having an attorney present.

On October 4, 2018, at approximately 4:12 p.m., Sergeants Vincent Choi and Chow conducted a follow-up interview with Escobedo. The interview was conducted at the ELA Sheriff's station.

Escobedo said he had been a deputy sheriff for eight years and had worked at ELA for the past year. He said he had built a strong friendship with the newer generation of deputy sheriffs, specifically Gonzalez, A. Hernandez, and Contreras.

In contrast, Escobedo did not like Munoz and stayed away from him because Munoz intentionally placed a lot of stress on patrol trainees. Escobedo recalled several occasions where Munoz commented and/or suggested how Escobedo needed to conduct his patrol shift.

Regarding this incident, Escobedo said he arrived at the party at about 10:00 p.m.

At approximately 3:00 a.m., Kennedy Hall closed and everyone went into the parking lot. In the parking lot, he observed Rodriguez arguing with Fuentes. He heard Fuentes state, "I think that's enough," to which Rodriguez replied, "What are you gonna do about it? What do you care?" Escobedo then saw Rodriguez place his forehead against Fuentes. At this time, Escobedo and A. Hernandez separated the two.[19]

As A. Hernandez was holding Rodriguez, Munoz ran across the parking lot yelling at A. Hernandez, "Get your hands off of him!" Munoz then tackled A. Hernandez, and proceeded to punch A. Hernandez two to four times in the face. Escobedo interjected by grabbing Munoz, which allowed A. Hernandez to roll away from Munoz.

Munoz then pulled Escobedo to the ground and said, "I've been waiting for you." Munoz punched Escobedo in the face and shoulder one time.[20] In response, Escobedo punched Munoz in the face and neck. Silverio then held Escobedo down and some unknown person punched Escobedo in the face. Silverio then let go of Escobedo and Escobedo got up. Escobedo recalled numerous people running in different directions.

Escobedo then saw M. Hernandez attempt to grab Fuentes in the street, so Escobedo intervened and pushed M. Hernandez. In response, M. Hernandez put Escobedo in a headlock and squeezed

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[19] Despite being present, Escobedo never observed M. Hernandez push Fuentes. This contradicts A. Hernandez's, Fuentes', and Gonzalez's statements above.

[20] This is in contradiction to Saavedra's statement where he saw Escobedo holding Munoz down and not the other way around. See Saavedra's statement below.

Escobedo's neck. Escobedo was able to free himself.[21] Then, M. Hernandez pinned Escobedo against a chain link fence and M. Hernandez used both hands to grab and tighten Escobedo's shirt around his neck. He believed M. Hernandez choked him for 30 seconds. Escobedo recalled that Muniz, Casas, and Gonzalez assisted Escobedo, and Escobedo was able to get out of his shirt and free himself.[22] He also recalled seeing on-duty Deputy Moore present.[23]

Escobedo then entered the front passenger seat of Gonzalez's car. Casas drove them to ELA station. Gonzalez then drove Escobedo back to Kennedy Hall and they both drove separately to A. Hernandez's residence.

Escobedo reported that he drank about seven Modelo beers during the party, with his final drink being at 2:00 a.m. Escobedo believed he was drunk at the party.

Later that morning, Escobedo called Mejia and informed him of what happened at the party. Escobedo complained of feeling light headed, dizzy, and had pain to his head. Per Mejia's request, Escobedo went to the hospital to be evaluated. He was excused from work for one week and proscribed a muscle relaxer and ibuprofen for pain.

Statements of Other LASD Personnel at the Party.

Several other LASD employees were in the vicinity and were interviewed regarding the incident. However, 21 deputies declined to be interviewed.

Deputy Hector Saavedra

On October 18, 2018 at about 4:20 p.m., Saavedra was interviewed about the incidents that occurred at the party.

Saavedra has been a deputy sheriff for six years and had worked at ELA Sheriff's station for a year and a half.

Saavedra said that he was one of the deputies who was hosting the "off-training" party. The party was planned to begin at 8:00 on September 27, 2018, and to end at 3:00 a.m. the next day.

Saavadra admitted to drinking one shot that night when he arrived, but otherwise was sober and not impaired during the evening. He recalled that Munoz, Rodriguez, and Silverio approach the bar three times while he was bartending.

At about 3:30 a.m., Saavedra and other deputies closed and cleaned Kennedy Hall. When finished, he walked outside and observed a lot of people socializing, drinking, and listening to

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[21] Escobedo's shirt was left in Saavedra's truck. The next day, Saavedra texted a group, saying, "Who ever got their ass beat left EV in my truck." The text was not to Escobedo, but he learned of it after. Escobedo texted Saavedra, who indicated he disposed of the shirt in the trash.
[22] Muniz stated that he did not see any physical altercation that night. See his statement below.
[23] Despite being present, Moore said he did not see any physical altercation that night. See his statement below.

music in the parking lot. He walked over to a parked vehicle in the parking lot and started to count the tip money and donations collected during the party.

While counting money, Saavedra heard a commotion from behind him. He approached the commotion and saw a pile of people on the ground. He observed Munoz laying on the ground and Escobedo kneeling down with one knee on Munoz's stomach while holding Munoz's shirt. Munoz tried to stand, but was unable to due to Escobedo kneeling on him. Saavedra also saw Fuentes and Rodriguez being held back from each other. He then saw an unknown person pull Escobedo off of Munoz.

As he walked back to secure the tip money, Saavedra saw A. Hernandez by the sidewalk trying to stand up. He then saw A. Hernandez fall down on his own. He then helped A. Hernandez up and saw blood coming from his mouth. A. Hernandez asked to go home and Saavedra tried to find a ride for him. Saavedra then saw A. Hernandez enter a white Honda vehicle and drive away from Kennedy Hall. Saavedra initially thought A. Hernandez was drunk due to his bloodshot and watery eyes, but he was unsure since A. Hernandez's also appeared to be crying and distraught. A. Hernandez was crying and bleeding from his mouth.

Saavedra then drove to a park located behind ELA Sheriff's station and saw Munoz and Silverio. He asked them what happened at the party, to which Munoz replied he did not know.

Saavedra said that for years there had been ongoing tension between the newer and older generation deputies at ELA. Saavedra always avoided the attention by working hard. Additionally, Saavedra added he did not witness any assaults or arguments at the "off-training" party.[24]

Deputy Mario Contreras

On September 28, 2018 at about 10:03 p.m., Kim and Chow spoke to Contreras. They advised him they were investigators from ICIB and they wanted to interview him about what occurred earlier at the "off-training" party. Contreras declined to be interviewed about the facts of the incident without having an attorney present to represent him.

On October 4, 2018, Contreras agreed to be interviewed with his attorney Russel P[redacted] present. The interview was conducted at ALADS.

Contreras has been a deputy sheriff for three years and had worked at ELA Sheriff's Station for the past two years.

Contreras stated he arrived at the party at about 11:30 p.m. At about 12:30 a.m., he observed Silverio call Gonzalez a "zero." Nothing physical happened at this time.

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[24] This is in direct contradiction to Contreras statement who placed Saavedra in the middle of the incident when Munoz got involved. See his statement below.

Later that evening, Contreras was talking to Gonzalez and Fuentes when Rodriguez approached, tapped Gonzalez on the shoulder, and told Gonzalez he needed to speak to him. At this time, Fuentes verbally intervened and told Rodriguez, "Hey, I think you already talked to him enough, sir." Rodriguez closed the distance, stood face to face with Fuentes and yelled, "How about you get the fuck out of here!" Rodriguez then pushed Fuentes with both hands. Per Contreras, Fuentes did nothing to provoke the push.

To prevent a fight, Contreras and A. Hernandez stood in between Fuentes and Rodriguez. A. Hernandez bear hugged Rodriguez and said, "Hey dude no, let's not do this." Contreras briefly turned to talk to Fuentes and when he turned around he saw Rodriguez, A. Hernandez, and Saavedra laying on the ground in the parking lot.[25] While both were lying face up, Munoz struck A. Hernandez one time in the face. Contreras then helped A. Hernandez stand up and noticed Saavedra was no longer on the ground and nowhere to be seen. Munoz then got up on his own, walked away, and complained that someone hit him in the face.[26] Contreras believed that Munoz and A. Hernandez where under the influence of alcohol.

After Munoz walked away, Contreras saw Rodriguez go after an unknown person near the front of the parking lot. Contreras walked over, stood in front of Rodriguez, and held onto his arms telling him to calm down. Deputy Alan Soohoo was present and told Rodriguez to calm down as well.[27]

Rodriguez struggled with Contreras and flung his elbows hitting Contreras in the face. Contreras was unsure if Rodriguez hit him intentionally or accidentally, but he was not injured and sought no medical attention. Rodriguez eventually freed his arms and pushed Soohoo causing Soohoo to fall to the ground and scrape his knees.

Contreras helped Soohoo get up and saw a commotion on the west sidewalk of Atlantic Boulevard. Contreras walked over and saw Munoz, Silverio, Rodriguez, Escobedo, and A. Hernandez. Munoz was swinging his fist wildly at an unknown person. As Contreras walked closer to the commotion, he saw A. Hernandez push the left shoulder of Munoz which knocked Munoz, to the ground. After the push, Contreras saw Rodriguez throw a jab that connected with A. Hernandez's jaw and knocked A. Hernandez down. A. Hernandez laid on the ground motionless for about five seconds. Contreras helped him up and noticed A. Hernandez was now bleeding from his mouth. Contreras told A. Hernandez to walk north on the sidewalk, with which A. Hernandez complied.

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[25] This is contradictory to Saavedra's statement. See his statement above.
[26] This is also contradictory to Saavedra's statement, where Saavedra said he saw Escobedo holding Munoz down. It is also contradictory to Escobedo's statement where Escobedo claims he assisted in holding Rodriguez back, however, at no point does Contreras place Escobedo at the initial altercation between M. Hernandez and Fuentes.
[27] Soohoo refused to provide a statement to investigators.

After A. Hernandez walked away, Contreras' attention turned to Escobedo. He observed Silverio holding Escobedo against a chain link fence yelling, "I got him. Get away."[28] Contreras believed Silverio was protecting Escobedo.

Contreras then saw A. Hernandez standing alone on the west sidewalk on South Atlantic Boulevard, in front of Kennedy Hall. A. Hernandez's mouth was still bleeding and he appeared shocked as to what happened. Contreras attempted to find A. Hernandez a ride home and briefly left him alone. When he came back A. Hernandez was gone. He later learned that A. Hernandez got a ride home from a deputy.

Contreras stated he believed other altercations occurred at the party, but he did not witness the other altercations. He estimated 30 people were present during the physical altercations. He recalled that the cigar vendor and the taco truck had left the party prior to the altercations.

Contreras identified Rodriguez, Munoz, and Silverio in a six pack. He was unable to identify M. Hernandez.

Deputy David Casas

On October 4, 2018 at about 4:00 p.m., Casas was interviewed at ALAD's office.

Casas has worked as a deputy sheriff for approximately eight years and had been assigned to ELA station for the past two years.

On September 27, 2018, he completed his patrol shift and arrived at the party at approximately 11:40 p.m. At approximately midnight, he recalled seeing Munoz, Silverio and M. Hernandez finger pointing and arguing with Gonzalez. Afterwards, Gonzalez walked back into Kennedy Hall and the others remained in the parking lot drinking.

At about 4:30 a.m., Casas recalls standing with Gonzalez and Fuentes when Rodriguez approached and tapped Gonzalez on the shoulder, telling him he wanted to chat. Before Gonzalez could walk away with Rodriguez, Fuentes verbally interjected and stated to Rodriguez, "Hey sir, are you gonna talk to him again? That's the tenth time." In response, Rodriguez got agitated, got into Fuentes' face and exclaimed, "Who the fuck are you?" Fuentes stood in place, Rodriguez placed his forehead against Fuentes, and pushed Fuentes with both hands. In response, Fuentes took a step back and responded, "Sir, you're being a bully."

Casas and Escobedo pulled Fuentes away and Casas told Fuentes, "Hey, let's go. It's not worth it. Let him be. He's drunk. Leave him alone." Casas then walked with Escobedo and Fuentes towards the west sidewalk of South Atlantic Boulevard. Casas said that A. Hernandez was present for the push, but A. Hernandez did not physically intervene during the confrontation.[29]

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[28] This is contradictory to statements provided by Gonzalez, Escobedo, and Casas claiming that M. Hernandez is the one who pressed Escobedo against a chain link fence. See their respective statements in this memo.
[29] This is in contradiction to A. Hernandez's statement. A. Hernandez claimed he bear hugged Rodriguez to prevent Rodriguez from fighting Fuentes.

Casas said he then heard someone yell "Munoz!" and saw from thirty to forty feet away, A. Hernandez laying on the ground face up in the parking lot with Munoz crouched over his right torso and Rodriguez crouched over his left torso. Per Casas, Munoz struck A. Hernandez in the face and upper torso approximately six times and Rodriguez stuck A. Hernandez in the face and upper torso approximately four times.[30] Casas stated that he and another unknown person then pulled Rodriguez and Munoz off of A. Hernandez.[31] At this point, Casas observed A. Hernandez's mouth bleeding.

Next, Casas saw M. Hernandez pushing Fuentes out of the parking lot stating, "Which one was it? Which one was it?" It appeared to Casas that M. Hernandez was looking for the person that started the commotion. Casas stated that M. Hernandez's pushes were weak, indicative of a drunk person.

Casas then stated he saw M. Hernandez run towards Escobedo, grab his neck, and push him against a chain link fence.[32] M. Hernandez's hands were clamped around Escobedo's neck. Muniz, Gonzalez, and Casas attempted to pull M. Hernandez off of Escobedo.[33] Escobedo looked to be having trouble breathing. The three of them were able to pull M. Hernandez off of Escobedo and an unknown person took a hold of Escobedo and escorted him into a white Honda vehicle. Gonzalez took a seat in the back and Casas drove them to ELA station. Casas asked if Escobedo was injured and Escobedo replied that he was okay and did not need medical attention.

Casas said there were approximately 30 people in the parking lot when the incident occurred.

When asked to identify the suspects via six pack, Casas could not identify Rodriguez. He was able to identify Munoz, Silverio, and M. Hernandez. He added he did not see Silverio assault anyone during the incident.

Casas said he saw that Rodriguez, Munoz, and M. Hernandez brought their own drinks and excessively drank at and after the party shut down.

Deputy Eduardo Muniz

On November 1, 2018, Muniz was interviewed regarding what happened at the "off-training" party.

Muniz has been a deputy sheriff for eleven years and had worked at ELA station for the past six years.

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[30] This is contradictory to the statements by Hernandez, Gonzalez, Fuentes, Escobedo, and Contreras.
[31] Again, this is contradictory to everyone else's account of the incident.
[32] This is contradictory to Contreras' recollection of who pinned Escobedo against the fence.
[33] This is contradictory to Muniz's statement where he stated he saw no physical altercation at the party. See his statement below.

On September 27, 2018, Muniz arrived at the party at about 8:00 p.m. He believed about 90 people attended the party.

At about 3:00 a.m., he was walking on the sidewalk with a female friend when he heard someone yell, "They're fighting!" He looked and saw a commotion coming from Kennedy Hall. He saw Silverio and others arguing with Escobedo near the entrance of Kennedy Hall's parking lot. He believed the argument was escalating so he told Escobedo to get into a white vehicle and leave. Escobedo complied and left the scene. Muniz believes he deescalated the situation when Escobedo left.

He observed on-duty Deputy Moore at the scene.

Muniz said he received a text from Escobedo the next day thanking him for placing Escobedo in the car the night before.

Muniz said he drank four six-ounce cups of cranberry and vodka during the party. He saw Rodriguez drinking alcohol and described him as cheerful. He believed Munoz was intoxicated. He did not believe M. Hernandez was intoxicated and he did not see Silverio drink anything at the party.

Muniz stated he did not witness any physical altercations or see anybody injured at the party.[34]

Conrad S.

Conrad S. is the owner of Kennedy Hall. He stated on June 25, 2018, Saavedra signed a contract and placed a monetary deposit to rent Kennedy Hall for the "off-training" party. At 6:00 p.m., he opened the Hall to allow deputies to set up for the party.

At approximately 2:45 to 3:00 a.m., he closed the Hall and turned off the lights in the adjacent parking lot, making it very dark. When he walked through the parking lot, he saw an individual leaning against the wall of the hall with a bloody nose. He did not render aid.

He did not witness any physical or verbal altercations that evening.

Lupita Q.

Lupita Q. is an LASD secretary. She attended the party with Jennifer O. and they arrived at about 10:00 p.m. She did not see any fights all night long.

At about 3:30 a.m., she was told to leave Kennedy Hall because the party was closing. She went to the parking lot and saw about 30 people congregating there. Munoz, Silverio, and M. Hernandez greeted her in the parking lot.

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[34] This is a contradiction to the statements provided by Gonzalez, Escobedo, and Casas claiming that Muniz pulled M. Hernandez off of Escobedo.

At about 4:00 a.m., she was talking to Munoz when he walked away from her. She heard a commotion and saw the 30 or so people in the parking lot pushing and holding each other back in an effort to stop each other from fighting. She saw that Rodriguez looked angry and walked after an unknown person. Lupita Q. told Rodriguez to calm down.

She saw A. Hernandez fall face first onto the ground. A. Hernandez laid on the ground and appeared to be unconscious. She did not see an assault or see how A. Hernandez fell down. When he was on the floor she saw about ten unknown men stand around him. Munoz was within arm's distance. Another man picked A. Hernandez up and placed him in a white car. She never saw Munoz punch or kick A. Hernandez.

She saw Deputy Daniel Gonzalez holding Fuentes back who appeared to be really angry. She also saw Rodriguez who appeared to be really upset as well.

Lupita Q. and Jennifer O. walked away and called a ride-share program. After she left, she texted Silverio, her friend, to "relax." She subsequently deleted this text message.

She said on-duty deputy Moore was present during the altercation.

Munoz was intoxicated. Rodriguez consumed alcohol but was not intoxicated.

Lupita Q. drank eight beers at the party.

Jennifer O.

Jennifer O. was present at the party with Lupita Q. At about 4:00 a.m., she was in the parking lot when she saw a large group of people yelling and holding each other back. Rodriguez, Munoz, and Silverio were present.

She immediately left and did not see an assault or anyone fighting.

Deputy Christopher Moore

Moore has been a deputy sheriff for approximately five years and he had worked at ELA station for over two years. His current assignment was to patrol from 10:00 p.m. to 6:00 a.m.

On September 27, 2018, he worked patrol with his partner Deputy James Duran. He knew the "off-training" party was at Kennedy Hall. That night, they periodically drove by the party to ensure everyone had a ride home if they had been drinking.

At about 3:56 a.m., they drove by Kennedy Hall and saw about 40 people in the parking lot.[35] He exited his patrol vehicle and walked toward the west sidewalk of South Atlantic Boulevard. He saw Munoz, Rodriguez, Silverio, Fuentes, and Gonzalez within a group of people arguing and holding each other back. Muniz and Deputy Luis Valle were trying to calm the group.

Muniz asked Moore to help separate the group. Muniz then assisted a newer deputy into Moore's patrol vehicle.[36] Moore did not know the newer deputy's name. Duran drove the newer deputy to ELA station, while Moore remained behind and helped with people leaving the parking lot.

Several additional patrol vehicles arrived at Kennedy Hall to help transport people to their destinations. Moore explained that he did not request additional units to respond to Kennedy Hall. After a short time, Duran drove back to Kennedy Hall and Moore and Duran drove to ELA station together.

Moore recalled a lot of yelling back and forth and described the scene as chaotic. However, he did not witness any assaults, nor did he see anybody injured during the commotion.

Deputy James Duran

Duran confirmed that he worked patrol with Moore the evening of September 27, 2018. He confirmed that they stopped by Kennedy Hall numerous times throughout the evening, however, Duran remained inside the patrol vehicle each time as Moore exited and entered Kennedy Hall.

Later that evening he recalled parking their vehicle facing south on South Atlantic Boulevard. He was sitting in the driver seat when Moore entered Kennedy Hall. He heard a lot of commotion coming from the parking lot. He looked toward the commotion and saw approximately 15 men appear from the unlit parking lot.

He saw the group of men pushing and shoving each other onto South Atlantic Boulevard. He saw Munoz fall over the hood of his patrol vehicle and fall to the ground. The front passenger side door of his vehicle then opened and Fuentes got inside. He heard someone say, "Get him out of here!"

Duran conducted a U-turn and drove back to ELA station. During the ride, he heard Fuentes state, "I am not gonna be bullied." He dropped Fuentes off at the station then drove back to Kennedy Hall and picked up Moore.

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[35] Moore originally stated he saw the commotion around 3:00 a.m. However, after being shown the surveillance footage from a neighboring business, Moore acknowledged that it occurred at 3:56 a.m., the time stamp of the footage.

[36] The newer deputy turned out to be A. Hernandez. A Hernandez acknowledged himself on the video being escorted into the patrol vehicle. A. Hernandez, however, claimed it was Moore that escorted him into the patrol vehicle, despite A. Hernandez also stating he had no independent recollection of this event. See surveillance footage section below.

He stated Fuentes appeared to be upset, but he did not appear to be intoxicated. He said he did not recognize anyone in the group that was pushing and shoving each other because he had not been assigned to ELA for very long. He only recognized Munoz because Munoz was his previous training officer.

Surveillance Review

The only relevant surveillance footage that investigators were able to find, was from the "CCTV Camera Corp" business located at 445 South Atlantic Boulevard. This business was located just north of Kennedy Hall. The exterior video camera was affixed above the front door of the business and faced south toward Kennedy Hall. The video time/date stamp was accurate, however, it only depicted the west sidewalk in front of Kennedy Hall. From this camera angle, the video could not capture anything that happened in the adjacent darkened parking lot where the incidents occurred. *See Figure 3.*



Figure 3: Demonstrative photo depicting surveillance camera angle in relation to where the incidents occurred.

Additionally, the video was partially obstructed by a light post and a large tree in front of Kennedy Hall. Its evidentiary value was limited to identifying witnesses at the scene and accurately depicting the timing of when participants left the scene. From viewing the surveillance footage, investigators determined the incidents occurred between 3:50 a.m. to 4:00 a.m. At 3:58 a.m., right after the incidents occurred, A. Hernandez is seen speaking to Contreras in front of Kennedy Hall. *See Figure 4.*



Figure 4: Surveillance showing A. Hernandez and Contreras talking in front of Kennedy Hall after incident

At 4:00 a.m., surveillance footage shows A. Hernandez being escorted into a patrol vehicle by an unknown deputy. *See Figure 5.* A. Hernandez has no recollection of this event. When shown this footage, he stated that it was Moore who escorted him into the patrol vehicle to be taken away from the scene. Per Moore, however, it was Muniz that escorted A. Hernandez into the patrol vehicle. Per Muniz, it was Escobedo he placed in the patrol car.



Figure 5: A. Hernandez is escorted to a patrol car and driven away from the scene.

LEGAL ANALYSIS

Battery Causing Serious Bodily Injury

Penal Code section 243(d) prohibits individuals from committing battery causing serious bodily injury against another person.

The following elements must be proven before a defendant may be found guilty of this crime

1. The defendant willfully and unlawfully touched a person in a harmful or offensive manner;

2. A person suffered serious bodily injury as a result of the force used; and

3. The defendant did not act in self-defense or in defense of someone else.

Someone commits an act willfully when he or she does it willingly or on purpose. It is not required that he or she intend to break the law, hurt someone else, or gain any advantage.

Making contact with another person, including through his or her clothing, is enough to commit a battery.

A serious bodily injury means a serious impairment of physical condition. Such an injury may include, but is not limited to: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.

CALCRIM No. 925.

Self Defense and Defense of Another

Self Defense is a defense to battery and battery causing serious bodily injury. The defendant is not guilty of those crimes if he used force against the other person in lawful self-defense or defense of another.

The defendant acted in lawful self-defense or defense of another if:

1. The defendant reasonably believed that he or someone else was in imminent danger of suffering bodily injury or was in imminent danger of being touched unlawfully;

2. The defendant reasonably believed that the immediate use of force was necessary to defend against that danger; and

3. The defendant used no more force than was reasonably necessary to defend against that danger

Belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be. The defendant must have believed there was imminent danger of bodily injury to himself or someone else or an imminent danger that he or someone else would be touched unlawfully Defendant's belief must have been reasonable and he must have acted because of that belief. The defendant is only entitled to use that amount of force that a reasonable person would believe is necessary in the same situation. If the defendant used more force than was reasonable, the defendant did not act in lawful self-defense or defense of another.

When deciding whether the defendant's beliefs were reasonable, consider all the circumstances as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant's beliefs were reasonable, the danger does not need to have actually existed.

The defendant's belief that he or someone else was threatened may be reasonable even if he relied on information that was not true. However, the defendant must actually and reasonably have believed that the information was true.

If you find that the alleged victim threatened or harmed the defendant or others in the past, you may consider that information in deciding whether the defendant's conduct and beliefs were reasonable.

Someone who has been threatened or harmed by a person in the past is justified in acting more quickly or taking greater self-defense measures against that person.

A defendant is not required to retreat. He or she is entitled to stand his ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of the battery has passed. This is so even if safety could have been achieved by retreating.

The People have the burden of proving beyond a reasonable doubt that the defendant did not act in lawful self-defense or defense of another.

CALCRIM No. 3470

Mutual Combat or Initial Aggressor

A person who engages in mutual combat or who starts a fight, has a right to self-defense only if

1. He actually and in good faith tried to stop fighting

2. He indicated by word or by conduct, to his opponent, in a way that a reasonable person would understand, that he wanted to stop fighting and that he had stopped fighting; and

3. He gave his opponent a chance to stop fighting.

CALCRIM No. 3471.

Criminal Threats

Penal Code section 422(a) prohibits individuals from committing criminal threats against another person.

The following elements must be proven before a defendant may be found guilty of this crime.

1. The defendant willfully threatened to unlawfully kill or unlawfully cause great bodily injury to a person;

2. The defendant made the threat orally;

3. The defendant intended that his statement be understood as a threat;

4. The threat was so clear, immediate, unconditional, and specific that it communicated to the person a serious intention and the immediate prospect that the threat would be carried out;

5. The threat actually caused the person to be in sustained fear for his own safety, or the safety of his immediate family; and

6. The person's fear was reasonable under the circumstances.

Someone commits an act willfully when he or she does it willingly or on purpose.

In deciding whether a threat was sufficiently clear, immediate, unconditional, and specific, consider the words themselves, as well as the surrounding circumstances.

Someone who intends that a statement be understood as a threat does not have to actually intend to carry out the threatened act.

Great bodily injury means significant or substantial physical injury. It is an injury that is greater than minor or moderate harm.

Sustained fear means fear for a period of time that is more than momentary, fleeting, or transitory.

An immediate ability to carry out the threat is not required.

Immediate family means (a) any spouse, parents, and children; (b) any grandchildren, grandparents, brothers and sisters related by blood or marriage; or (c) any person who regularly lives in the other person's household.

CALCRIM No. 1300.

Battery

Penal Code section 242 prohibits individuals from committing a battery against another person.

The following elements must be proven before a defendant may be found guilty of this crime:

1. The defendant willfully and unlawfully touched a person in a harmful or offensive manner; and

2. The defendant did not act in self-defense or in defense of someone else.

Someone commits an act willfully when he or she does it willingly or on purpose. It is not required that he or she intended to break the law, hurt someone else, or gain an advantage.

The slightest touching can be enough to commit a battery if it is done in a rude or angry way. Making contact with another person, including through his or her clothing, is enough. The touching does not have to cause pain or injury of any kind.

CALCRIM No. 960.

In evaluating a witness's testimony, a jury may consider anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors the jury may consider are:

- How well could the witness see, hear, or otherwise perceive the things about which the witness testified?

- Was the witness's testimony influenced by a factor such as bias or prejudice, a personal relationship with someone involved in the case, or a personal interest in how the case is decided?

- Did other evidence prove or disprove any fact about which the witness testified?

CALCRIM No. 226.

FACTUAL ANALYSIS

The evidence examined in this investigation shows that all parties had been drinking alcohol prior to the altercations which occurred in the parking lot. These events occurred at night in a dark, unilluminated parking lot. No recording exists which documents the actions described in this case. The incident was not immediately reported to the authorities.

Moreover, the evidence shows that Rodriguez, Moran, and Munoz confronted Gonzalez at the ELA station days before this alleged incident occurred, and told Gonzalez to transfer to another LASD station. This fact arguably provides a motive for the assaultive behavior by M. Hernandez, Rodriguez, Silverio, and Munoz, as well as demonstrating a motive to lie by A. Hernandez, Escobedo, Fuentes, and Gonzalez. After leaving the parking lot, A. Hernandez, Escobedo, Fuentes, Gonzalez and Casas left the location separately, and regrouped shortly thereafter. Although no evidence has been provided to show what they discussed, this fact could be used to imply that they discussed these incidents with each other prior to providing a statement to investigators. The fact that all parties and witnesses know each other could be used to imply a bias or other motive to fabricate evidence by all individuals involved.

Finally, given the above factors and that the overall fact pattern identifies a group beating or melee, it is difficult to determine whether any specific individual was acting in what he perceived to be self-defense or defense of another. This fact pattern obfuscates the ability to prove each charge beyond a reasonable doubt.

Deputy Greg Rodriguez

Battery against Fuentes

During the "off-training" party, it appeared that Rodriguez and other more senior deputies verbally confronted Gonzalez numerous times – a fact that Fuentes found offensive. At one point, Fuentes verbally interjected when Rodriguez attempted to confront Gonzalez again in the parking lot. At this point, Rodriguez allegedly placed his head against Fuentes' head, and then pushed Fuentes. Fuentes, Gonzalez, and A. Hernandez all agree that Rodriguez pushed Fuentes, without physical provocation by Fuentes. Escobedo, who said he was present, did not see Rodriguez push Fuentes. This initial push is what started the assaults which followed, and the accounts of what occurred after this initial shove vary. The evidence as to this one act - the push by Rodriguez - is generally consistent.

Even though three witnesses are consistent in their description of this push or shove, the overall evidence is insufficient to prove that Rodriguez committed the crime of battery. This incident appears to the be the culmination of other preceding events, which both provide a motive for the crime, and demonstrate bias on the part of the witnesses. All witnesses had been drinking for several hours and the events occurred at night in the dark. Prior to providing a statement to authorities, A. Hernandez, Escobedo, Fuentes, and Gonzalez met in a location away from the altercation. No independent evidence exists which would objectively document what occurred. As such, the overall evidence is insufficient to support a criminal filing.

Battery causing serious bodily injury against A. Hernandez

During the incident, A. Hernandez was rendered unconscious for a period of time. Being rendered unconscious can constitute serious bodily injury under the law. However, the overall evidence is insufficient to prove beyond a reasonable doubt that Rodriguez committed this crime.

A. Hernandez has no independent recollection as to who punched him. The only witness who states he saw Rodriguez assault A. Hernandez causing him to become unconscious is Contreras, A. Hernandez's partner. Contreras stated he saw A. Hernandez push Munoz on the left shoulder, causing Munoz to fall to the floor. Immediately afterwards, Contreras saw Rodriguez throw a single jab, which connected with A. Hernandez's face, causing him to fall to the ground and render him unconscious.

Fuentes, Gonzalez, and Escobedo did not recall A. Hernandez being assaulted or rendered unconscious. Saavadra said while A. Hernandez was on the sidewalk, he saw A. Hernandez fall down on his own. Casas said that after Munoz pushed both A. Hernandez and Rodriguez down, Rodriguez and Munoz stood over A. Hernandez and both repeatedly punched him in the face and torso causing A. Hernandez to cut his lip. Muniz, Sanchez, Lupita Q., Jennifer O., Moore, and Duran stated that they did not see Rodriguez attack A. Hernandez.

Although a single witness' testimony may be sufficient to prove any fact, the overall evidence in this case is insufficient to prove beyond a reasonable doubt that Rodriguez assaulted A. Hernandez in violation of Penal Code section 243(d). Contreras was A. Hernandez's partner at the time, which could be used to suggest that he had a bias or interest if he was called to testify. Given the conflicting statements by all witnesses, the fact that A. Hernandez was unable to identify who assaulted him, and the lack of a recording or independent witness to the event, the evidence is insufficient to support a criminal filing.

Deputy Rafael Munoz

Battery against A. Hernandez

After Fuentes verbally confronted Rodriguez, most witnesses agreed that A. Hernandez grabbed and held Rodriguez in an attempt to stop Rodriguez from fighting Fuentes. Fuentes and Gonzalez stated Munoz then charged and pushed A. Hernandez and Rodriguez down to the floor. Escobedo stated that Munoz tackled A. Hernandez. A. Hernandez stated that Munoz tried to punch A. Hernandez, missed and his body momentum carried him into A. Hernandez and Rodriguez, knocking them down. Contreras stated after A. Hernandez grabbed Rodriguez, the next thing he saw was A. Hernandez, Rodriguez, and Saavadra on the floor. Saavedra denied ever being involved or witnessing any altercation. Casas stated that A. Hernandez did not physically intervene after Rodriguez pushed Fuentes.

Although it's likely Munoz punched A. Hernandez once they were both on the ground, the evidence is insufficient to prove the charge beyond a reasonable doubt. Give the bias or motive

of all participants, the fact that all had been drinking, and the lack of any objective evidence, the evidence presented is insufficient to support a criminal filing. Moreover, the evidence suggests that Munoz became involved in the physical dispute after witnessing A. Hernandez grab his friend. As such, the evidence is insufficient to show that Munoz was not acting in what he reasonably believed was lawful defense of a Rodriguez.

Sergeant Michael Hernandez

Battery against Jose Fuentes

After Fuentes verbally confronted Rodriguez, witnesses stated that M. Hernandez interjected himself into the melee and pushed Fuentes out of the parking lot. Fuentes said as he was being pushed, M. Hernandez kept stating, "What do you got to say." In response, Fuentes backed out of the parking lot and entered a patrol vehicle driven by Duran and left the party.

Other witnesses tend to corroborate that M. Hernandez pushed Fuentes. Gonzalez said he observed M. Hernandez push Fuentes out of the parking lot and added that Moore, who was on duty at the time, was also present. Moore acknowledged his presence, admitted there was a lot of yelling back and forth, however, he denied witnessing ***any*** batteries. Escobedo stated M. Hernandez tried to grab Fuentes, as opposed to push him into the street, at which point Escobedo intervened and pushed M. Hernandez.

Contreras made no mention of M. Hernandez pushing Fuentes out of the parking lot.

Again, inconsistent witness accounts and lack of corroboration make a precise determination as to exactly what occurred, and whether M. Hernandez did commit a battery against Fuentes, unachievable. Moreover, the evidence is insufficient to show that M. Hernandez was not acting to keep Fuentes from being involved in the melee, and therefore in defense of others. As such, the People cannot prove beyond a reasonable doubt that M. Hernandez committed a battery against Fuentes.

Battery against Escobedo

Escobedo stated he pushed M. Hernandez, and M. Hernandez then grabbed him and pushed him up against the chain link fence. Gonzalez and Casas also saw M. Hernandez push Escobedo against a chain link fence and try to strangle him. Contreras believed Silverio, not M. Hernandez, pinned Escobedo against the chain link fence. According to Casas and Escobedo, Muniz assisted in pulling M. Hernandez off of Escobedo. Per Muniz, he did not pull M. Hernandez away from Escobedo. Muniz stated he saw Silverio and Escobedo arguing at the entrance to the parking lot and he convinced Escobedo to get in a car and leave.

Escobedo, Gonzalez and Casas all state that M. Hernandez strangled Escobedo. However, their statements, although reasonably consistent, are of less convincing force due to their alcohol consumption and that they all regrouped after the altercation. However, a contrary recollection by Contreras and lack of a recording or other objective evidence to clarify this event weaken the

force of Escobedo's, Gonzalez's and Casas' statement. Moreover, Escobedo's statement arguably supports that M. Hernandez acted in self-defense. As such, the People cannot prove beyond a reasonable doubt that M. Hernandez committed a battery against Escobedo.

Criminal Threats against Alfred Gonzalez

Finally, during the party, Gonzalez stated that M. Hernandez threatened to "deal" with him or his family. Threatening to "deal" with Gonzalez and his family, although ominous and menacing in nature, does not necessarily prove that M. Hernandez had an intent to kill or cause great bodily injury. The statement was not so clear, immediate, unconditional and specific as to communicate a serious intention to Gonzalez that the threat would be carried out. Moreover, the threat did not actually cause Gonzalez to be in sustained fear, as required by law. Gonzalez stated that M. Hernandez was just being drunk and trying to provoke a fight. After the threat was made, Gonzalez stayed at the party. Such actions are not those of someone who was in sustained fear of his life or physical safety.

As such, the People cannot prove beyond a reasonable doubt that M. Hernandez committed the crime of criminal threats against Gonzalez.

Deputy David Silverio

Battery against Escobedo

Contreras stated he saw Silverio hold Escobedo against a chain link fence yelling, "I got him. Get away." Contreras's account is inconsistent with statements made by Gonzalez, Escobedo, and Casas – all of whom claimed it was M. Hernandez who pressed Escobedo against the chain link fence. Given the conflicting statements regarding this act, there is insufficient evidence to prove Silverio committed this crime.

CONCLUSION

The evidence examined in this investigation shows that all involved individuals had consumed alcohol, the area in question was dark and unlit, many contradictory statements were made by both witnesses and the parties involved, and everyone involved has potential bias. These factors taken together raise a reasonable doubt as to whether M. Hernandez, Rodriguez, Silverio, and Munoz committed the alleged crimes. As such, there is insufficient evidence to prove beyond a reasonable doubt that any of the suspects committed any crimes. Therefore, we are closing our file and will take no further action in this matter.