

Non-Fatal Officer Involved Shooting of Curley Lee Duff

Los Angeles Police Department

Officer Enrique Trujillo, #42259

J.S.I.D. File #19-0161



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

March 3, 2021

MEMORANDUM

TO: COMMANDER TIMOTHY NORDQUIST
Los Angeles Police Department
Force Investigation Division
100 West First Street, Suite 431
Los Angeles, California 90012

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Curley Lee Duff
J.S.I.D. File #19-0161
F.I.D. File #F015-19

DATE: March 3, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 20, 2019, non-fatal shooting of Curley Lee Duff by Los Angeles Police Department (LAPD) Officer Enrique Trujillo. We have determined that Officer Trujillo acted in lawful self-defense when he used deadly force against Duff.

The District Attorney's Command Center was notified of this shooting on April 20, 2019, at approximately 11:10 p.m. The District Attorney Response Team responded to the scene and was given a briefing by Lieutenant David Smith.

The following analysis is based on reports and other materials, including body-worn camera recordings, a police car dash camera recording, Housing Authority video surveillance, photographs, and interviews of witnesses submitted by the LAPD Force Investigation Division. The compelled statement of Officer Trujillo was not considered in this analysis.

FACTUAL ANALYSIS

On April 20, 2019, at approximately 9:21 p.m., LAPD Officers Chessum and Trujillo were partnered together and patrolling the area of the Pueblo Del Rio Public Housing Development in the City of Los Angeles. Both officers were dressed in standard LAPD uniforms, and Trujillo was driving a marked police car.

Chessum observed the driver of a silver BMW commit several traffic violations, including speeding and failing to stop at a posted stop sign. The officers followed the BMW eastbound on 51st Street, a narrow street resembling an alleyway with a cinderblock wall running along its north side. The BMW driver unexpectedly stopped the car in the alleyway and Trujillo activated the patrol car's overhead lights. The BMW driver immediately opened his door and exited the car. Chessum believed he saw a handgun tucked into the BMW driver's pants, underneath his

shirt. As the officers exited the police car, the BMW driver ran south into the housing development.

Chessum broadcast over the police radio that he was in foot pursuit of a man with a gun as he ran after the BMW driver. Trujillo also ran and followed Chessum. The BMW driver ran in a southern direction between several buildings, to the east of a playground and a social gathering of many persons in a courtyard. The BMW driver then circled around a building and ran in a northern direction past other building in the housing development, west of the playground.¹

Video surveillance from the housing development depicted Duff near a picnic table when the officers were pursuing the BMW driver in a southern direction. As the BMW driver and the officers circled around a building and ran northbound, Duff moved westbound from the picnic table past the playground. As Chessum ran northbound past Duff in pursuit of the BMW driver, Duff began running behind Chessum while holding a handgun down at his right side. Duff then looked, turned, and ran in a southern direction toward Trujillo. As Duff ran toward Trujillo, he pointed his handgun and fired several rounds at Trujillo.²

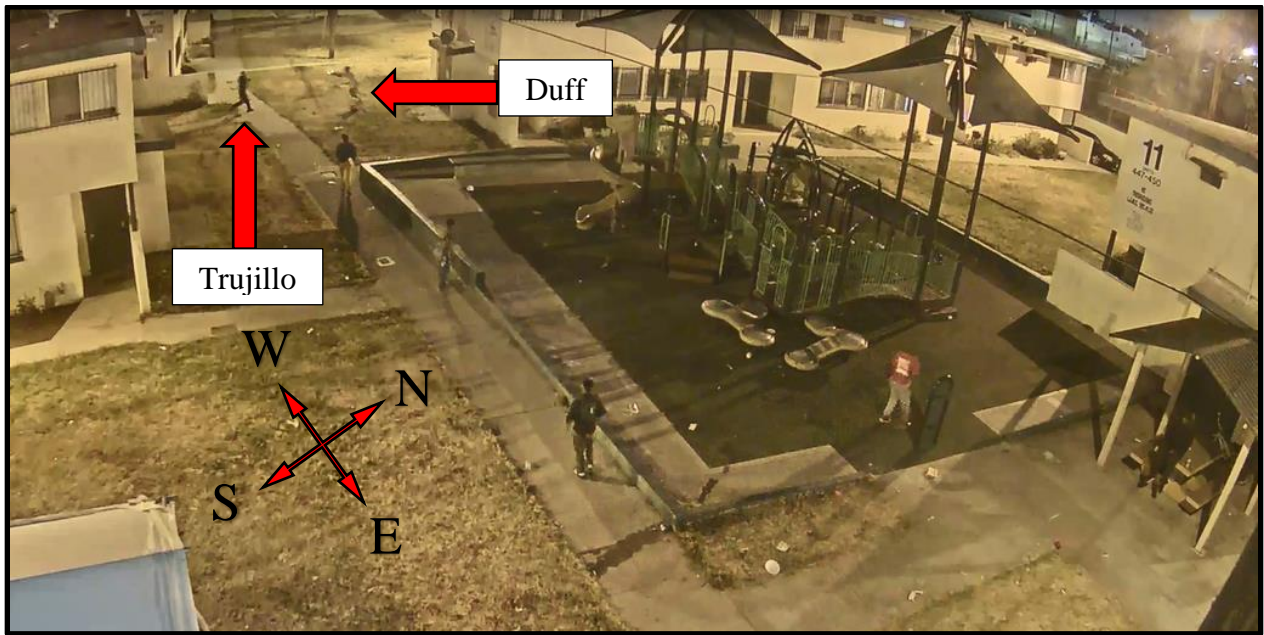


Photo still from surveillance video depicting Duff firing first round at Trujillo.

After Duff began firing at Trujillo, Trujillo drew his service weapon and returned fire.³ Both Trujillo and Duff were struck by gunfire. Duff collapsed on the ground with his handgun near his right hand. Immediately after the shooting, Chessum stopped pursuing the BMW driver and returned to Trujillo, who was limping and stated that he had been shot. Shortly thereafter, Trujillo collapsed as he had sustained several gunshot wounds to his body.

¹ The BMW driver was not apprehended and his identity was not determined.

² Duff fired a total of four rounds from his handgun. Four expended cartridge cases from Duff's handgun were recovered at the scene.

³ Trujillo fired a total of six to seven rounds. Six expended cartridge cases from Trujillo's service weapon were recovered at the scene.

Immediately after the shooting, a large number of bystanders advanced toward Chessum, Trujillo, and other responding officers. Due to officer and public safety concerns, Chessum retrieved and secured the handgun used by Duff. The handgun, a .45 caliber semiautomatic pistol, was not registered to Duff.



.45 caliber semiautomatic pistol utilized by Duff.

Due to the seriousness of Trujillo’s injuries, responding officers transported Trujillo to the hospital in a police car. Trujillo survived his injuries.

Duff also sustained a gunshot wound and was transported to the hospital by ambulance. Duff survived his injuries. Duff was charged in case number BA477214 with attempted murder of a police officer and unlawful possession of a firearm. The matter is currently in pretrial proceedings.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 3470. 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. *Id.*

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, which enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation. *People v. Meherle* (2012) 206 Cal.App.4th 1125, 1146.

In evaluating whether a police officer’s use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 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.

Duff observed uniformed officers in foot pursuit of another person. Duff, armed with a loaded semiautomatic pistol, moved and intercepted the officers as they circled in pursuit of the BMW driver. Initially, Duff ran after Chessum while holding a pistol to his side. Duff then directed his attention to Trujillo, who trailed behind Chessum. Duff pointed his firearm and fired four rounds at Trujillo striking him several times. Duff used deadly force against Trujillo. In response, Trujillo fired his service weapon to defend his life.

CONCLUSION

We conclude that Officer Trujillo’s use of deadly force was legally justified in self-defense. We are closing our file and will take no further action in this matter.