

**Non-Fatal Officer Involved Shooting of Steven Lopez, Jr.
Los Angeles County Sheriff's Department**

Sergeant Anthony Delia #457335

J.S.I.D. File #19-0087



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

April 5, 2022

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

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

SUBJECT: Non-Fatal Officer Involved Shooting of Steven Lopez, Jr.
J.S.I.D. File #19-0087
L.A.S.D. File #019-03454-1122-056

DATE: April 13, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 17, 2019, non-fatal shooting of Steven Lopez, Jr. by Los Angeles County Sheriff's Department (LASD) Sergeant Anthony Delia. We have concluded that Sergeant Delia acted in lawful self-defense at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on February 17, 2019, at approximately 9:45 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Derrick Alfred.

The following analysis is based on reports, recorded interviews, DVD recordings, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered in this analysis. The deputies were not equipped with body worn video cameras.

FACTUAL ANALYSIS

At 4:09 p.m., on February 17, 2019, [REDACTED] called 9-1-1 regarding a man, later identified as Lopez, who was acting erratically. Lopez was pacing back and forth in an alley near the corner of Milling Street and Sierra Highway in Lancaster. Lopez was alone, but [REDACTED] could hear that Lopez was yelling. [REDACTED] could not discern what Lopez was saying. Lopez was holding a knife that [REDACTED] estimated was ten inches long. Periodically, Lopez crouched down and dragged the knife across the pavement as if he was trying to sharpen it. [REDACTED] watched Lopez behaving this way for approximately 20 minutes. Finally, Lopez held the knife to his neck, at which point [REDACTED] called 9-1-1. [REDACTED] provided a description of Lopez to the operator.

Deputies Rafael and Delia were assigned to separate single deputy patrol units. Both were in full uniform. Both were assigned to respond to [REDACTED]'s call. Rafael and Delia communicated with

one another as they drove to the location to coordinate their response. They saw one another as Rafael traveled northbound on Sierra Highway and Delia approached driving southbound.

Lopez was sitting in the southeast corner of a dirt lot. The two deputies entered on the east side of the lot and illuminated Lopez with their spotlights. The deputies parked their patrol vehicles near each other and in a location that maintained what they each considered a safe distance from Lopez—Delia estimated the distance was 30-40 yards.

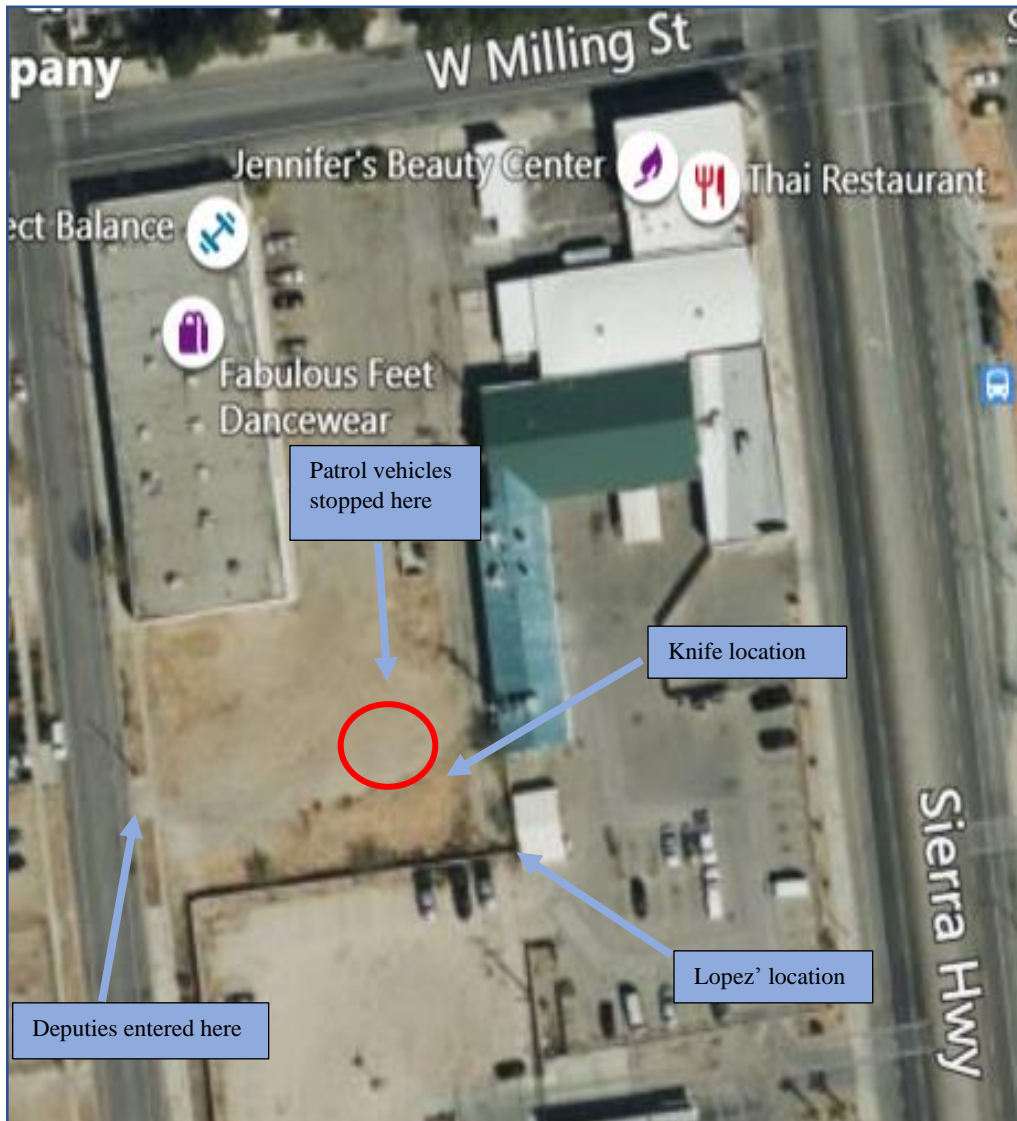


Figure 1. This satellite photograph shows the lot where Delia and Rafael found Lopez. Lopez was sitting in the southeast corner of the lot. The deputies entered from Beech Avenue, parallel to Sierra Highway, and parked their vehicles facing Lopez.

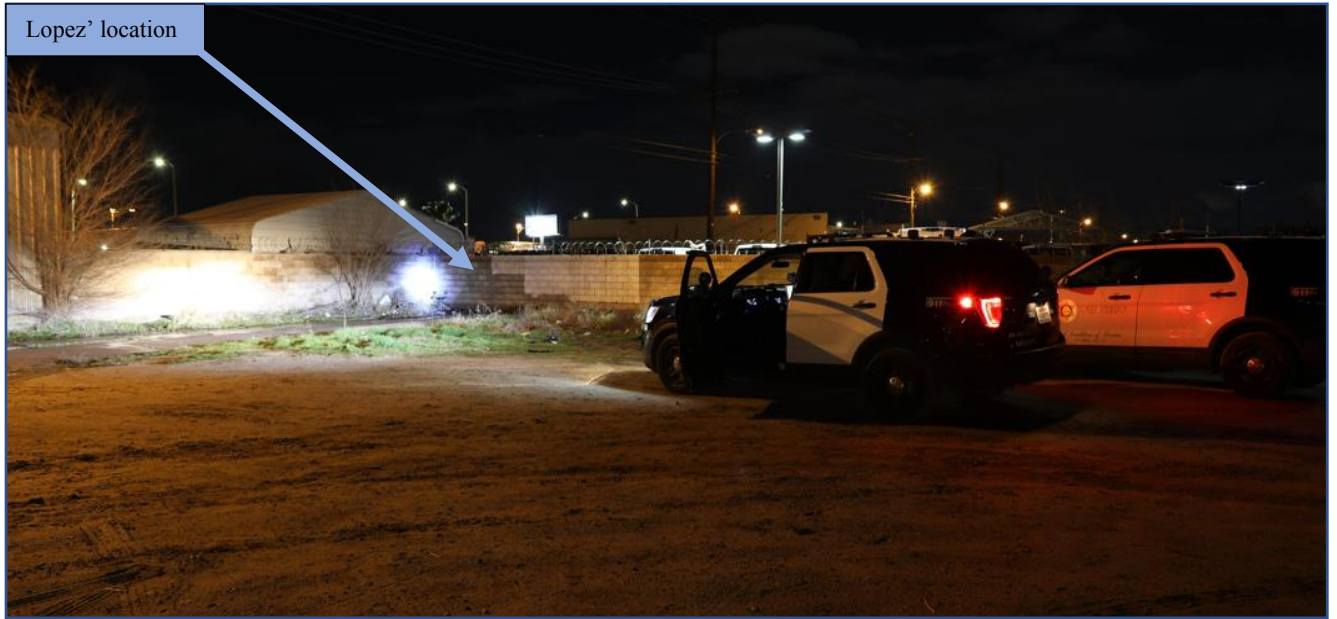


Figure 2. This photograph shows the location of Delia and Rafael's patrol vehicles during the incident and where Lopez sat when they arrived. Delia's SUV is in the foreground, Rafael's vehicle is behind it.

Delia and Rafael exited their vehicles and remained standing behind the driver's side doors for their protection. Lopez reached down to the ground on his right-hand side and picked up a fixed blade knife, approximately 7-8 inches long.



Figure 3. This photograph depicts the knife Lopez possessed when he approached Delia.

Lopez focused his attention on Delia, who was closer to Lopez than Rafael. Lopez began to walk briskly towards Delia, whose vehicle was parked a few feet north of Rafael's vehicle. Both deputies drew their duty weapons and repeatedly ordered Lopez to stop and drop the knife. Lopez said, "Nope, nope, nope. Lancas. I'm from Lancas." Lancas is a criminal street gang based in Lancaster. Delia said Lopez' tone of voice was aggressive. Lopez continued to advance with the knife in his right hand with his right arm extended and the blade pointing towards Delia. Based on Lopez' actions, words, and tone of voice, Delia believed that Lopez intended to stab and kill him.

Delia noted that Lopez had three possible avenues of escape. Lopez could flee northbound along the cinderblock wall, which had not been blocked by responding law enforcement; or he could climb over the wall either to Lopez' south or east. He made no attempt to avoid apprehension.

As Lopez advanced, Delia became increasingly apprehensive. When Lopez reached a distance of approximately 20 to 25 feet away from Delia, Delia feared his life was in imminent danger and fired twice at Lopez, striking him in the chin and in the left clavicle. Lopez collapsed but maintained control of the knife. Delia instructed Lopez to "Drop the knife," and "Get away from the knife." Lopez raised the knife and then attempted to stab himself in the chest, but he did not use enough force to cause injury.

Other deputies arrived on the scene. Eventually, Lopez dropped the knife onto the ground and was taken into custody without further incident.

Delia was armed with a 9mm Smith & Wesson pistol. A spent 9mm cartridge case was recovered underneath Delia's patrol vehicle and another was found on the rooftop underneath the lightbar.

Lopez's Statement

Investigators interviewed Lopez regarding the incident on February 26, 2019. After waiving his *Miranda* rights, Lopez said that on the day of the incident, he had been drinking and became tired of life. He decided that committing "suicide by cop was the best thing to do." He stated that he went to the dirt lot to slit his own throat. He wandered around the lot until he saw a chair in the corner of the lot. He sat in the chair and soon afterwards, two police vehicles approached him. He estimated the deputies parked 20 feet away from him. The deputies illuminated him and asked Lopez his name. Lopez decided to pick up the knife and walk towards Delia. When Lopez started walking, Delia told Lopez to "Put the knife down." Lopez said, "Nope." Again, Delia repeated, "Put the knife down." Lopez responded, "Nope." When Lopez was approximately ten to 15 feet away from Delia, Delia said, "For the last time, sir, please put the knife down." Again, Lopez said "Nope," and was struck by gunfire, causing him to fall to the ground.

Once on the ground, Lopez yelled the name of his criminal street gang, “Pacas!”¹ He said he shouted his street gang name because he wanted to raise his heart rate and cause more blood to leave his wounds.

Lopez said it was reasonable for the deputies to shoot him and he harbored no ill will towards them. He said if the deputy had not shot him, he would not have stabbed the deputy, but would have cut his wrists.

Lopez said he got what he deserved and wanted to apologize to the deputy he assaulted.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; see also, CALCRIM No. 505.

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

In protecting himself or another, a person may use all the 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. CALCRIM No. 3470. If the person’s beliefs were reasonable, the danger the person perceived need not to have actually existed. *Id.*

In evaluating whether a police officer’s use of force was reasonable, 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 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.

¹ “Pacas” is a sobriquet for the “Pacoima 13” criminal street gang.

When the deputies contacted Lopez, Delia concluded Lopez was not concerned about avoiding apprehension because he did not avail himself of open avenues of escape. Instead, Lopez armed himself with a knife. Lopez created a threat to Delia by aggressively approaching him with the knife. Delia gave Lopez multiple reasonable opportunities to end the threat by repeatedly issuing instructions to disarm himself and stop approaching Delia. Delia held his fire until Lopez advanced close enough to put Delia in fear of imminently suffering great bodily injury or death. Lopez' actions reasonably put Delia in fear and Delia's decision to use deadly force to stop the imminent threat Lopez posed was reasonable under the circumstances.

CONCLUSION

We find that Sergeant Delia acted lawfully in self-defense when he used deadly force against Steven Lopez, Jr.