

Officer Involved Shooting of Daniel Canizales
South Gate Police Department

Officer Sam Houx, #10223
Officer Donny Sanchez, #10097

J.S.I.D. File #19-0053



JACKIE LACEY
District Attorney
Justice System Integrity Division
May 12, 2020

MEMORANDUM

TO: CHIEF RANDY DAVIS
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CAPTAIN KENT WEGENER
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Daniel Canizales
J.S.I.D. File #19-0053
S.G.P.D. #19-00962
L.A.S.D. File #019-00013-3199-057

DATE: May 12, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 29, 2019, non-fatal shooting of Daniel Canizales by South Gate Police Department (SGPD) Officers Sam Houx and Donny Sanchez. It is our conclusion that there is insufficient evidence to prove beyond a reasonable doubt that Officers Houx and Sanchez did not act in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on January 29, 2019, at approximately 10:12 a.m. The District Attorney Response Team responded and was provided a briefing, given a walk-through of the scene and interviewed several civilian witnesses.

The following analysis is based on reports submitted to this office by Sergeant Robert Gray and Detective Timothy Ruggiero, Los Angeles County Sheriff's Department, Homicide Bureau. Officers Houx and Sanchez provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

Statement from SGPD Officer Sam Houx

On January 29, 2019, at approximately 8:27 a.m., uniformed SGPD Officer Sam Houx responded to a radio call regarding panhandlers at the 7-11 located on Garfield Avenue and Main Street in the City of South Gate. The two men described by the store clerk were gone upon Houx's arrival. Houx decided to drive east on Main Street in an attempt to locate the men.

Houx observed a man, later identified as Daniel Canizales, walking south on the railroad tracks that traverse Main Street. Canizales was wearing a gray sweatshirt with the hood up and both hands in his jeans' pockets. Canizales repeatedly looked toward Houx's marked patrol vehicle. Houx decided to contact Canizales regarding trespassing on the railroad tracks.¹

Houx made a U-turn and observed Canizales walking westbound on the south sidewalk of Main Street. Houx stopped his patrol vehicle behind Canizales and said, "Hey, what's up, dude?" Canizales immediately removed both hands from his jeans and jammed his left hand into the front pocket of his sweatshirt. Houx yelled, "Hey! Get your hands out of your fucking pockets!" Houx believed Canizales may be concealing a gun in his pocket. Canizales' behavior was not normal. Houx repeated his order to Canizales. Canizales replied, "Fuck you! You can't fuck with me!" Houx repositioned himself for better cover. Canizales backpedaled west on Main Street away from Houx with his left hand still concealed in his pocket.²

Typically, Houx would not request assistance when contacting a pedestrian for trespassing or panhandling. However, for officer safety reasons, due to Canizales' behavior, he did not want to contact him alone. Houx broadcast a request for assistance. Houx also called SGPD Officer Donny Sanchez on his cell phone and advised him of his observations and indicated that he almost shot Canizales. Sanchez advised Houx he would respond to his location. Houx followed Canizales in his patrol vehicle.

Canizales turned south on Industrial Avenue from Main Street then walked east through a narrow alley. Canizales' appeared to have both hands in his front pocket while repeatedly looking back toward Houx. Houx kept a distance from Canizales for fear of being trapped in his vehicle if Canizales fired at him. Houx lost sight of Canizales near Hoover Avenue. Around the same time, Sanchez radioed that he had a visual on Canizales. Houx observed Sanchez running north on Hoover Avenue and west on Main Street. Houx exited his vehicle, drew his weapon and ran to Main Street. He observed Sanchez run into the front yard of a residence. Sanchez began to set up a perimeter over the radio. At that time, uniformed SGPD Officer Anthony Reyes broadcast that Canizales was back in the alley and reaching for his waistband and was possibly "417."³

Houx ran back to his patrol vehicle and heard Reyes broadcast that he was now chasing Canizales south on Paramount Boulevard. Reyes again broadcast that Canizales was possibly 417. Reyes' broadcasts confirmed Houx's belief that Canizales was armed. Houx drove to Paramount Boulevard just as Canizales ran into a laundromat on the west side of the street. A short time later, a woman, subsequently identified as Maria L., exited the business holding her chest and appearing hysterical. Maria L.'s behavior further corroborated Houx's belief that Canizales was in possession of a gun.

Houx exited his vehicle with his service weapon drawn and walked toward the west curb. Canizales exited the laundromat and started walking south on the sidewalk. Houx, Sanchez and Reyes paralleled Canizales in the street with their weapons pointed at him. Initially, both of Canizales' hands were visible as he used them to pull up his pants. However, he then concealed

¹ A violation of Penal Code section 369i.

² Houx activated his audio recorder before contacting Canizales. It captured Houx ordering Canizales to stop twice and to remove his hands four times. Canizales told Houx, "Fuck you, man. I'm not doing nothing to you dog."

³ "417" is police vernacular for a person in possession of a firearm. It references Penal Code section 417, brandishing a firearm.

his right hand in his shirt or pants. The officers gave him multiple commands to show his hands. Canizales ignored the orders and continued walking south. Houx then saw Canizales “blade” or turn his left side in and appeared to be pulling something out with his right hand. Houx believed that Canizales was drawing a weapon and was going to shoot him, his partners or someone in the numerous occupied cars on Paramount Boulevard. Houx fired his weapon seven times at Canizales.⁴

Canizales fell to the ground. The officers continued to order him to show his hands, which were not visible, until assisting units arrived and took him into custody. Houx searched Canizales and did not recover a weapon. Reyes and Houx began cardiopulmonary resuscitation (CPR) on Canizales until responding units arrived.

Statement from SGPD Officer Donny Sanchez

Sanchez responded to Houx’s request for back up on a pedestrian stop. While headed to the location, Houx called Sanchez on his cell phone. Houx advised that Canizales had his hands in his pockets and refused to listen to commands. Houx said that he almost shot him. Houx stated that he did not feel comfortable stopping Canizales on his own due to his strange behavior.

Sanchez arrived to the area and observed Houx’s vehicle in the alley east of Hoover Avenue. Sanchez approached the alley from the south and observed Canizales walking east onto Main Street. Sanchez followed Canizales and saw that his right hand was at his waist. Sanchez ordered him to stop. Canizales looked over his shoulder toward Sanchez then jumped a fence into the backyard of a residence. Sanchez did not follow him. Based on his observations and the information Houx provided, Sanchez feared that Canizales would be waiting for him on the other side of the fence armed with a gun. Instead, Sanchez began to set up a perimeter with responding units.

Reyes broadcast that Canizales was back in the alley. Sanchez returned to his patrol vehicle and headed in that direction. Reyes radioed that Canizales was “417,” further corroboration that Canizales was armed with a gun. Sanchez saw Reyes running through a church parking lot then eastbound toward Paramount Boulevard. Sanchez drove to Paramount Boulevard and observed Canizales walking on the west sidewalk. His right hand was at his waist, as if he was about to remove something. In fear that Canizales was going to draw a weapon, Sanchez removed his service weapon as he followed Canizales in his patrol vehicle.

Sanchez described Canizales’ behavior as abnormal. Typically, if a suspect wanted to evade arrest, they would run from him. Canizales, however, neither ran or surrendered. He continued to walk southbound while looking back toward Sanchez. It appeared to Sanchez that Canizales was “sizing me up” and waiting for an opportunity to shoot him. Sanchez told Canizales, “I’m going to shoot you motherfucker! I’m going to shoot you!” to warn him against doing anything “stupid.” At that time, Canizales ran into a business. Sanchez observed a woman exit the location. Sanchez exited his vehicle as Reyes and Houx joined him in the street.

Canizales exited the business and continued south on the sidewalk while adjusting his pants. Sanchez, Houx and Reyes trailed him in the street. Canizales stared straight ahead and ignored

⁴ Houx estimated that he fired five times. An examination of his service weapon determined that he fired seven times.

The map shows a grid of streets in a suburban area. A blue line traces a path from the Railroad Tracks (indicated by an orange box and arrow) east on Main St, then south on Industrial Ave, east on E/W Alley, south on Main St, east on Harding Ave, south on N/S Alley, and finally east on Paramount Blvd to a red dot. A north arrow is located in the top right corner. The map also shows Pius X High School, Gardendale St, Alhambra Ave, and Somerset Ranch Rd. Major roads I-105 and I-105 are shown at the bottom.

Statement from SGPD Officer Anthony Reyes

Canizales walked south into the alley west of Paramount Boulevard. Reyes followed in his patrol vehicle, repeatedly ordering Canizales to stop and show his hands.⁵ Canizales ignored Reyes. Canizales looked toward Reyes and said, “Fuck you. I ain’t stopping.” Canizales jogged away

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from Reyes east on Harding Avenue. His right hand was at his waistband, as if he was holding onto something.

Reyes continued to follow him. Canizales stopped and again looked back toward Reyes. Canizales told Reyes, "I have a strap and I'm going to dump you."⁶ At the same time, Canizales extended his right arm toward him. In fear that Canizales was about to shoot him, Reyes ducked down in his seat. He was unable to see if Canizales had anything in his hand. Reyes drew his service weapon and exited to avoid being trapped in his patrol vehicle. Reyes took cover behind a parked car. Canizales turned back west on Harding Avenue then ran south in the alley. Both hands were concealed at his waist. Reyes broadcast that Canizales was a possible 417.

Canizales crossed through a parking lot and ran to the west sidewalk of Paramount Boulevard. Reyes followed Canizales on foot. Canizales continuously looked over his left shoulder toward Reyes while holding his right hand against his waist. His left hand was visible. Reyes believed Canizales had a gun and was waiting for an opportunity to shoot him. Reyes again broadcast that Canizales was a possible 417.

Canizales ran into a laundromat on Paramount Boulevard. A hysterical Maria L. exited. A short time later, Canizales exited with both hands still concealed in his waistband area. Reyes, Sanchez and Houx repeatedly ordered Canizales to remove his hands and stop reaching, while pointing their service weapons at him.⁷ Canizales ignored the orders and told them to leave him alone. Canizales repeatedly bladed his body while looking back toward the officers. It appeared to Reyes that Canizales was looking for an opportunity to shoot them. Reyes decided to transition to his Taser. As he was about to holster his service weapon, Canizales made a quick motion with his right hand, as if he was removing something from his waistband area. At that time, Sanchez and Houx fired their service weapons, striking Canizales.

Reyes and Houx approached Canizales and took him into custody. Reyes began administering CPR.

Statement of Virginia M.

Virginia M. walked to the rear parking lot of her work located at the northwest corner of Paramount Boulevard and Lincoln Avenue. Virginia M. heard an unknown voice say, "I'm gonna shoot. Stop running." Virginia M. looked around, but could not see who was speaking. Virginia M. then saw Canizales run south into the alley from Harding Avenue. Canizales was running so fast that he nearly fell to the ground as he rounded the corner.

Canizales' hands appeared to be in his sweatshirt at his front waistband. As he ran, Canizales used his left hand to pull up his pants. Canizales then placed both hands back into the sweatshirt. The same unknown voice said, "I'm gonna shoot. Run." Canizales turned back north toward Harding Avenue and extended his right arm from his body in the direction of the unknown voice. Although Virginia M. could not see whether Canizales had anything in his hand, she believed he had a gun and was about to fire. In fear for her life, Virginia M. ran back inside her job.

⁶ "Strap" is street vernacular for a gun.

⁷ Reyes' audio recorder captured the officers ordering Canizales to remove his hands and stop reaching at least ten times.

Statement of Maria L.

Maria L. works at the dry cleaners located on Paramount Boulevard south of Lincoln Avenue. Maria L. was behind the counter when Canizales entered the business. Canizales calmly walked past the counter, toward the rear of the business. His hands were in his pants pockets. Maria L. exited the front door because Canizales' actions were not "normal."

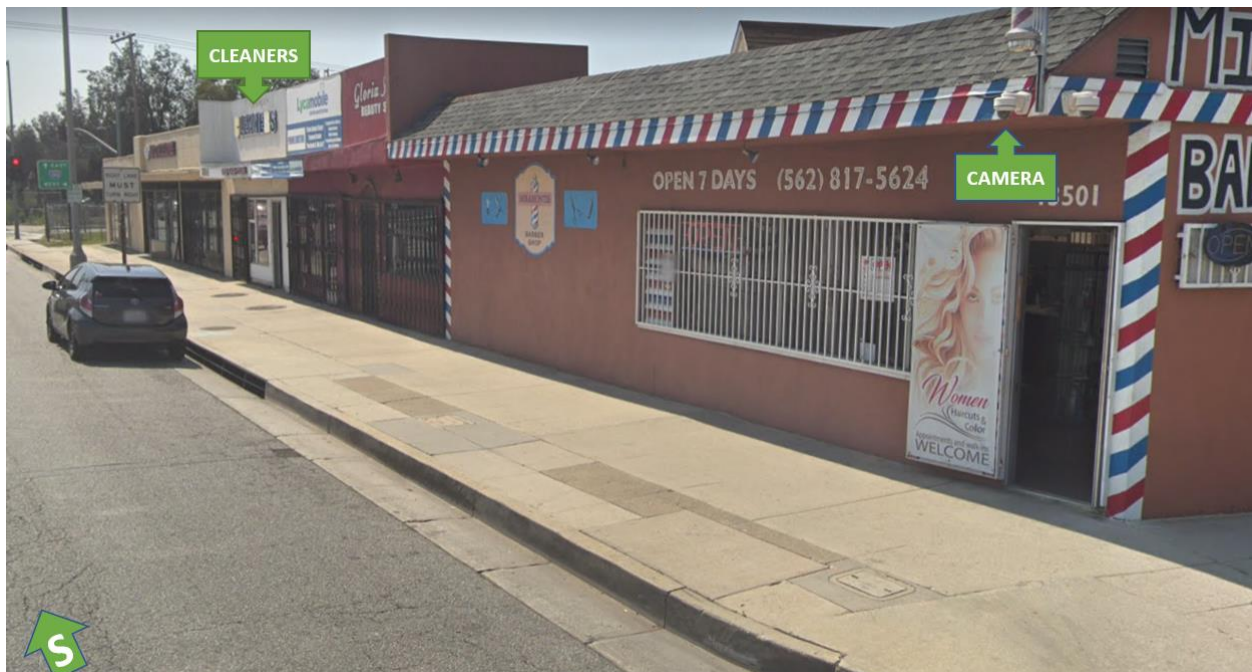
Maria L. observed police vehicles approaching her location as she walked north on the sidewalk. Maria L. screamed at the officers in Spanish, advising them that Canizales was inside her business. Seconds later, Canizales exited the cleaners and walked south, away from the officers. Two officers yelled at Canizales in English, but she could not understand what they were saying. Canizales screamed back at the officers. Moments later, Canizales raised his hands to his chest, then lowered them to his front waistband. Officers fired their weapons at Canizales and he fell.

Statement of Stephanie H.

Stephanie H. was stopped at a red light northbound on Paramount Boulevard, just south of the shooting location. As she pulled up to the light, Stephanie H. saw Canizales walking south on the west sidewalk. She also saw three officers standing in the street pointing their weapons at Canizales. The officers were sidestepping to their left as Canizales continued to walk southbound. Canizales suddenly raised his opened hands in the air. Immediately thereafter, the officers fired five shots at Canizales, causing him to fall to the ground.

Barber Shop Surveillance Video

The barber shop is located on the southwest corner of Paramount Boulevard and Lincoln Avenue. It is several businesses north of the dry cleaners. The barber shop has a surveillance camera located on the eave above the front door. The camera faces south and captured the officer involved shooting. (See photo below)



The camera initially captures Canizales running south on the sidewalk. His right arm is moving back and forth. His left arm is bent at the elbow and his left hand is out of view at his front waistband. Canizales slows to a walk and looks over his left shoulder. (Photo-1)



Photo-1

Canizales turns his head forward and uses both hands to hitch up his pants. He then places both hands in front of him at his waist and out of view. (Photo-2)

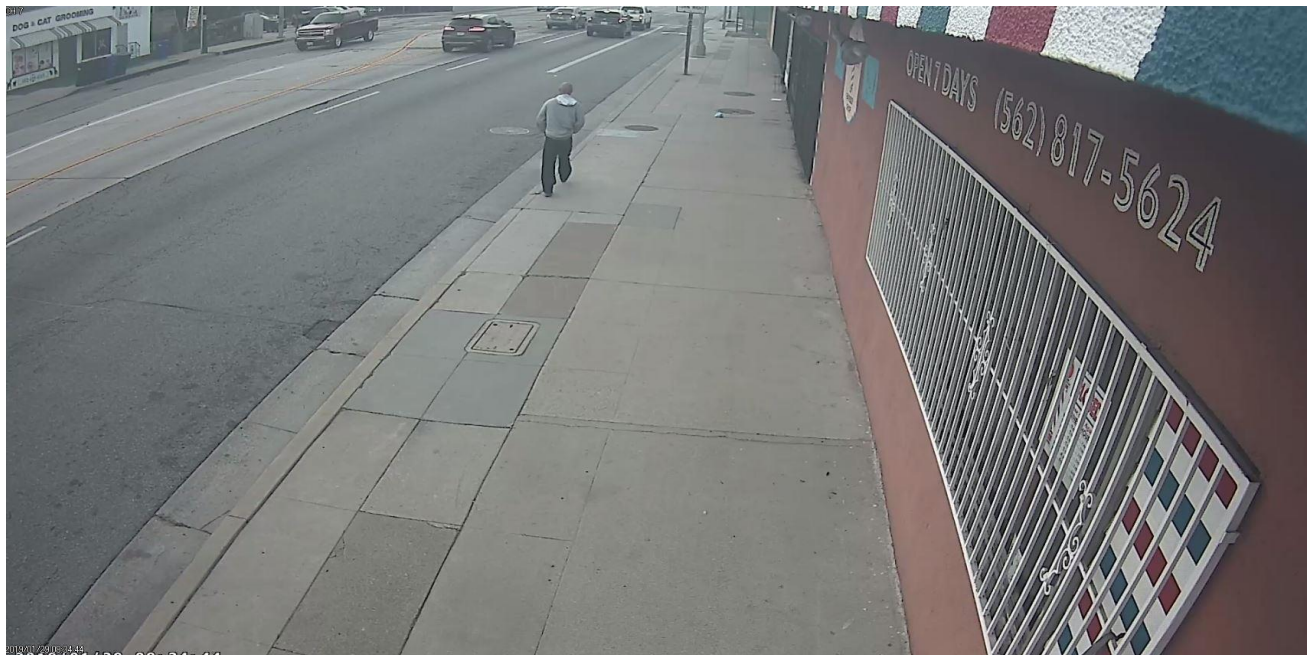


Photo-2

Sanchez and Houx's patrol vehicles come into view traveling south on Paramount Boulevard. Canizales continues walking south. His left hand is down at his side and his right hand is still at his front waistband, out of view. Canizales looks toward the approaching officers. (Photo-3)

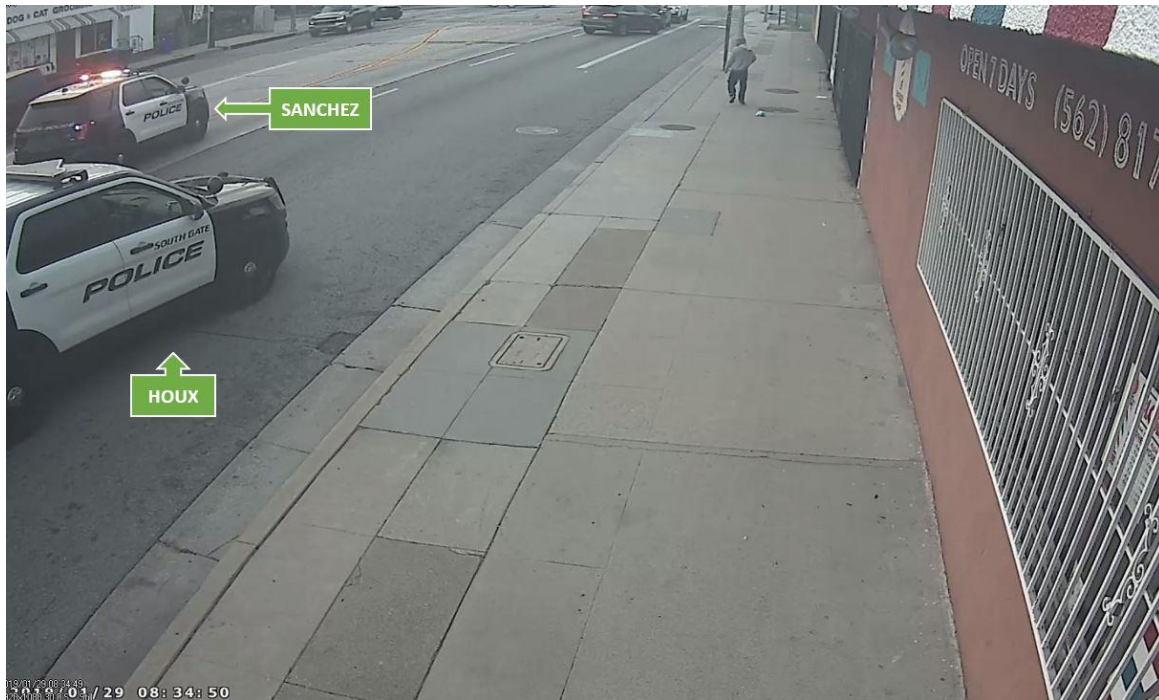


Photo-3

Canizales looks at the approaching patrol vehicles as they accelerate toward him. Canizales runs into the dry cleaners as Reyes comes into view running south on the sidewalk. (Photo-4)

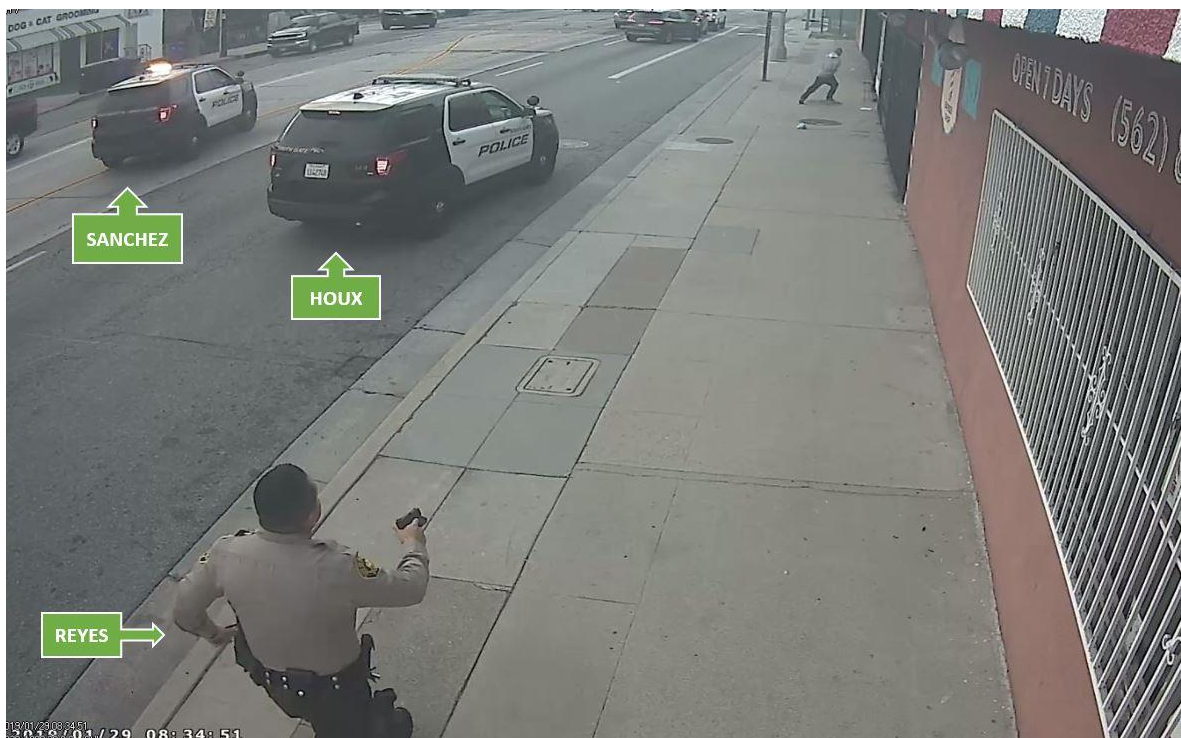


Photo-4

Houx parks his vehicle at the west curb and exits. Reyes continues running south toward the cleaners and steps into the street. Sanchez stops his vehicle in the number two lane. Maria L. exits the cleaners and begins walking north on the sidewalk. (Photo-5)



Photo-5

Canizales exits the cleaners and walks southbound. Initially, both arms are down and slightly out from his sides. All three officers are paralleling him in the street with their service weapons pointed at him. (Photo-6)



Photo-6

As Canizales continues walking south, he brings both hands up to his waist and hitches up his pants. The officers continue to shadow him. Sanchez is the furthest south, Houx is in the middle and Reyes is to Houx's right. (Photo-7)



Photo-7

Canizales brings both hands down to his side as he continues south. He then brings his right hand back up to his waist and appears to place it into his pants or sweatshirt pocket. Sanchez and Houx continue to parallel him while Reyes lowers his service weapon. (Photo-8)



Photo-8

Canizales hitches up his pants again then drops his left arm by his side. His right hand remains in front of him at his waist. Canizales approaches the end of the block where the sidewalk narrows. Canizales moves slightly to his left. The officers backpedal away from Canizales. (Photo-9) Canizales takes several more steps then falls to the ground.



Photo-9

Canizales' Injuries

Canizales was transported to St. Francis Medical Center and treated for multiple gunshot wounds to the upper torso. Investigators contacted him in the hospital and he declined to speak with them.

LEGAL ANALYSIS

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime.

CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

An officer has “probable cause” in this context when he knows facts which would “persuade someone of reasonable caution that the other person is going to cause serious physical harm to another.” CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *Mehserle* at 1147. And he may only resort to deadly force when the resistance of the person being taken into custody “appears to the officer likely to inflict great bodily injury on himself or those acting with him.” *Mehserle* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190.

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

Actual danger is not necessary to justify the use of force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon these circumstances. The right to self defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal.App.2d 577, 580.

“An officer is not constitutionally required to wait until he sets eyes upon the weapon before employing deadly force to protect himself against a fleeing suspect who turns and moves as though to draw a gun.” *Thompson v. Hubbard* (2001) 257 F.3d 896, 899.

Before a jury may rely on circumstantial evidence to find a defendant guilty, they must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If two or more reasonable conclusions can be drawn from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, a jury must accept the one that points to innocence. See CALCRIM No. 224

CONCLUSION

The evidence examined shows that Houx was acting with reasonable suspicion when he attempted to detain Canizales for unlawfully trespassing on the train tracks. Houx was also acting within reason when he ordered Canizales to remove his hands from his pockets for officer safety during his contact with him. Canizales ignored Houx’s lawful orders and fled from the officer. Eventually, Houx was joined by Sanchez and Reyes as they pursued Canizales. During the pursuit, Houx and Sanchez fired their service weapons, striking Canizales. Canizales was not armed with a firearm.

Under the circumstances, there is insufficient evidence to prove that it was unreasonable for Houx and Sanchez to conclude that Canizales was armed with a firearm at the time of the shooting. Canizales repeatedly placed his hands in his sweatshirt pocket or front waistband area while fleeing from officers. When a person is running, they typically move their arms in a back and

forth motion. It is not normal for a person to keep one or both hands at their waist. The manner in which Canizales held his hands was consistent with someone preventing an object from falling from a pocket or waistband. It is not uncommon for individuals to carry a firearm in a pocket or waistband in an effort to conceal it from the police. The officers ordered Canizales at least ten times to remove his hands and stop reaching as he was walking south on Paramount Boulevard. Canizales ignored them. Based on his behavior, it was not unreasonable for Houx and Sanchez to conclude that Canizales was concealing a gun from their view. It should also be noted that Canizales fled a significant distance from the officers. His refusal to surrender is also consistent with a person in possession of an illegal firearm and attempting to escape the consequences.

The surveillance footage captures Canizales repeatedly moving his hands to and from his front pocket or waistband while the officers point their firearms at him and order him to raise his hands. Canizales stared straight ahead, continued walking and ignored their presence.

Houx and Sanchez stated that they fired their weapons when they saw Canizales turn the left side of his body while making a movement with his right hand consistent with pulling something from his right side. Believing that he was removing a firearm to shoot at them, they responded with deadly force. Reyes also feared that Canizales was about to fire at them, but was in the process of transitioning to a Taser and did not fire.

The surveillance video shows Canizales veer slightly to the left moments before he falls. It does not capture what he is doing with his right hand, as it is out of view. The surveillance footage does show that Canizales never raised his hands above his head as described by Samantha H.

Ultimately, it was determined that Canizales was unarmed. However, moments before the shooting, Canizales actions led Virginia M. to fear he was about to fire a gun when he extended his right arm toward Reyes in the rear parking lot. She fled, in fear for her life. Canizales had threatened to shoot Reyes when Canizales pointed his arm toward him. Reyes ducked down in his patrol unit, convinced that he was about to be shot.

At the time of the shooting, Houx and Sanchez had no way to know that Canizales was only “pretending” to be armed. The officers were forced to make a split-second decision in the moment and based on the totality of Canizales’ behavior, there is insufficient evidence to prove beyond a reasonable doubt that Houx and Sanchez did not reasonably believe that Canizales posed a threat of serious bodily harm or death and found it necessary to respond with deadly force. We are therefore closing our file and will take no further action in this matter.