

**Non-Fatal Officer Involved Shooting of Jose Iribe  
Los Angeles Police Department**

**Officer Jonathan Hilliger, #41868**

**J.S.I.D. File #19-0256**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**June 30, 2021**

## MEMORANDUM

TO: CAPTAIN RICH GABALDON  
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 Jose Iribe  
J.S.I.D. File #19-0256  
F.I.D. File #F025-19

DATE: June 30, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 5, 2019, non-fatal shooting of Jose Iribe by Los Angeles Police Department (LAPD) Officer Jonathan Hilliger. We have determined that Officer Hilliger acted in lawful self-defense when he used deadly force against Iribe.

The District Attorney's Command Center was notified of this shooting on June 5, 2019, at approximately 7:47 p.m. The District Attorney Response Team responded to the scene and was given a briefing by Lieutenant Damian Gutierrez.

The following analysis is based on reports and other materials, including officers' body-worn video (BWV), a police car dash camera recording, photographs, and interviews of witnesses submitted by the LAPD Force Investigation Division. The compelled statement of Officer Hilliger was not considered in this analysis.

### **FACTUAL ANALYSIS**

On June 5, 2019, LAPD Officers Morales and Hilliger were assigned to Hollenbeck Division's Gang Enforcement Detail (GED) and partnered together. Both officers were dressed in standard LAPD uniforms. At approximately 4:48 p.m., Morales, who was driving a marked police car on North Myers Street, travelled past a white Toyota Camry with tinted front windows, a possible violation of California Vehicle Code section 26708.

Morales recognized the front passenger, Iribe, from previous contacts. Morales believed Iribe had "outstanding warrants for his arrest" and was "on formal probation for a gun."<sup>1</sup> He relayed this information to Hilliger. The driver of the Camry was later identified as Stephanie G.

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<sup>1</sup> Morales did not elaborate further on this point, but it was later determined that Iribe did not have any outstanding warrants for his arrest, nor was he on probation.

Morales negotiated a U-turn to conduct a traffic stop for the traffic violation. Morales activated the forward-facing red light on the police car, and Hilliger activated his BWV. As captured by the dash camera of the police car, Stephanie G. stopped the Camry in a parking stall, and Iribe immediately exited and ran from the officers toward a nearby business while holding the front right portion of his waistband.<sup>2</sup> Hilliger exited the police car and pursued Iribe on foot. Morales joined his partner in the foot pursuit.

Iribe ran into an open gated area of a business. Hilliger followed Iribe through the gate and yelled, “Stop! Police! Police! Get on the ground!” Iribe ignored Hilliger’s commands and ran behind a large metal green container. From behind the container, Iribe threw a loaded handgun, a black glove, and a loaded magazine. Hilliger’s BWV captured the sound of the handgun striking the container. The handgun slid off the container and fell to the ground, which is also captured on Hilliger’s BWV. The handgun came to rest on the ground near the container.

Hilliger yelled, “Gun! Gun! Gun! Gun!” Iribe immediately stepped out from behind the container, near the location of the handgun. Hilliger pointed his service weapon at Iribe and commanded Iribe to get on the ground and to show his hands. Iribe bent over and grabbed the handgun with his right hand, with the muzzle pointed in the direction of Hilliger, as depicted by Hilliger’s BWV.



Hilliger’s BWV depicting Iribe grabbing handgun.

<sup>2</sup> Investigators later interviewed Iribe, who stated that he ran from the car because he had a loaded .45 caliber semiautomatic handgun in his waistband. Iribe stated that he found the “black and gray” handgun in downtown Los Angeles.



Cropped and enlarged view of Iribe reaching for the handgun before Hilliger fired his service weapon.

Hilliger fired three rounds from his service weapon at Iribe, striking him one time in the left thigh. Iribe threw the handgun over the fence and remained standing behind an electrical utility box.<sup>3</sup> Iribe continued to disregard Hilliger's repeated commands to get on the ground and walked backwards and sideways toward both officers with both hands raised above his shoulders. Hilliger and Morales retreated from Iribe while continuing to give him commands to get on the ground.

Morales told investigators that he saw a large bulge in Iribe's front left pants pocket and was concerned that he could have another weapon. After repeated commands and warnings that he

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<sup>3</sup> Iribe later told investigators he reached for the gun "to throw it farther...but not to hurt the officer."

would be tased, Morales tased Iribe, who immediately fell to the ground and was arrested. Iribe was given medical attention and survived his injuries.



Morale's BWV depicting Iribe before being tased.

In a parking lot neighboring the scene of the officer involved shooting, officers retrieved a .45 caliber handgun with an inserted magazine loaded with eight live cartridges, and a second magazine loaded with six .45 caliber cartridges. The handgun was identified as a "ghost gun," a firearm made by a person, without serial numbers or other identifying information.



The handgun retrieved from the neighboring parking lot.

Stephanie G. drove away from the scene parking stall soon after Iribe fled on foot. Police officers detained her a short distance away and observed visible injuries to her face. Iribe was charged with several felony counts in case number BA478463 related to the possession of the handgun and domestic violence against Stephanie G. On October 1, 2019, Iribe was convicted on various felonies, including possession of a firearm by a felon, and he was sentenced to state prison.

## **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.* If the person's beliefs were reasonable, the danger does not need to have actually existed. *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. Mehserle* (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.

Iribe ran from uniformed officers while armed with a loaded semiautomatic handgun and additional ammunition in another magazine. Iribe concealed himself from the officers and attempted to discard the handgun over a fence, but the handgun landed within the fenced area. Hilliger gave several loud and clear commands to Iribe, who did not comply. Instead, Iribe reached and grabbed the handgun within view of Hilliger. In response, Hilliger fired three rounds at Iribe, who simultaneously picked up the handgun and threw it over the fence. Based on the totality of circumstances, Hilliger's fired his service weapon to defend his life. Despite Iribe's stated intentions, Hilliger's belief of imminent harm was reasonable under the circumstances.

## **CONCLUSION**

We conclude that Officer Hilliger'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.