

Non-fatal Officer Involved Shooting of Luis Angel Barbosa
Torrance Police Department

Officer Matthew Gonzalez, #21306

J.S.I.D. File #21-0015



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

October 9, 2023

MEMORANDUM

TO: CHIEF JEREMIAH HART
Torrance Police Department
3300 Civic Center Drive
Torrance, California 90503

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

SUBJECT: Non-fatal Officer Involved Shooting of Luis Angel Barbosa
J.S.I.D. File #21-0015
Torrance P.D. File # 210001782

DATE: October 9, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 16, 2021, non-fatal shooting of Luis Angel Barbosa by Torrance Police Department (TPD) Officer Matthew Gonzalez. Based on the evidence, it cannot be proved that Officer Gonzalez lacked a reasonable belief that the use of deadly force was necessary.

The District Attorney's Command Center was notified at 3:05 a.m. on January 17, 2021, of the shooting. At the time it was not known whether Mr. Barbosa had been injured, therefore, the District Attorney's Response Team did not respond.

The following factual analysis is based on body worn camera videos (two), dash camera videos (two), surveillance videos (two), Torrance Police Department communications recordings, witness interviews and the reports submitted by the Torrance Police Department. The Torrance Police Department's initial investigation was submitted on December 6, 2021. In May 2023, the District Attorney's Office requested additional investigation. The report of the additional investigation was submitted by the Torrance Police Department on June 22, 2023. No compelled statements were considered.

SUMMARY

On Saturday, January 16, 2021, Torrance Police Department Officer Matthew Gonzalez attempted to detain Luis Angel Barbosa to investigate his possible involvement in a catalytic converter theft in the city of Vernon. Mr. Barbosa fled, first backing his car into the patrol unit behind which Officer Gonzalez had taken cover and then again backing his car into a patrol unit behind which two assisting police officers had taken cover. Mr. Barbosa then accelerated directly at an occupied parked car and in the direction of Officer Gonzalez. Officer Gonzalez shot at Mr. Barbosa three times. Mr. Barbosa escaped and drove to a local hospital, where he was treated

for his gunshot wounds. He was arrested on Tuesday, January 19, 2021, and charged, and later convicted on a no contest plea, for assault on a peace officer with a deadly weapon.

FACTUAL ANALYSIS

Shooting

The analysis in this segment is based exclusively on the dash camera, surveillance camera and body worn camera audio/video recordings and audio recordings of radio communications on the Torrance Police Department's communications frequencies. No witness statements or other investigative materials were reviewed for this segment other than the vehicle and scene measurements. All distances are extrapolated from these measurements and the manufacturers' specifications for the involved vehicles.

On Saturday, January 16, 2021, Torrance Police Department police officer Matthew Gonzalez was on duty in full uniform and badge, driving a marked black and white patrol sport utility vehicle (SUV). The SUV was equipped with a roof-top light bar and had the word POLICE in large letters painted on each side.

At 11:18 p.m. Officer Gonzalez received a radio broadcast that a black 2004 Infiniti coupe¹ [license plate number provided] wanted by the Vernon Police Department in connection with a catalytic converter theft had been spotted in Torrance. At 11:20 p.m. Officer Gonzalez spotted the Infiniti parked at the Chevron/Extramile gas station/market on the southeast corner of Western Avenue and Artesia Boulevard. The Infiniti was facing south toward the entrance doors to the market. Parked in the second stall west of the Infiniti was an unoccupied compact vehicle. Parked in the second stall east was an occupied 2016 Toyota Camry.²

¹ According to the manufacturer's specifications for the Infiniti G35 coupe, the wheelbase is 112.2 inches, the width is 71.5 inches, and its length is 182.2 inches.

² According to the manufacturer's specifications for the 2016 Toyota Camry sedan, the wheelbase is 109.3 inches, the width is 71.7 inches, and its length is 190.9 inches.

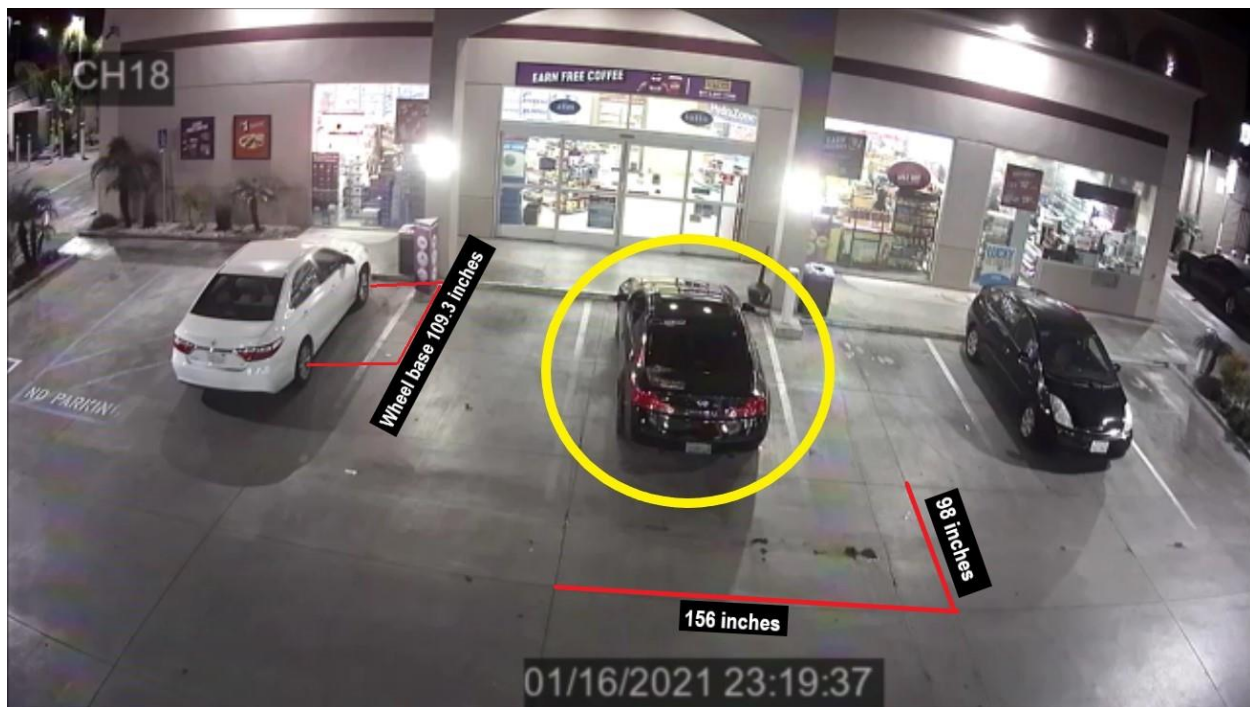


Image Capture # 1 - Black Infiniti parked at Extramile. (Measurements included for reference.)

Initially there were no people visible to Officer Gonzalez, so he drove to the Arco station across Western Avenue, from where he kept watch on the Infiniti. At about 11:23 p.m. he broadcast that a male, later identified as Luis Barbosa, was at the driver's side of the car and the hood was up. Officer Gonzalez then proceeded to the Chevron station, turning north on Western Avenue, east onto Artesia Boulevard and south into the east-north driveway of the Chevron station.

At 11:24 p.m. Officer Gonzalez stopped his SUV approximately 13 feet west and 8 feet north of the rear bumper of the Infiniti and started to get out. Mr. Barbosa was standing in front of the open hood of the Infiniti.

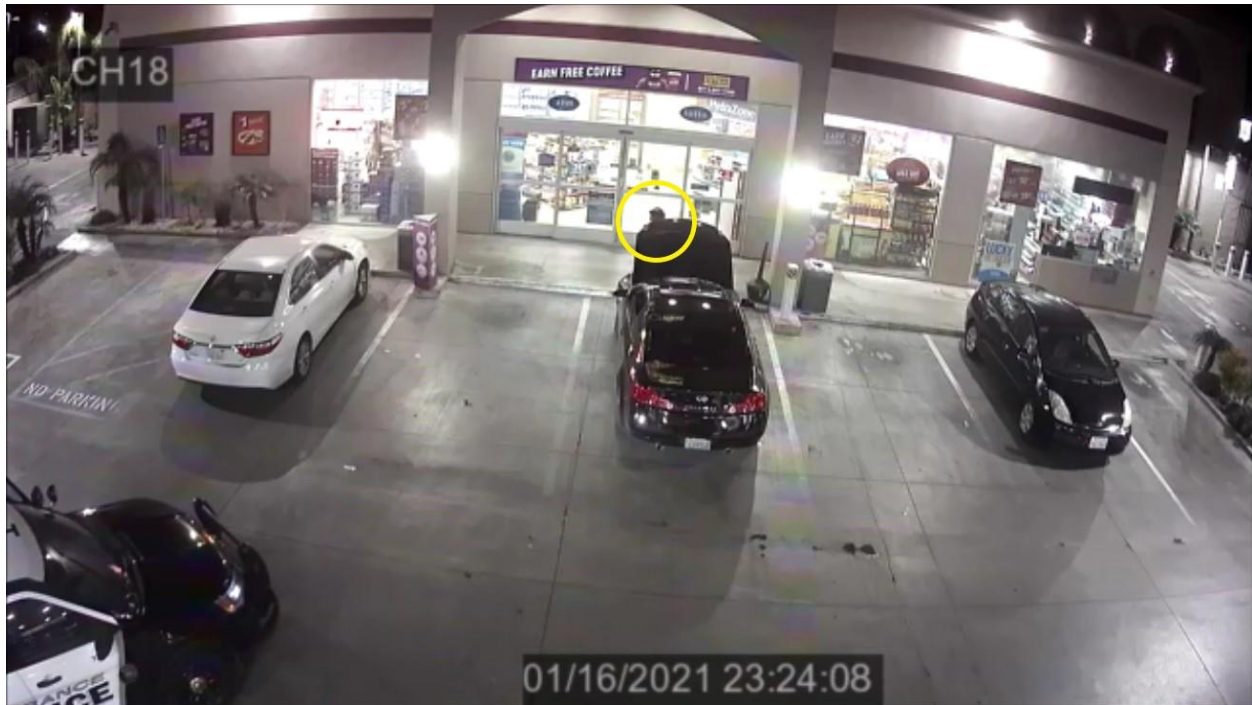


Image Capture # 2 - Officer Gonzalez's patrol SUV at first stop. Note driver's door is open.

Mr. Barbosa pushed the Infiniti's hood down while looking in Officer Gonzalez's direction, then walked to the front driver's door of the car. He had an object in his right hand which appeared to be a large rag. He opened the driver's door and sat in the driver's seat. As Mr. Barbosa closed the door of the Infiniti, Officer Gonzalez, with his SUV's driver's door still open, moved the SUV to where its left front was even with the left side of, and approximately four feet behind, the Infiniti.



Image Capture # 3 - Officer Gonzalez's patrol SUV at second stop. (Measurement of door fully open for reference.)

As soon as Officer Gonzalez stopped his SUV, he exited and aimed his gun between the SUV's door frame and A-pillar in Mr. Barbosa's direction. The Infiniti's taillights came on, followed almost immediately by its back up lights. Mr. Barbosa backed the Infiniti in a north-northwesterly direction. As he did this a second Torrance Police Department black and white patrol SUV, occupied by driver Officer Kevin Reynolds and passenger Officer Danielle Morreale, approached from a westerly direction and stopped approximately ten feet west of Officer Gonzalez's SUV. Mr. Barbosa continued in reverse and backed into Officer Gonzalez's SUV with sufficient force to move the SUV approximately eight to ten inches to the north.



Image Capture # 4 - First impact.

Officers Morreale and Reynolds exited their SUV. Officer Morreale stepped away from the SUV while Officer Reynolds took cover behind the driver's door. Officer Reynolds drew his gun and pointed it in Mr. Barbosa's direction. Mr. Barbosa drove forward, turning the Infiniti in a more easterly direction. He then backed up again as Officer Gonzalez continued to point his gun at him and shouted "Get out. Stop, I'm going to fucking shoot you!"³ Mr. Barbosa continued in reverse and struck Officer Morreale and Reynold's SUV, causing it to rock, but not move.

³ The body worn camera video from Officer Gonzalez's camera did not start until after Mr. Barbosa had struck Officer Gonzalez's SUV, pulled forward, and started backing toward Officer Morreale and Reynold's SUV.



Image Capture #5 - Second impact.

Mr. Barbosa pulled away from the second SUV and paused briefly before he backed the Infiniti up again. As Mr. Barbosa reversed, he extended his left arm out of the driver's window of his car and held his left hand up above the roofline of the car with his palm open and facing Officer Gonzalez. Throughout this back-and-forth maneuvering, Officer Gonzalez commanded Mr. Barbosa to stop. Mr. Barbosa did not respond in any way to Officer Gonzalez's commands.

As Mr. Barbosa stopped his final reverse movement, Officer Gonzalez again shouted "Stop! Put the car in stop!" Instead, Mr. Barbosa steered the Infiniti sharply to the left toward Officer Gonzalez and accelerated forward, directly toward Officer Gonzalez's SUV and the parked Camry.



Image Capture # 6 - Front wheels of Infiniti turned sharply to left as it accelerates toward Officer Gonzalez and Camry.

The occupant of the Camry was opening the driver's door as Mr. Barbosa accelerated toward it. Officer Gonzalez shouted "Put . . ." and then fired three shots in rapid succession as the Infiniti accelerated toward him and the Camry.

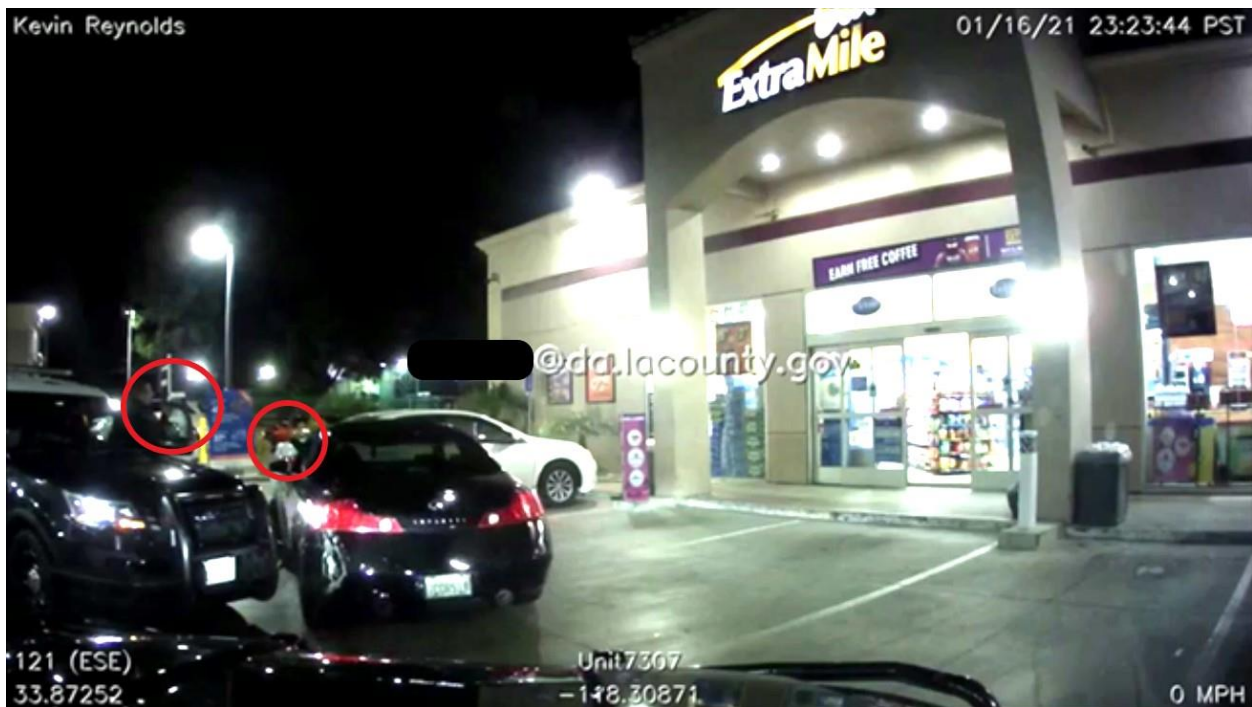


Image Capture # 7 - Frame depicting first shot fired, taken from dashboard camera of Officer Reynold's patrol SUV.

At the angle Mr. Barbosa was driving the Infiniti, given its length, there was a 64 or less inch wide corridor between the SUV's open driver's door, behind which Officer Gonzalez was standing, and the rear of the occupied Camry.

Mr. Barbosa continued to accelerate and crashed into the right rear quarter panel of the Camry, driving the parked Camry approximately six feet east and tearing off its rear bumper.



Image Capture # 8 - Mr. Barbosa driving between Officer Gonzalez's door and Camry (frame at which Camry stopped movement).

Mr. Barbosa continued to accelerate and exited the Chevron station, turning east on Artesia Boulevard. Officer Gonzalez and other Torrance Police Department units pursued Mr. Barbosa but the pursuit was terminated after it reached extremely unsafe speeds.

Mr. Barbosa's Injuries

Mr. Barbosa drove directly to the emergency room of Martin Luther King Hospital, 7.6 miles away from the Chevron station. At 11:49 p.m. Mr. Barbosa was examined by the triage medical staff.

Staff observed four gunshot wounds: to the forearm, to the hand, to the chest, and to the back. Mr. Barbosa was transferred to St. Francis Medical Center for treatment. He suffered a through-and-through bullet wound to the palm of his hand. His third finger was fractured. He had an abrasion consistent with a bullet grazing his left inner forearm. He had an entrance wound to his upper left chest and an exit wound in his upper left back.

Mr. Barbosa said that he had been the victim of a walk-by shooting in Los Angeles. Medical staff called the Los Angeles Police Department. St. Francis medical staff found no need for surgery.

While Mr. Barbosa was waiting to have a splint applied to his finger and his wounds closed, he absconded from the hospital.

Investigation

The occupant of the Camry was interviewed by Torrance Police Department investigators. He said he was seated in the Camry when his attention was drawn to Mr. Barbosa, who was between the door of the store and the Infiniti. Shortly thereafter, the police arrived. One of the officers told Mr. Barbosa twice to get on the ground. Another officer said something but what was said was not intelligible to the occupant. Mr. Barbosa did not say anything but got into the Infiniti. Mr. Barbosa then backed up, backed up again and hit one of the police cars, and then drove off, striking the Camry. One of the officers shot at Mr. Barbosa as he drove off.

A female in the Extramile market identified herself to Torrance Police Department investigators as a friend of Mr. Barbosa. She had been left behind as Mr. Barbosa fled (she is visible in the doorway of the market at the time of the shooting). She identified him as Luis Angel Barbosa. Investigators determined through department resources that Mr. Barbosa's last known address was 1266 East 88th Street in Los Angeles.

On January 18, 2021, the Infiniti was found abandoned on South Grand Avenue and West 59th Street in the city of Los Angeles.

On January 19, 2021, plainclothes Torrance Police Department detectives surveilling 1266 East 88th Street observed Mr. Barbosa leaving the residence and took him into custody. He told the detectives he had been shot by Torrance Police Department officers. Because of his injuries he was transported to Harbor UCLA Medical Center.

Mr. Barbosa was arrested and charged in felony case YA103836 with two counts of assault with a deadly weapon and by means of force likely to produce great bodily injury on a peace officer and with one count of felony resisting an executive officer. He was held to answer and on March 22, 2022, pleaded no contest to one count of assault with a deadly weapon and by means of force likely to produce great bodily injury on a peace officer and was sentenced to three years in state prison.

LEGAL ANALYSIS

A peace officer may detain an individual if the peace officer has received information from another law enforcement agency that gives rise to a reasonable suspicion that the detainee may have committed a crime. (*United States v. Hensley* (1985) 469 U.S. 221). Once a detention takes place, an officer may make an arrest if the circumstances give rise to a reasonable cause to believe that the detainee has committed a crime. (*Ornelas v. United States* (1996) 517 U.S. 690).

California law provides the use of deadly force by a peace officer to make an arrest is not unlawful when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person. (Penal Code sections 196 and 835a(c)(1)(A) and 197).

(B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. (Penal Code sections 196 and 835a(c)(1)(B)).

In a criminal prosecution of a peace officer for the use of deadly force, the People have the burden of proving that the force was unlawful. (1 CalCrim 507 (2021)).

Analysis

At the time of the shooting, Officer Gonzalez had probable cause to arrest Mr. Barbosa.

Officer Gonzalez, in full uniform driving a clearly marked police vehicle, attempted to detain Mr. Barbosa for investigation based upon a tip from the Vernon Police Department. Mr. Barbosa got into the Infiniti and backed it forcefully into the police SUV while Officer Gonzalez stood between the open door and the SUV frame. While Officer Gonzalez continued to shout for Mr. Barbosa to stop and having been warned by Officer Gonzalez that he would shoot, Mr. Barbosa backed the Infiniti into the marked Torrance police SUV behind which Officer Reynolds was sheltered. Mr. Barbosa then, again ignoring Officer Gonzalez's commands that he stop, accelerated forward toward Officer Gonzalez and the occupied Camry.

The corridor between the open SUV door behind which Officer Gonzalez was sheltered and the rear of the occupied Camry was only 64 inches or slightly less.

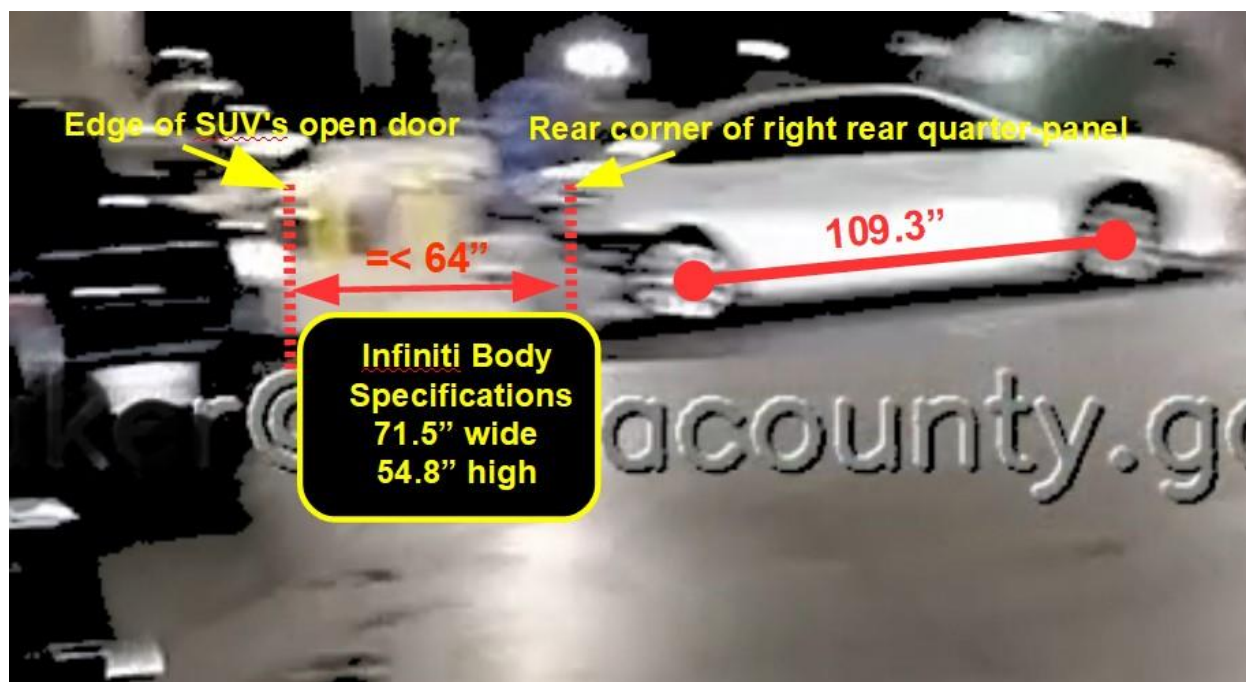


Image Capture # 9 -

The Infiniti was too wide to go through that corridor without striking either the Camry or the SUV door or both. It was as Mr. Barbosa accelerated toward the SUV door and the Camry while steering the Infiniti toward the SUV door that Officer Gonzalez shot.

Based on the evidence and the inferences which can be drawn from it, any fear which may have been held by Officer Gonzalez that Mr. Barbosa's conduct posed a threat of imminent death or serious bodily injury to himself, or the Camry occupant was objectively reasonable. The totality of circumstances here would not support a finding that such a fear on the part of Officer Gonzalez was unreasonable.

Nor does the evidence and the inferences which can be drawn from it support a finding that Mr. Barbosa did not pose a future threat of death or serious bodily injury to another if he was not immediately captured. Mr. Barbosa had just committed two assaults with a deadly weapon and by means of force likely to produce great bodily injury on a peace officer, was in the act of committing another, and also committing an assault with a deadly weapon and by means of force likely to produce great bodily injury on the occupant of the Camry. Mr. Barbosa's conduct demonstrated that he would engage in dangerous conduct to escape this, or any other future attempt at arrest, even at great risk to his own life. The totality of circumstances and the evidence are insufficient to prove that Officer Gonzalez lacked the reasonable belief that the use of deadly force was necessary.

CONCLUSION

The direct and the circumstantial evidence here and the inferences which can be drawn from that evidence are insufficient to prove that the use of deadly force by Officer Gonzalez was unlawful.