

Fatal Officer Involved Shooting of Jesus Alan Castellanos
Los Angeles Police Department

Officer James Galbraith, #32081

J.S.I.D. File #22-0107



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 1, 2023

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
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: Fatal Officer Involved Shooting of Jesus Alan Castellanos
J.S.I.D. File #22-0107
L.A.P.D. File #F008-22

DATE: November 1, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 6, 2022, fatal shooting of Jesus Alan Castellanos by Los Angeles Police Department (LAPD) Officer James Galbraith. We have concluded that Officer Galbraith acted in lawful self-defense and defense of others at the time he fired his service weapon, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend himself and others against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on April 6, 2022, at 3:11 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LAPD Detective Tom Brown.

The following analysis is based on the 9-1-1 recordings, radio calls, body worn camera video (BWV), investigative reports, audio recordings and transcripts of witness interviews, crime scene diagrams and photographs, autopsy and toxicology reports, and surveillance video submitted to this office by LAPD Force Investigation Division (FID) Detective Nicholas Pikor on July 10, 2023.

FACTUAL ANALYSIS

9-1-1 Calls and Radio Traffic

On April 6, 2022, four 9-1-1 callers reported to LAPD that a man, later identified as Jesus Alan Castellanos, was at an apartment complex, was armed with a knife and a metal pole, was breaking windows and other objects, and had threatened to kill one of the 9-1-1 callers. LAPD broadcast, "Mission units, ADW suspect there now, [REDACTED] Tobias Avenue, [REDACTED] Tobias Avenue in apartment five. Suspect is male Hispanic, 27 years, gray sweater, black pants, is armed with a knife, broke PR's windows. Threatening to enter and harm the PR. It is Code Three. Incident 2727, RD 1985. Mission unit available to handle Code Three call identify?" Numerous officers, including Officer James Galbraith, responded to the call. Surveillance video of Castellanos vandalizing property while wielding a metal object is shown below:



Figure 1-Video of Castellanos Wielding a Metal Object.

The Shooting

According to BWV, Galbraith and Officers Casey Trail, Carlos Rosales, Israel Cabrera, Richard Pena, and Yessica Serrano arrived at the scene at approximately the same time and immediately encountered Castellanos who was walking aggressively toward the officers and had something silver or metal in his hand. Galbraith announced, "Is that him? Oh! He's got something behind his back dude!" Trail yelled, "Show me your hands! Show me your hands!" Castellanos concealed his hands behind his back, approached the officers, and stopped, as shown in the photo below:



Figure 2-Galbraith's BWV of Castellanos Concealing a Knife Behind His Back.

Castellanos yelled, “Shoot me! Shoot me!” Galbreath yelled, “Get ready to tase this guy!” Castellanos continued to advance and yelled, “I got a knife dawg! I got a knife! Shoot me! Shoot me cause I’m gonna hit it!” Galbraith announced, “He’s got a knife!” and radioed for backup. Galbraith was armed with a 9mm semiautomatic service weapon, Trail was armed with a 40mm launcher, Rosales and Cabrera were armed with tasers, and Serrano was armed with a beanbag shotgun.

The officers ordered Castellanos to drop the knife, warned that he was going to be tased, and tried to calm him to discuss the situation. Castellanos did not comply. He yelled, “On my mom and everything dawg! Fuck that!” Rosales yelled, “Drop whatever you have, man! It’s not worth it!” Castellanos yelled, “You know what? I’m going to go down like a fucken’ G homie!” He then drew a knife from behind his back, charged at the officers, and yelled, “What’s up! What’s up!”, as shown in the photo below:

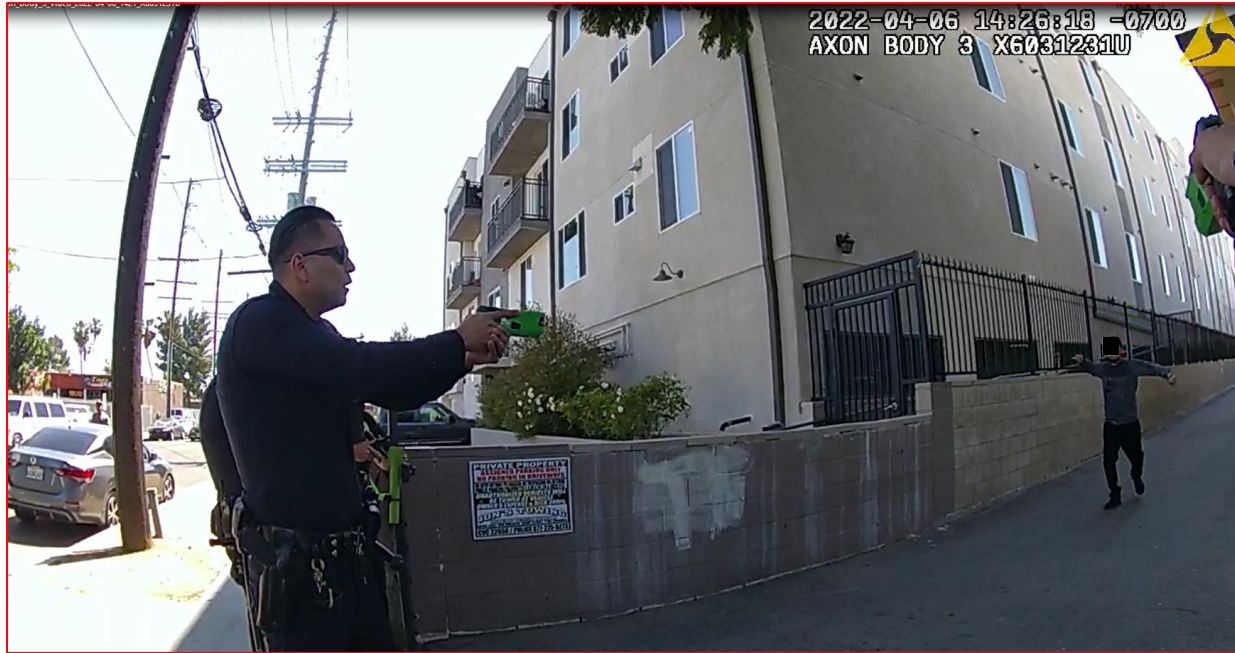


Figure 3-BWV of Castellanos Charging at the Officers While Wielding a Knife in his Right Hand.

In a rapidly unfolding and simultaneous sequence of events, as Castellanos quickly closed the distance between himself and the officers, Cabrera attempted to tase Castellanos but the taser malfunctioned twice. Rosales tased Castellanos with one dart striking him in the upper chest. Serrano attempted to fire her beanbag shotgun at Castellanos but with him bearing down on the officers with a knife, Serrano accidentally ejected the loaded beanbag round so the weapon did not fire. Trail was unable to fire a round from the 40mm launcher because Trail was in the process of loading the weapon as Castellano charged. When Castellanos came to within seven feet of the officers, Galbraith yelled, “Stop, stop!” and fired a single round from his service weapon at Castellanos. The officers provided Castellanos with medical treatment and summoned paramedics, but Castellanos died at the scene. The moment Galbraith fired his service weapon is shown in the photo below:

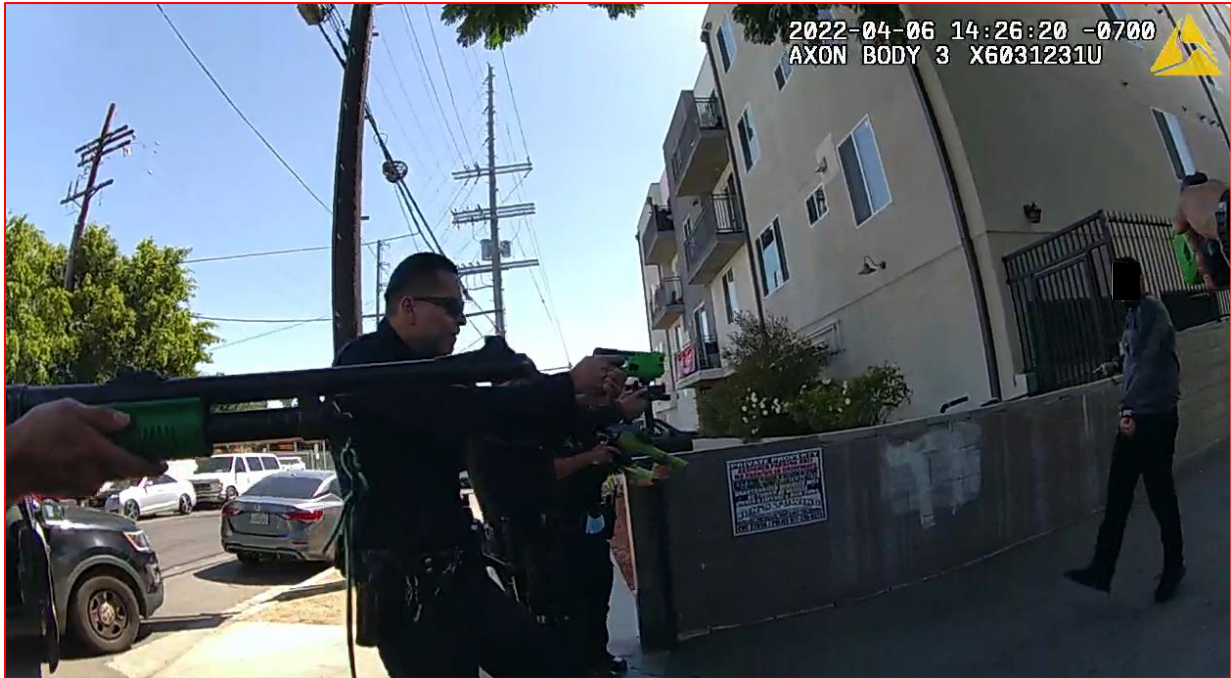


Figure 4- BWV video of the Moment of the Shooting.

Galbraith's perspective at the time of the shooting is shown on his BWV video below:



Figure 5-Galbraith's BWV at the Time of the Shooting.

The Knife

Castellanos was armed with a 5 ½ inch kitchen knife, as shown in the photo below:

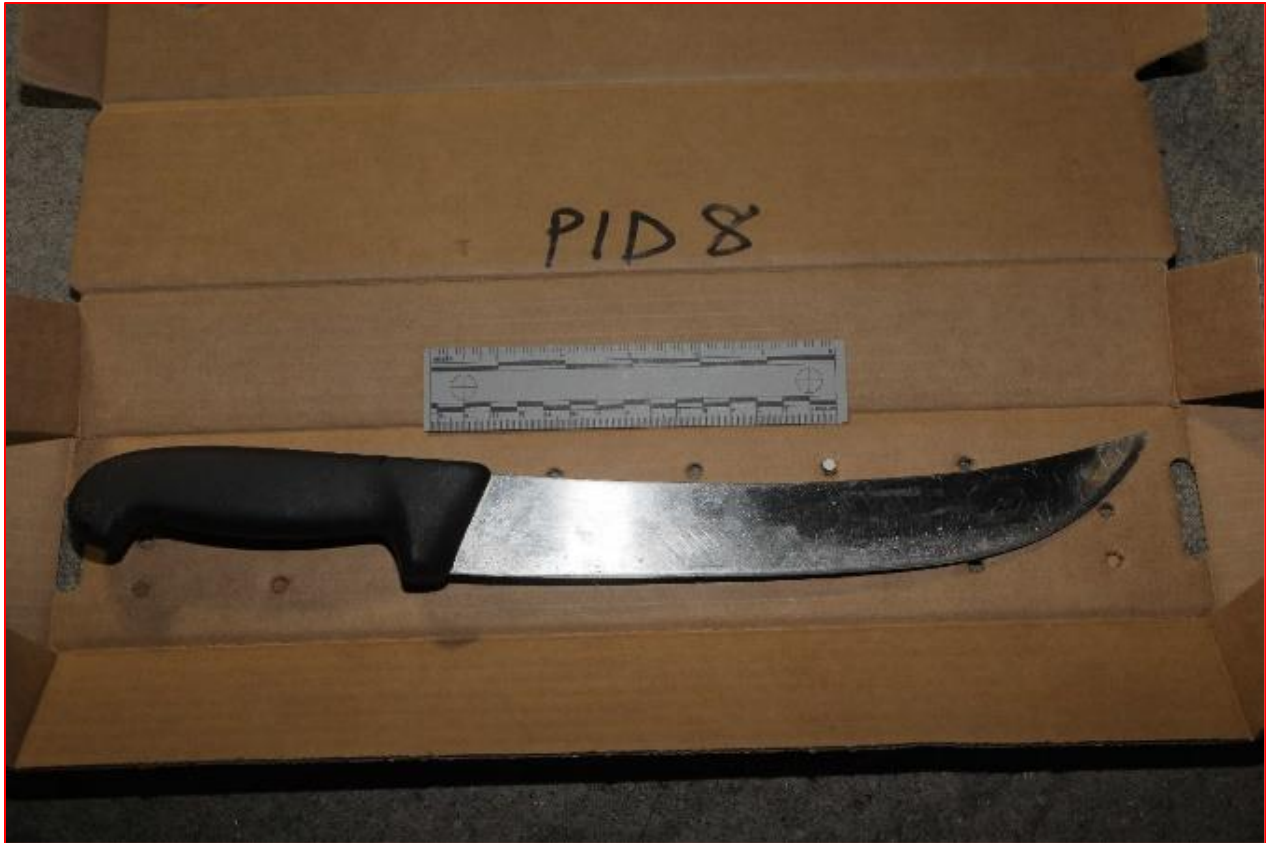


Figure 6-Photo of Castellanos' Knife.

Firearms Evidence

A single 9mm expended cartridge casing was located at the scene and matched to Galbraith's service weapon, consistent with him firing one round.

Autopsy

On April 27, 2022, Los Angeles County Deputy Medical Examiner Brace Hunt, M.D. performed an autopsy of Castellanos' remains. Dr. Hunt attributed Castellanos' death to a single gunshot wound to the chest. Toxicology testing was performed and detected the presence of alcohol and methamphetamine in Castellanos' blood at the time of his death.

LEGAL ANALYSIS

The Law

A peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or another person; or (2) 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 section 835a(c)(1)(A) &(B).

Deadly force shall be used “only when necessary in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“A threat of death or serious bodily injury is ‘imminent’ when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) and (e)(3). The peace officer’s decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

Analysis

There is compelling evidence in this case, including video of the shooting, that Castellanos, with methamphetamine and alcohol in his system, behaved erratically, vandalized property, threatened to kill at least one person at the apartment complex, and, while armed with a knife, yelled “Shoot me!” and charged at the officers while wielding the knife for the apparent purpose of provoking the officers to shoot him. The officers issued numerous commands to Castellanos to show his hands, drop the knife, and to calm down. Castellanos did not comply. The officers’ attempts to use less lethal force were thwarted by malfunctions. Castellanos charged so quickly at the officers that they had little time to react. The taser that struck Castellanos was fired almost simultaneously with the fatal gunshot. The evidence supports a reasonable belief by Galbraith that it was necessary to fire his service weapon at Castellanos to protect himself and the other officers from an imminent deadly threat when Castellanos approached to within striking distance of the officers.

CONCLUSION

For the foregoing reasons, we find that Officer Galbraith’s use of deadly force was reasonable under the circumstances, and he acted lawfully in self-defense and in defense of others.