

Non-Fatal Officer Involved Shooting of Gabriel Adrian Samaniego
California Highway Patrol
Los Angeles County Sheriff's Department

Officer Hector Placencia, #22142
Officer Yimi Osorio, #22225
Officer Jennifer Sanchez, #22721
Officer Daniel Castaneda, #21551
Deputy Juan Lopez, #458967
Deputy Cesar Hernandez, #648628

J.S.I.D. File #22-0168



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

December 7, 2023

MEMORANDUM

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

SUBJECT: Non-Fatal Officer Involved Shooting of Gabriel Adrian Samaniego
J.S.I.D. File #22-0168
C.H.P. File # MCU-099-509-22
L.A.S.D. File #022-80007-6837-013

DATE: December 7, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 24, 2022, non-fatal shooting of Gabriel Adrian Samaniego by California Highway Patrol (CHP) Officers Jennifer Sanchez, Yimi Osorio, Daniel Castaneda, Sabino Gonzalez, and Los Angeles County Sheriff's Department (LASD) Deputies Juan Lopez and Cesar Hernandez. We conclude, based on the totality of the evidence, the officers reasonably believed that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves and others.

The District Attorney's Command Center was notified of this shooting on May 24, 2022, at approximately 11:39 a.m. The District Attorney Response Team (DART) responded to the location. They were given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) personnel.

The following analysis is based on investigative reports, surveillance video footage, voluntary statements, witness interviews, body worn camera videos, dashcam videos, photographs, and physical evidence submitted to this office by LASD Sergeant Jefferson Chow and Detective Louie Aguilera on February 23, 2023, September 14, 2023, and September 21, 2023.

INTRODUCTION

On May 24, 2022, at around 9:00 a.m., CHP Officer Hector Placencia was on duty and driving his marked patrol car northbound on South Ford Boulevard. He was stopped in the left turn lane at the red light at East 3rd Street in East Los Angeles. Two pedestrians, later identified as

Samaniego and his father [REDACTED], were standing at the northwest corner of the intersection, waiting to walk southbound on Ford. When the light turned green, Placencia entered the intersection, and Samaniego and [REDACTED] walked halfway down the crosswalk. Samaniego pulled out a handgun from his waistband and began firing numerous rounds at Placencia.

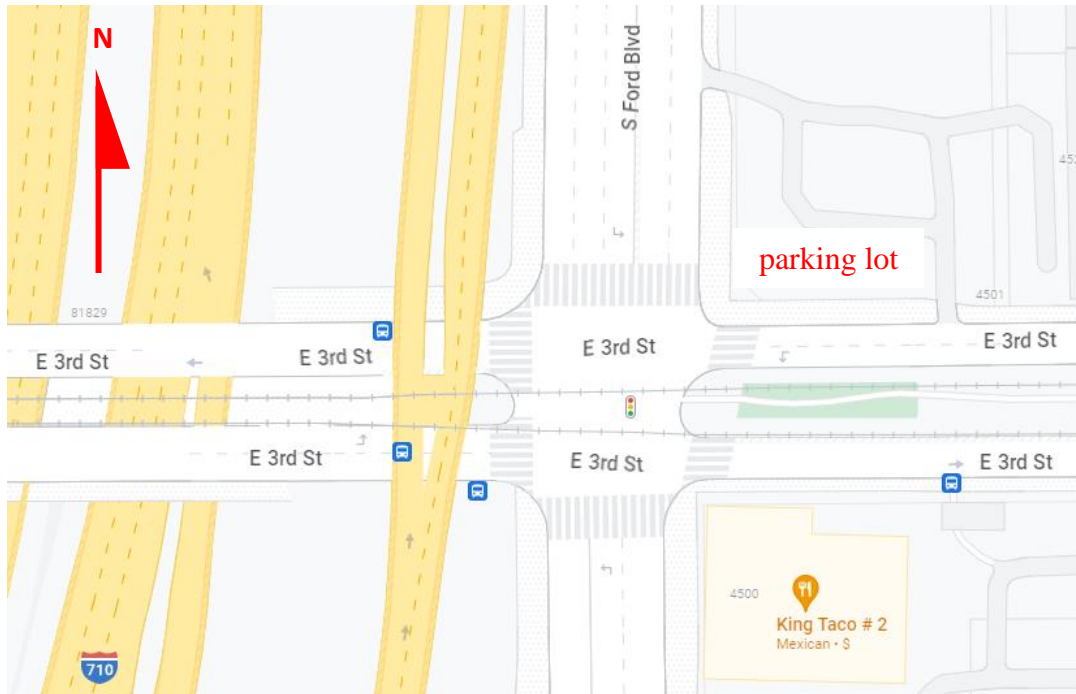


Figure 1: Map of intersection of East 3rd Street and South Ford Boulevard.



Figure 2: Aerial photo of the intersection, taken after the shooting.

Placencia turned right and drove down 3rd Street, away from Samaniego, and radioed for assistance. [REDACTED] jumped into the bed of a pick-up truck that had been stopped on eastbound 3rd Street at a red light. According to [REDACTED], the passenger of the truck, [REDACTED] told the driver, [REDACTED], that he had a gun and instructed [REDACTED] to drive. [REDACTED] made a U-turn and drove away from the intersection. A cell phone belonging to [REDACTED] was later found in the bed of the truck.

Deputies Lopez and Hernandez were in the parking lot located at the northwest corner of the intersection speaking with civilians about an unrelated matter when Samaniego opened fire at Placencia. They saw the CHP patrol vehicle with shattered windows driving away from the intersection and radioed for help. Civilians at King Taco directed the deputies toward the intersection and Samaniego as the shooter.

After shooting at Placencia, Samaniego remained in the intersection, pacing. After about a minute, Samaniego saw Lopez and Hernandez in the parking lot across from him and fired his gun at them. Samaniego then hid behind a vehicle parked on the curb, southwest of the intersection.

Officers Osorio and Sanchez arrived at the scene in their patrol vehicles, stopping their vehicles in front of the King Taco. Osorio exited his car and stood behind a large electrical box for cover. Sanchez stood beside her patrol vehicle in the jamb of the driver's side door. Lopez and Hernandez took cover behind the retaining wall of the parking lot.

Samaniego walked back toward the intersection and fired his gun again toward the officers. All four officers discharged their firearms at Samaniego.

Samaniego engaged in the firefight and moved closer to the northwest corner of the intersection, closer to the officers, where he fell to the ground. He rolled his body behind the light pole and continued to fire his gun eastbound, toward the officers.

While Samaniego was on the ground, Officers Gonzalez, Castaneda, and Carlos Posada arrived on the scene. Castaneda was a passenger in the patrol vehicle driven by Posada. Posada and Gonzalez stopped their patrol vehicles in the intersection, northeast of where Samaniego was lying on the ground and firing his gun. Castaneda and Gonzalez stood in the door jambs of their respective patrol vehicles and discharged their firearms at Samaniego.

Samaniego stopped moving and the six officers stopped firing their weapons at him. Samaniego suffered gunshot wounds to the right thigh/hip and calf. He was transported to Los Angeles County+ USC Medical Center where he underwent surgery. None of the officers sustained injuries.

A federal criminal case was filed against Samaniego in Case 2:22-mj-02157-DUTY¹ on June 1, 2022. Samaniego was also charged on September 12, 2023, with eight counts of attempted

¹ A shooting occurred on April 30, 2022, at the 7-Eleven located at 800 S. Greenwood Avenue in the City of Montebello. Two males had a verbal exchange inside the store. They both pulled out handguns and fired multiple rounds at each other. Montebello Police Department conducted an investigation and identified one of the two

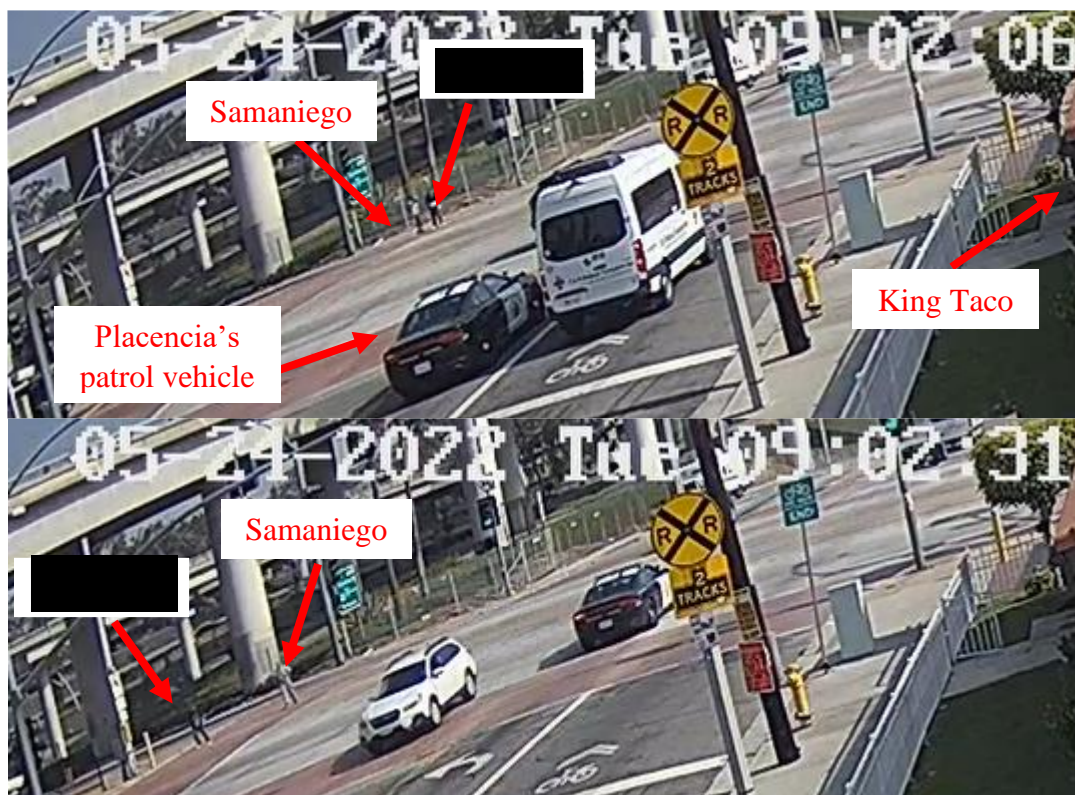
murder, in violation of Penal Code sec. 664/187(a) in Los Angeles Superior Court Case BA517785 for this incident.

FACTUAL ANALYSIS

Surveillance Videos

The King Taco restaurant's surveillance cameras and two pole mounted cameras at the intersection captured most of the incident. Officer Posada's patrol vehicle was equipped with a dashcam which also captured a portion of the incident.

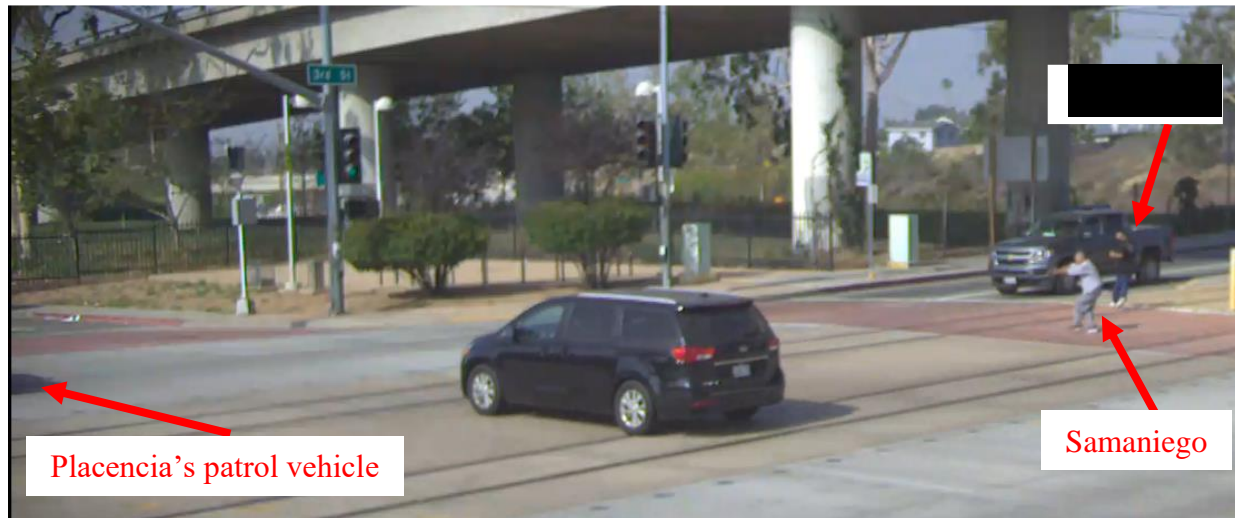
Video surveillance captured Placencia's patrol vehicle waiting at a red light on Ford Boulevard at 3rd Street. Two male pedestrians are stopped at the northwest corner of the intersection. The male in the gray shirt was later identified as Samaniego and the male in the black shirt was later identified as [REDACTED]. There are several pedestrians walking and other civilian vehicles driving in the area. As Placencia's vehicle enters the intersection and waits to make a left turn onto 3rd Street, Samaniego and [REDACTED] cross the street.



Figures 3, 4: Video stills of Placencia's patrol vehicle stopped at the red light. As Placencia waits to make a left turn, Samaniego and [REDACTED] walk down the crosswalk.

shooters as Gabriel Samaniego, a member of the VNE street gang that is controlled by the Mexican Mafia. On May 21, 2022, a warrant was issued for Samaniego's arrest. The federal case was filed in relation to the April 30, 2022 and May 24, 2022 shootings, alleging that Samaniego was a felon in possession of a firearm, in violation of 18 U.S.C. sec. 922(g).

Halfway in the crosswalk, Samaniego stops walking, turns toward Placencia's patrol vehicle, pulls out a firearm, and begins to fire multiple times at Placencia's patrol vehicle.



Figures 5, 6: Video stills of Samaniego firing his gun at Placencia's patrol vehicle.

Placencia turns his patrol vehicle to the right and drives away from the intersection. Samaniego continues to fire at Placencia's patrol car as it drives away. At one point, Samaniego brings his firearm down, then re-aims at Placencia's patrol vehicle and continues to fire.



Figure 7: A video still of Samaniego shooting at Placencia as he drives away.

While Samaniego is shooting at Placencia, [REDACTED] runs behind a pick-up truck stopped at the red light on 3rd Street. When Samaniego stops shooting, he walks to the southwest corner of the intersection and appears to gesture to [REDACTED] to join him. [REDACTED] instead gets into the bed of the pick-up truck, which makes a U-turn and drives away from the location.



Figures 8, 9: Video stills of Samaniego shooting as [REDACTED] runs behind a pick-up truck.



Figure 10: A video still of the pick-up truck driving away with [REDACTED] in the bed.

After [REDACTED] leaves, Samaniego remains in the area. He crosses Ford Boulevard and gestures at civilian cars innocuously to drive by.



Figure 11: A video still of Samaniego remaining in the intersection after shooting at Placencia.

As Samaniego walks back across Ford Boulevard, he looks behind him and sees Lopez and Hernandez in the parking lot located in the northeast corner of the intersection.



Figure 12: A video still of Samaniego pausing while pacing in the crosswalk on Ford Boulevard.



Figure 13: A video still of Samaniego looking behind him at the parking lot, where Lopez and Hernandez were observing him.

After he sees Lopez and Hernandez, Samaniego turns so that he is facing the deputies and walks backwards to the west side of Ford Boulevard. As he does so, Samaniego takes his gun out and fires at the deputies in the parking lot.



Figures 14, 15: Video stills of Samaniego shooting at the deputies in the parking lot.



Figure 16: A video still of a deputy taking cover from Samaniego's gunshots.

Samaniego pauses shooting and lowers his gun for a moment. He takes a step, re-aims his gun, and begins firing again. Afterwards, Samaniego walks southbound on Ford Boulevard, behind a vehicle parked on the street.

An empty magazine clip later was found in the street near where Samaniego was shooting at the deputies in the parking lot.

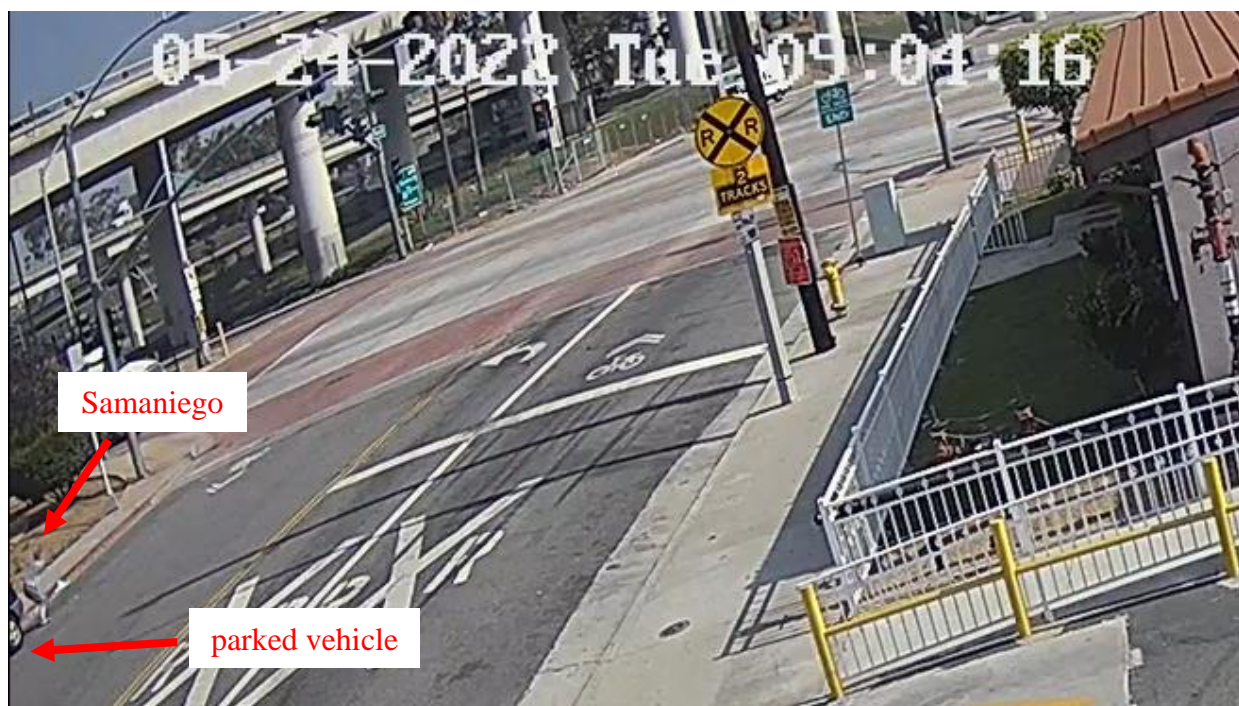


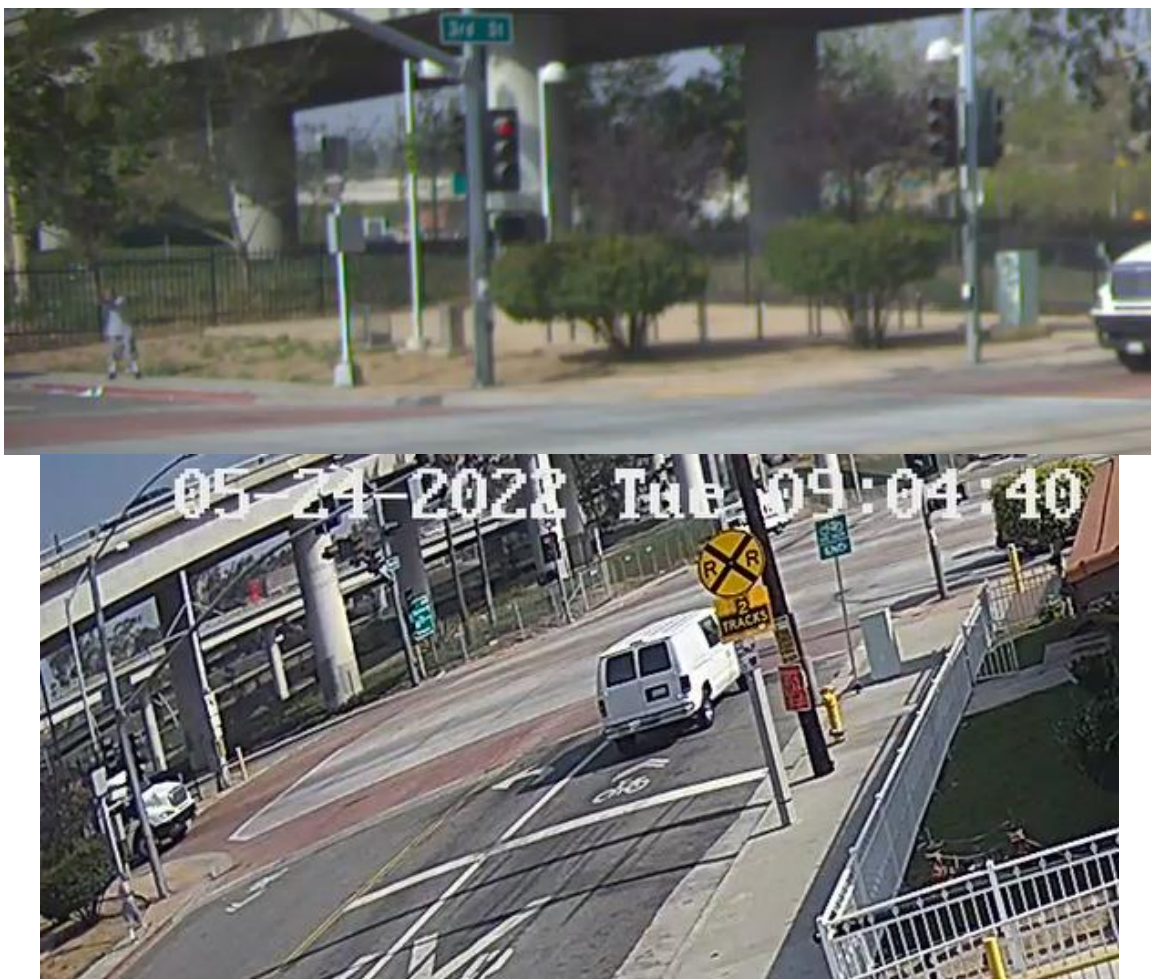
Figure 17: A video still of Samaniego firing his gun toward the parking lot before walking behind the parked vehicle.

Osorio and Sanchez arrive in separate patrol vehicles and stop their vehicles southeast of the intersection, in front of King Taco. Osorio exits his vehicle and uses a large electrical box for cover as he observes Samaniego and broadcasts over the radio. Lopez and Hernandez take cover behind a short retaining wall in the parking lot, closer to the intersection.



Figure 18: A video still of Osorio broadcasting over the radio as Lopez and Hernandez take cover behind a retaining wall.

At the same time, Samaniego steps out from behind the parked car and fires his gun multiple times across the street. It is unclear from the surveillance videos whether he is aiming at Lopez and Hernandez in the parking lot, Sanchez and Osorio, or both. After firing at least twice across the intersection, Samaniego goes back toward the southwest corner of the intersection.



Figures 19, 20: Video stills of Samaniego firing his gun across the intersection, then walking to the corner with his gun in his hand.

The four officers continue firing at Samaniego, and Samaniego falls to the ground at the corner. Samaniego crawls behind the light post to take cover and continues to fire his gun at the officers from on the ground. Castaneda, Gonzalez, and Posada arrive in patrol vehicles while Samaniego is shooting at officers on the ground. Castaneda and Gonzalez begin firing their weapons at Samaniego from the intersection, beside their respective patrol vehicles.



Figure 21: A video still of Samaniego falling to the ground at the corner.



Figure 22: A video still of Samaniego rolling onto his back and continuing to shoot across the intersection from on the ground as Officers Castaneda, Posada, and Gonzalez stop in the intersection.

The dashcam from Posada's patrol vehicle more clearly shows Samaniego aiming and shooting his firearm from the ground as he scoots behind the light pole.



Figure 23: A video still from Posada's dashcam of Samaniego shooting his gun over his shoulder, across the intersection, without looking.



Figure 24: A video still of Samaniego shooting his gun while lying on his back.



Figure 25: A video still of Samaniego sitting up to shoot across the intersection as he scoots behind the light pole.

Once Samaniego is behind the light pole, he continues to shoot at officers, and they shoot at him.



Figures 26, 27: Video stills of Samaniego firing his weapon while lying behind the light pole. Castaneda and Gonzalez fire their weapons at Samaniego.

The officers continue to fire their weapons at Samaniego, who eventually rolls onto his stomach. Officers' gunshots can be heard slowing down as Samaniego's movements slow down, and when Samaniego stops moving, the officers' gunshots stop.



Figure 28: A video still of Samaniego moving on the ground as shots fired by officers hit the dirt behind him.



Figure 29: A video still of Samaniego lying motionless on the ground as the gunshots stop.

The Metro Gold Line Platform had several surveillance cameras that captured portions of the response. Several officers were equipped with body worn cameras and patrol cars were equipped with dashcams. The footage from these cameras, however, did not capture relevant parts of the incident.

Officers' Statements

Deputy Cesar Hernandez

Hernandez spoke with investigators on June 1, 2022. He said he and his partner, Lopez, were on duty on the morning of May 24, 2022. They were in a parking lot on the northeast corner of Ford Boulevard and 3rd Street speaking with two females when he heard a rapid succession of gunfire in the intersection. Hernandez said he saw a CHP patrol vehicle with shattered windows driving eastbound on 3rd Street in the westbound lanes.

Hernandez said he initiated emergency radio and asked for additional units and a helicopter to the location. When the gunfire stopped, he saw a security guard at King Taco gesture to him and point at Samaniego, who was on the southwest corner of the intersection. He advanced toward Samaniego while using the parking lot's retaining wall as cover. He saw two CHP patrol vehicles arrive and he gave Samaniego's description to the male CHP officer, Osorio.

Hernandez said he was kneeling behind the retaining wall when he pointed his firearm at Samaniego. Samaniego looked in his direction and shot at him, and the round struck a nearby pole. Hernandez fired at Samaniego, and Samaniego fell to the ground. Hernandez saw Samaniego lift his hands as if to continue shooting, so Hernandez fired at him again and Samaniego eventually surrendered. Hernandez fired, in total, 13 rounds at Samaniego.

Hernandez's uniform was equipped with a body worn camera. He did not turn it on until after the shooting.

Deputy Juan Lopez

Lopez spoke with investigators on June 1, 2022. Lopez was on duty with his partner, Hernandez, on the morning of May 24, 2022. They were in the parking lot in the northeast corner of the intersection when two females approached them for assistance. While they were speaking with the women, Lopez said he heard 10 gunshots from the intersection. Lopez saw two security guards in front of King Taco pointing at Samaniego, who was pacing in the intersection, and a CHP vehicle driving eastbound in the westbound lanes.

Lopez said he used the parking lot's retaining wall as cover to advance toward the intersection. He saw two additional CHP patrol vehicles arrive and stop in front of King Taco. He said he heard additional gunshots, and, believing Samaniego was firing at them and the CHP officers, returned fire. Lopez said he saw Samaniego fall to the ground but keep firing his gun. Lopez said he fired six rounds in total.

Lopez's uniform was equipped with a body worn camera. He did not turn it on until after the shooting.

Officer Yimi Osorio

Osorio was interviewed by investigators on May 27, 2022. He was on patrol the morning of May 24, 2022, when he heard an officer broadcast on the radio a “11-99” call and that he needed assistance.² Osorio responded to the location and saw a male, later identified as Samaniego, who matched the description of the shooter, crouching to the right of a vehicle parked on the curb. As Osorio continued through the intersection, he saw Samaniego step away from the vehicle holding a black handgun in his right hand and point it in Osorio’s direction. Osorio said he heard approximately three gunshots while his patrol car was still in the middle of the intersection.

Osorio pulled through the intersection, parked, and exited his vehicle. Osorio told his partner, Sanchez, the shooter’s location as Samaniego continued to fire his gun toward them. Osorio took cover behind a large electrical box and looked toward Samaniego. Osorio said he and Samaniego made eye contact, and Samaniego raised his gun and began firing at him again. Osorio took cover again, broadcast on the radio that he was being fired upon, and then began to return fire.

Although Osorio saw Samaniego go down to the ground, Osorio said he saw Samaniego continue to fire his gun from on the ground. Osorio continued to fire toward Samaniego and reloaded his firearm when he ran out of rounds. He saw Samaniego with the gun still in his hand and making movements, pointing the gun toward the officers. Osorio said he fired his weapon until he believed there was no longer a threat and Samaniego had dropped the gun.

Osorio’s uniform was not equipped with a body worn camera.

Officer Jennifer Sanchez

Sanchez was interviewed by investigators on May 27, 2022. She was on patrol the morning of May 24, 2022, when she heard a “11-99” call on the radio. The broadcasting officer described the location, which was just “down the street” from where she and Osorio were at the time. She and Osorio arrived at the intersection in their patrol vehicles, and Sanchez saw Samaniego in her rearview mirror point his gun in their direction. She heard gunshots in her direction and positioned her vehicle to try to give cover to Osorio, who had already stepped out of his vehicle.

Sanchez said she fired her weapon at Samaniego as soon as she stepped out of the vehicle as rounds continued to be fired in their direction. Sanchez believed he was firing at her, and she was also concerned for the safety of her partners, the other officers, and the civilians in the area. She saw Samaniego go down to the ground, and they repeatedly told him to “drop the weapon.” Samaniego, however, continued to flop around and shoot rounds from on the ground. Sanchez eventually saw Samaniego throw out his weapon and put his hands out, and he was taken into custody.

Sanchez’s uniform was not equipped with a body worn camera.

² “11-99” is a police radio code that means “Officer Needs Help Immediately.”

Officer Sabino Gonzalez

Gonzalez was interviewed by investigators on May 27, 2022. Gonzalez, an officer with the Canine Unit, was at the CHP East LA station on the morning of May 24, 2022. He was in the Debrief Room when he heard a “11-99 shots fired” call on the radio. When he heard the location of the shooting, he went to his black and white patrol vehicle and headed to the intersection with Posada, who drove in a separate white patrol car. Gonzalez and Posada cleared intersections for each other as they drove to the location of the shooting. As he was driving, Gonzalez heard a different officer broadcast on the radio that shots were being fired and a description of the shooter. Gonzalez said he could hear gunshots in the background of the broadcast.

When he arrived at the intersection, Gonzalez saw Samaniego prone on the ground and firing his gun to the east. Gonzalez said he got out of the car, stood in the door jamb, and fired “a couple of rounds” at Samaniego from about 60 feet away. Gonzalez saw Samaniego let go of his gun after Gonzalez fired his third shot. Gonzalez was concerned for the safety of the other officers and civilians there. Gonzalez said he was familiar with the area and knew the area to be a busy, well-populated area. Gonzalez said he stopped firing when he saw Samaniego let go of the gun. Gonzalez said he heard “a few rounds” after he stopped firing his weapon, but everything settled down.

Gonzalez’s uniform was not equipped with a body worn camera.

Officer Daniel Castaneda

Castaneda was interviewed by investigators on May 27, 2022. He was at the CHP station when he heard Placencia’s radio call that he was under fire and actively taking rounds. He said he got into the passenger seat of Posada’s patrol vehicle as Posada was driving out of the parking lot because it would be faster than driving a separate patrol vehicle.

As he and Posada were at 1st Street, he heard another radio call from Osorio that the officers were actively taking rounds. Osorio also gave the shooter’s description. Castaneda said he took off his seat belt and unholstered his service weapon in preparation.

As he and Posada approached the intersection, Castaneda said he saw Samaniego actively firing his weapon while running to the corner of the intersection. As soon as Posada stopped the patrol vehicle, Castaneda got out of the passenger seat, stood in the door jamb of the vehicle, and extended his firearm at Samaniego. He saw that Samaniego was trying to hide behind the pole and was actively shooting at officers, so he began firing at Samaniego. Castaneda described shooting “a few times” at Samaniego and observing no change in Samaniego’s behavior.

Eventually Castaneda saw Samaniego begin “flopping” and toss the gun away. When he saw the gun was away from Samaniego’s body, Castaneda stopped firing his weapon at Samaniego.

Castaneda’s uniform was not equipped with a body worn camera.

Officer Hector Placencia

Placencia spoke with investigators on May 27, 2022. He was on patrol in the morning of May 24, 2022 in a black and white patrol vehicle. Placencia was stopped in the left-hand turn lane on Ford Boulevard when his attention was drawn to two males standing at the northwest corner making jumpy and “kind of combative” movements. As they walked across the street, Placencia saw the male in gray, later identified as Samaniego, making aggressive movements toward Placencia – moving his arms, pumping his chest out, and grabbing his crotch. Placencia described being on alert and feeling like “something... just didn’t add up.”

He then saw Samaniego point a shiny silver object at him with both hands and heard gunshots bouncing off of his patrol vehicle. Placencia said he turned right, turned on his emergency lights and sirens, and took cover. As he drove away, he broadcast on the radio that he was being shot at and was requesting assistance. While he continued to drive away to safety, he heard more gunshots and his patrol vehicle windows shattering.

A few blocks away, he checked to make sure that he had not been injured and composed himself. Placencia turned his vehicle to return toward the intersection and heard additional gunshots being fired. He unlocked his rifle, put on his tactical vest, and chambered a round. He drove back to the intersection and took cover behind a barrier, but at that point the gunfire had stopped and Samaniego was on the ground twitching and moving, so Placencia did not discharge his firearm.

Placencia’s uniform was not equipped with a body worn camera.

Witness Statements

Several civilians witnessed portions of the incident and gave statements to investigators. Their statements were reviewed, and relevant portions are summarized below.

██████████

██████████ spoke with investigators on May 26, 2022. ██████████ is the father of Samaniego. ██████████ feared Samaniego and believed that his son was looking for a cop to shoot, but he was unable to get away from Samaniego.

They had been walking in the area the morning of May 24, 2022, when Samaniego saw the CHP patrol vehicle stopped at the red light. ██████████ hid behind a truck stopped at the red light as Samaniego shot at the CHP patrol vehicle at least five times. ██████████ said he feared for his life. When the light turned green, he jumped into the bed of the truck and instructed the two occupants to take him to the 5 freeway, which they did. He denied having a weapon or ever threatening the two occupants.

██████████

Investigators spoke with ██████████ on May 24, 2022. He said he was ordering food at King Taco when he heard loud “pops” nearby. There was a CHP patrol vehicle in the intersection when

██████ heard a second volley of “pops” and saw the CHP vehicle drive away from the intersection with its lights and sirens activated. ██████ looked toward the intersection and saw Samaniego in a shooting stance, aiming and firing at the CHP vehicle.

██████ saw two LASD deputies in the parking lot at the northeast corner of the intersection. They appeared to be looking for the source of the gunfire when Samaniego started shooting, so he directed them to “the guy in gray on the corner.”

Moments later, several LASD and CHP patrol vehicles entered the intersection, and ██████ saw Samaniego run southbound and out of his view. ██████ heard verbal commands to drop the weapon and gunfire begin moments afterward. He saw CHP officers fire their handguns at Samaniego. He never heard Samaniego make any statements.

██████

██████ and her husband, ██████, were stopped in their vehicle eastbound at a red light on 3rd Street at Ford Boulevard, waiting to make a U-turn to enter the 710 freeway. ██████ was the driver. She saw two males walking across the sidewalk on the west side of the intersection. She said she saw one of the males, later identified as Samaniego, lift his shirt, pull out a gun and shoot at a black and white patrol vehicle that was stopped in the intersection. ██████ said she saw the patrol vehicle drive away and Samaniego standing at the bus stop on the southwest corner of the intersection.

██████ said her husband saw the second male, later identified as ██████, in the back of their open bed truck through his rearview mirror. She saw ██████ put his hand under his shirt, pointed something at them, and told them to drive. ██████ said she and her husband believed ██████ had a gun. Her husband complied with ██████’s demand and drove away from the intersection. At an unknown exit, ██████ jumped out of the truck and ██████ and her husband drove to the East Los Angeles LASD Station to report the incident.

Medical and Physical Evidence

A 9mm black and silver Glock Model 17 semi-automatic pistol was located on the southwest corner of the intersection where Samaniego was arrested. It was loaded with a 17 round magazine containing 11 live rounds and one live chambered round.



Figure 30: An image of the 9mm semiautomatic firearm used by Samaniego.

There was a trail of expended 9mm casings extending from the center of the east crosswalk on Ford Boulevard to the civilian vehicle parked on the southwest curb, south of the intersection. In addition, an empty 9mm magazine was found near the south crosswalk of 3rd Street.



Figure 31: An image of where the empty 9mm magazine was located.

Placencia's patrol vehicle was examined and found to have been shot ten separate times, primarily on the driver's side door and rear quarter. The rear driver's side window and the back windshield were shattered.

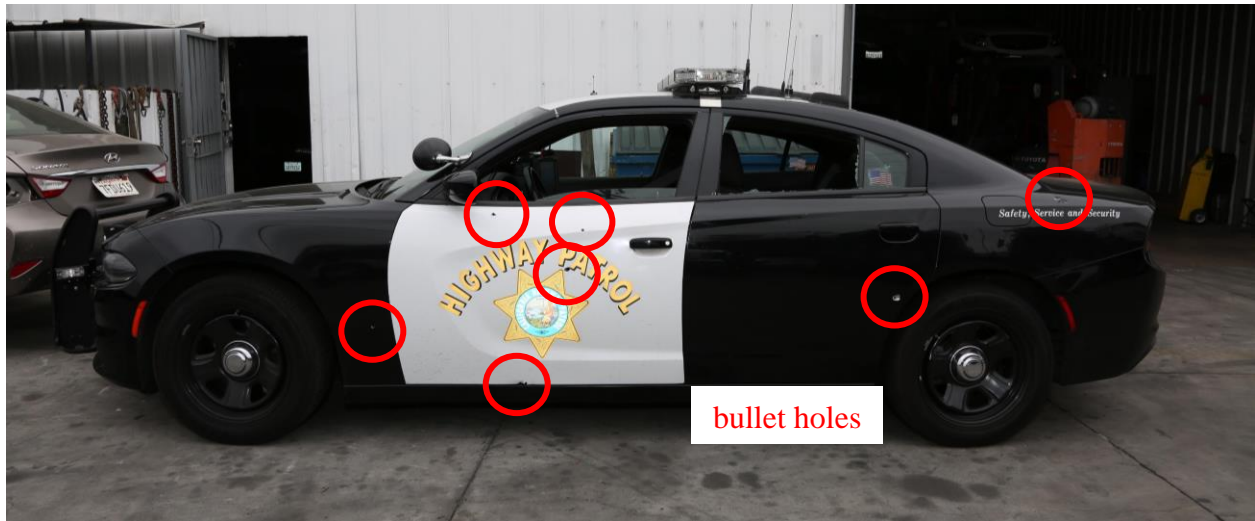


Figure 32: An image of the driver's side of Placencia's patrol vehicle.



Figure 33: A close-up image of a bullet imbedded in the rear driver's side door of Placencia's patrol vehicle.



Figure 34: A close-up image of a bullet imbedded in the rear the back windshield of Placencia's patrol vehicle.

Investigators found a bullet hole on the front passenger side of the hood of Sanchez's patrol vehicle.



Figure 35: An image the front passenger side of Sanchez's patrol vehicle.

A civilian white van had a bullet hole in the front fender on the driver's side. The vehicle had been stopped at the intersection in the northbound lanes on Ford Boulevard, so the driver's side

of the vehicle was facing the corner where Samaniego was firing his gun at the officers. The driver of the vehicle was uninjured.



Figure 36: An image of the front driver's side of the civilian vehicle stopped in the northbound lanes of Ford Boulevard at 3rd Street.

There were multiple bullet strikes documented and photographed in the area, including the wall along the north side of the parking lot where Lopez and Hernandez were located.



Figure 37: An image of a portion of the wall on the north side of the parking lot.

Samaniego was transported to LAC+USC Medical Center and treated for gunshot wounds to his right upper thigh/hip and his lower right leg, and lacerations to his right palm. Samaniego tested positive for alcohol, amphetamines, and benzodiazepines in toxicology tests conducted at the hospital.

LEGAL ANALYSIS

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 to 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).

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. “[A]n officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack. In these circumstances, the Courts cannot ask an officer to hold fire in order to ascertain whether the suspect will, in fact, injure or murder the officer.” *Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 345.

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) & (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). Moreover, “[a] peace officer who makes or attempts to make an arrest need not retreat, or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested.” Penal Code section 835a(d).

Unprovoked, Samaniego fired his gun multiple times at Placencia in broad daylight, in a busy intersection. Hernandez and Lopez were present when the gunfire started and were directed by civilians at the King Taco restaurant to Samaniego as the shooter. Instead of running away after shooting at Placencia, Samaniego continued to pace around the area, and when he saw the deputies in the parking lot, he fired his gun at them, across the intersection.

Osorio and Sanchez arrived on the scene in their separate patrol vehicles, and Samaniego began firing in their direction almost immediately. Hernandez, Lopez, Osorio, and Sanchez all fired their weapons at Samaniego, and he continued to fire his weapon across the intersection toward them. It is unclear exactly when he sustained his gunshot wounds, but even when he first fell to the ground, he continued to fire his weapon, trying to take cover behind the light pole and showing no signs of slowing down.

Gonzalez and Castaneda arrived as Samaniego was firing from the ground at the officers across the intersection. They also fired multiple times at Samaniego, who continued to move and engage in the firefight. When officers saw Samaniego drop his gun and stop moving, they stopped firing their weapons at him, and Samaniego was taken into custody.

The entire duration of the incident, from when Samaniego first began firing at Placencia to when officers stopped firing at Samaniego, took less than 2 minutes and 30 seconds. During that time, surveillance videos show not only multiple pedestrians in the area but also many civilian vehicles that were being driven through the intersection, including the truck that [REDACTED] used to get away from the shooting and the white van that was shot while waiting at the stop light.

Based on the totality of the evidence, Officers Sanchez, Osorio, Castaneda, and Gonzalez, and Deputies Lopez and Hernandez reasonably believed that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves and to others within the meaning of Penal Code section 835a(c)(1)(A).

CONCLUSION

For the foregoing reasons, we find that the evidence demonstrates that CHP Officers Sanchez, Osorio, Castaneda, Gonzalez, and LASD Deputies Lopez and Hernandez acted in lawful self-defense when they used deadly force against Gabriel Adrian Samaniego.