

**Non-Fatal Officer Involved Shooting of Alison Hart and Adolfo
Cabrera-Martinez and No-Hit Officer Involved Shooting at Dylan
Lindsey**

Downey Police Department

Los Angeles County Sheriff's Department

**Corporal Drew Lofquist, #12476, Officer Alejandro Zuniga, #13498,
Deputy Art Hernandez, #609650, Deputy Jonathan Charrette, #617257,
Deputy Rene Vasquez, #274557, Deputy David Vega, #538845**

J.S.I.D. File #19-0201



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

December 20, 2023

MEMORANDUM

TO: INTERIM CHIEF SCOTT LOUGHNER
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Alison Hart and Adolfo
Cabrera-Martinez and No-Hit Officer Involved Shooting at Dylan
Lindsey
J.S.I.D. File #19-0201
D.P.D. File #19-29796
L.A.S.D. File #019-00046-3199-013

DATE: December 20, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 10, 2019, non-fatal officer-involved shooting of Alison Hart and Adolfo Cabrera-Martinez by Downey Police Department (DPD) Corporal Drew Lofquist and Officer Alejandro Zuniga and Los Angeles County Sheriff's Department (LASD) Deputies Art Hernandez, Jonathan Charrette, Rene Vasquez, and David Vega. We have determined that Corporal Lofquist, Officer Zuniga, and Deputies Hernandez, Charrette, Vasquez, and Vega acted in lawful self-defense and defense of others when they fired their duty weapons. We have also determined that the intended target, Dylan Lindsey, succumbed to injuries from a self-inflicted gunshot wound.

The District Attorney's Command Center was notified of the shooting at approximately 5:06 p.m. on May 10, 2019. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, recorded interviews, firearm analysis reports, body-worn camera video (BWV), digital in-car video (DICV),¹ photographs, dispatch recordings, medical records, a coroner's report, and witness statements submitted to this office by LASD Sergeants Paul Cardella and Quilmes Rodriguez on December 24, 2019. Additional

¹ BWV and DICV was recovered from DPD and Bell Gardens Police Department officers. The responding LASD deputies were not equipped with BWV or DICV at the time of the incident.

materials were submitted to this office on March 11, 2021, as well as on multiple dates in October 2023. Each shooting officer provided a voluntary statement, which was considered in this analysis.

FACTUAL ANALYSIS

On May 7, 2019, Dylan Lindsey entered the ASL Liquor Store in the city of Downey and shot the clerk during an attempted robbery, killing him. The murder was investigated by the Downey Police Department (DPD), which identified Lindsey as the shooter. On May 10, 2019, investigators found an address in Maywood that was associated with Lindsey, and Detectives Paul Hernandez and William Kautz were assigned to surveil the location.

At the same time, DPD Detectives Bryan Chaidez and Mark Larini interviewed a suspect, [REDACTED], who at the time was believed to have served as Lindsey's get-away driver. [REDACTED] relayed to investigators that Lindsey knew the police were after him for the shooting, that he was armed with a gun, and that he had said that if the police contacted him, it was not going to "end well." [REDACTED] also told DPD Officer Alejandro Zuniga, who assisted in arresting [REDACTED], that Lindsey "had a bullet for each officer and a bullet for himself."

At approximately 2:00 p.m., Alison Hart, Lindsey's on-and-off girlfriend, pulled up to the Maywood location in a gray Toyota Prius. She appeared to be alone and waited briefly at the location. She then began to pull away, with Kautz and Hernandez following in an unmarked vehicle. While following Hart, Kautz and Hernandez spotted Lindsey seated in Hart's passenger seat. Lindsey had reclined the passenger seat all the way back in what appeared to be an attempt to conceal himself.

Hernandez and Kautz requested assistance from Bell Gardens Police Department (BGPD), DPD, and the Los Angeles County Sheriff's Department (LASD). Patrol units from each agency arrived on scene to assist. Officers in marked patrol vehicles activated their lights and sirens in an attempt to stop Hart as she waited at a red light at the intersection of Eastern Avenue and Florence Avenue in Bell Gardens. Hart did not yield and began instead to speed off southbound on Eastern Avenue in an apparent effort to evade the police. Officers broadcast that they were in pursuit of a murder suspect.

Once south of the intersection, Chaidez and Larini, who were in primary position behind the Prius, saw Lindsey lean out of the passenger-side window of the Prius brandishing a large, silver revolver. Lindsey turned his body to face Chaidez and Larini, pointed his revolver at them, and fired. Chaidez swerved to the right to avoid being hit, and Larini immediately ducked down. Chaidez and Larini broadcast that Lindsey was armed and firing on them to the officers and deputies who were joining the pursuit. At the same time, BGPD Officer Brett Benson, who was pulling over to allow other vehicles to pass him, heard a loud thud. He recognized the sound as that of a bullet striking his car.² Zuniga, who became the lead vehicle during the pursuit, also heard two bullets strike his patrol car.

² This sound is audible on Benson's DICV.



Fig. 1 — Still from Chaidez's DICV, showing Lindsey brandishing a silver revolver.

Hart led officers on a high-speed pursuit, driving southbound in the northbound lanes of Eastern Avenue for a city block before weaving through the El Paseo Shopping Center in the City of South Gate. She exited on Firestone Boulevard, then turned northbound on Interstate Route (IR) 710. Near the Florence Avenue exit of IR-710, BGPD officers abandoned the pursuit, leaving DPD and LASD patrol vehicles continuing to follow the Prius.

Hart drove at a high rate of speed³ along the left shoulder of the highway, while Lindsey repeatedly pointed his firearm at nearby vehicles and back at pursuing officers, firing an unknown number of shots aimed at the officers. Chaidez and Larini returned to the lead position. As the Prius exited at Washington Boulevard in Vernon, Lindsey again stuck his upper body out of the front passenger window and opened fire multiple times at Chaidez and Larini's vehicle, striking the patrol car at least once.⁴

³ It was broadcast that Hart reached speeds of up to 100 miles per hour.

⁴ The area of the shooting was canvassed for evidence, but nothing of evidentiary value was found. As Lindsey used a revolver, no cartridge casings would be expected to be found in the vicinity.



Figs. 2 and 3 — Photographs of bullet holes in the BGPD patrol vehicle driven by Benson (left) and the DPD patrol vehicle driven by Chaidez (right).

Throughout the course of the pursuit, Hart drove erratically and at a high rate of speed, weaving in and out of traffic lanes, turning without signaling, and failing to stop at multiple stop signs and red lights. The pursuit continued during the early afternoon hour, with multiple vehicles and pedestrians present, through streets in the Cities of Maywood, Bell Gardens, Commerce, South Gate, and Vernon.

The pursuit ended at Bandini Boulevard and Downey Road in Vernon, when Hart's vehicle became stuck in traffic. Lindsey again leaned out the window and fired his gun at the officers. One civilian witness, [REDACTED], was slowing to a stop when she was suddenly cut off by the Prius. She saw a long, silver gun appear from the front passenger window and a man shoot three times at officers, who had appeared next to her. She saw two officers jump out of their patrol cars. One stood between her vehicle and his patrol car, next to where her toddler daughter was seated in the back of [REDACTED]'s car. [REDACTED] saw Lindsey fire his gun in the direction of her car and the officer standing next to it. Fearing her daughter would be shot, [REDACTED] reversed out of the location. She saw Lindsey fire at officers at least nine times.



Fig. 4 — Still from news helicopter video showing Lindsey leaning out of the Prius armed with a revolver.

Zuniga, who had regained his position as the primary driver in pursuit, exited his patrol vehicle, took cover, and returned fire. Within moments, he was joined by additional officers and deputies who returned gunfire. LASD Deputies Art Hernandez, David Vega, Rene Vasquez, and Jonathan Charrette, DPD Corporal Drew Lofquist, and Officer Zuniga fired more than 60 rounds in total at Lindsey. Each shooting officer was separately interviewed, and each related that, during the pursuit, he had heard over dispatch that Lindsey was a fleeing murder suspect who had fired on officers during the pursuit. Each also stated that they believed Lindsey was actively firing at, or about to fire at, themselves or fellow officers and deputies at the time that they discharged their weapons in the direction of the Prius.

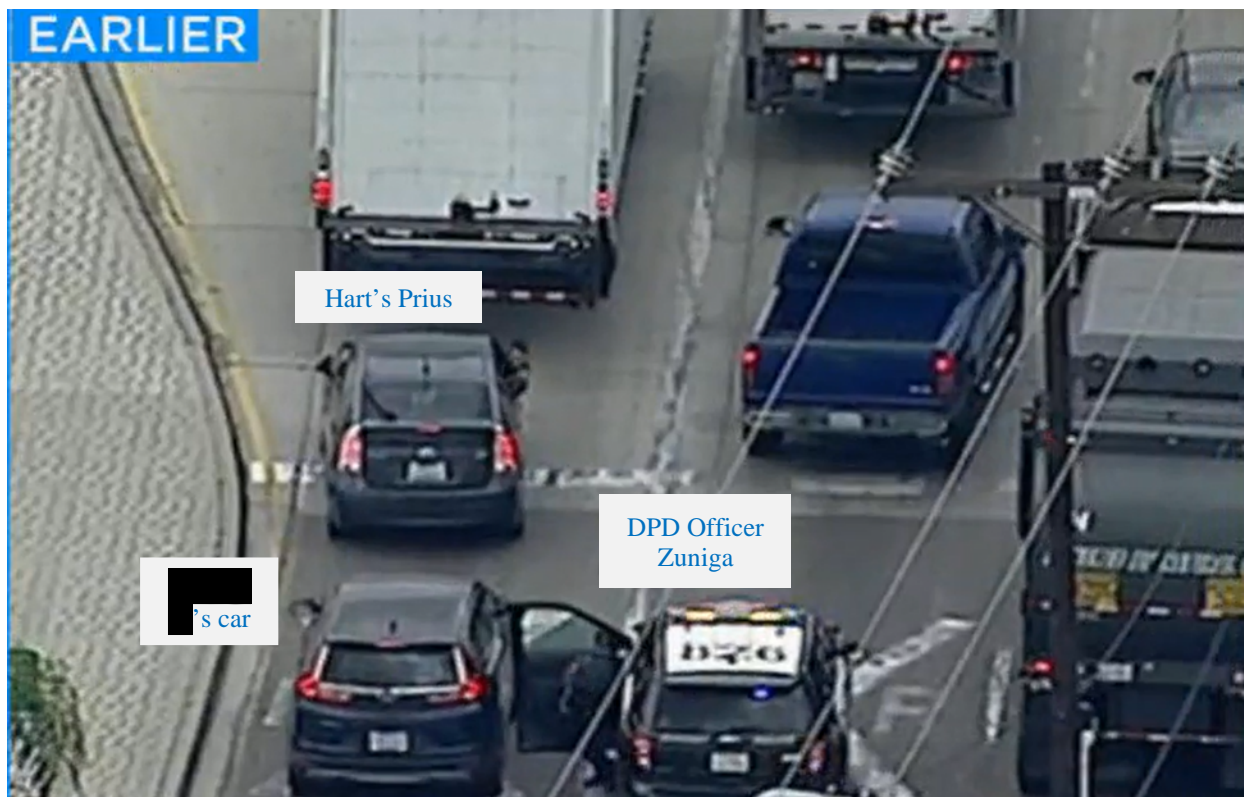


Fig. 5 — Still from news helicopter video showing Lindsey leaning out of the Prius to fire at Zuniga, who takes cover behind his patrol vehicle's driver-side door.

After a few moments, the Prius began moving again, driving slowly westbound on Bandini Boulevard for approximately 50 to 100 yards before stopping. Hart was instructed to exit the vehicle, which she did. She was taken into custody. As she was being detained, Hart stated that Lindsey had a silver handgun with him inside the Prius.

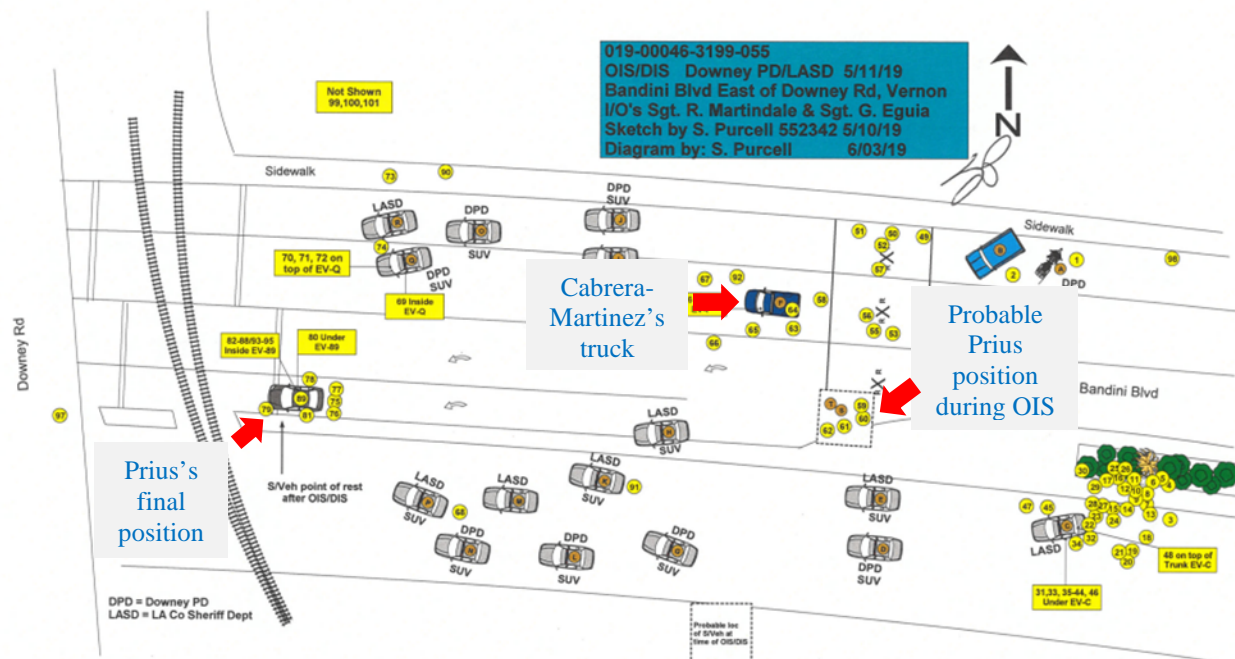


Fig. 6 — Diagram indicating positioning of vehicles at time of and after the officer-involved shooting.

Hart was transported to White Memorial Medical Center. There, she was treated for a through-and-through gunshot wound to her right forearm. Her blood was collected, tested, and found to contain amphetamine and methamphetamine. While being treated, Hart stated that she did not stop the car during the pursuit because Lindsey had a gun to her head. She also said that Lindsey had “shot himself in the head,” and that police had shot her because Lindsey was shooting at them. Hart was later arrested and charged in Los Angeles Superior Court case number VA150691 with accessory after the fact for the murder of the liquor store clerk and evading police. Hart was convicted of accessory after the fact and placed on diversion by the court for the evading charge, ultimately resulting in a dismissal of the charge.

As law enforcement personnel responded to the scene, they became aware of a second injured person. Adolfo Cabrera-Martinez, who had been seated in a blue pickup truck near the end of the pursuit, was struck by gunfire.⁵ Cabrera-Martinez stated that he was in the driver’s seat of his truck, stuck in traffic, when he heard helicopters overhead and sirens approaching from behind. He could hear officers behind him and to the left yelling at a gray Toyota next to him. In the Toyota, Cabrera-Martinez saw a female driver and male passenger who was hunched over. He realized that the officers were shooting at the Toyota.

Cabrera-Martinez crouched down in his seat. As he did so, he realized that a bullet had entered his truck from behind and felt pain to the top of his head. He yelled for help and was assisted by LASD Deputies Vasquez and Charrette and DPD Corporal Lofquist. Cabrera-Martinez was transported to LAC+USC Medical Center, where he was treated with stitches for an open graze

⁵ At least two other vehicles were struck by bullets during the incident, but no other occupants or individuals were injured as a result of the exchange of gunfire.

wound to the top of his head and discharged. His truck was later examined and found to have bullet holes on the driver's side of the front and rear windshields, as well as a bullet hole on the passenger side of the front windshield and one in the interior driver's side door frame.⁶



Fig. 7 — Still from Lofquist's BWV, showing location of Cabrera-Martinez's truck in relation to the Prius.

Officers gave loudspeaker commands for Lindsey to exit, but he did not comply. He could be seen sitting, leaned back in the front passenger seat of the Prius. A flash bang was used unsuccessfully in an attempt to rouse Lindsey. After a prolonged stand-off, deputies were able to remove Lindsey from the vehicle. They found him suffering from gunshot wounds and transported him to LAC+USC Medical Center for treatment. A Taurus Model 454 Raging Bull revolver with a five-round capacity was located between the passenger seat and the lower door frame of the Prius.⁷ An ammunition box containing 17 .45 caliber Colt cartridges was also discovered atop the front passenger seat. The car was examined and found to have multiple shattered windows and bullet holes in the body of the car and front windshield.

⁶ A bullet fragment that appeared to have been fired from Lofquist's gun, as well as a fired bullet that appeared to have been fired by Charrette, were both found in Cabrera-Martinez's truck. It is unknown whether any other officer's gunfire struck Cabrera-Martinez's vehicle, nor precisely what caused the injury to Cabrera-Martinez.

⁷ The revolver was examined, test fired, and determined to be functional.

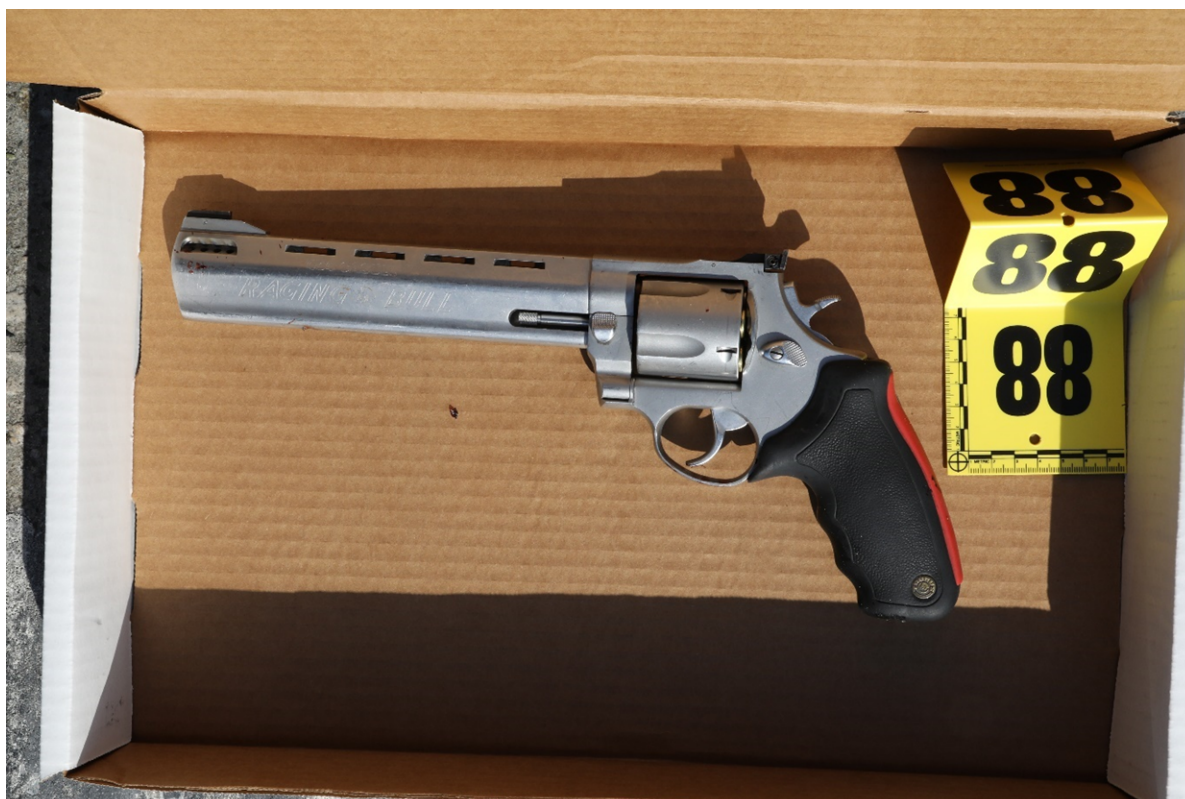


Fig. 8 — Revolver recovered between the passenger seat and lower door frame of the Prius.

At LAC+USC Medical Center, doctors observed multiple gunshot wounds to Lindsey's head, including one below his chin. He remained hospitalized until May 16, 2019, when his vitals began to fail. At 5:54 p.m., he was pronounced dead.

Autopsy

Los Angeles County Deputy Medical Examiner Timothy F. Dutra performed an autopsy and ascribed the cause of Lindsey's death to suicide. Dutra determined that Lindsey administered two gunshots to his own head. One bullet entered his right temple and exited his left temple and was deemed to be fatal. A second, self-inflicted gunshot wound was observed under Lindsey's chin. Dutra determined that the bullet traveled up through Lindsey's head and exited the top of his forehead. That wound was found to be non-fatal, but would have left Lindsey permanently blind. According to the autopsy and evidence collected, it appears that none of the shots fired by DPD or LASD personnel hit Lindsey.

Toxicology results indicated the presence of amphetamines in Lindsey's blood.

Officers' Firearms Evidence

Investigators took possession of each shooting officer's duty weapon, which they then examined, test fired, and determined to be functional. It was determined that Deputy Hernandez fired a single shot from a Remington 870 shotgun. Deputy Vega fired approximately 22 rounds from his Smith & Wesson M&P 9mm semiautomatic pistol. Deputy Vasquez was determined to have

fired approximately six rounds from his Smith & Wesson M&P 9mm semiautomatic pistol. Deputy Charrette fired approximately 18 rounds from his Sig Sauer P227 Elite 45 caliber semiautomatic handgun. Officer Zuniga was determined to have fired approximately 13 rounds from his Glock 17 9mm semiautomatic pistol. Corporal Lofquist fired approximately three rounds from his Glock 21 45 caliber semiautomatic pistol.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal. 4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal. 4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal. 4th 1073, 1082; *see also*, CALCRIM No. 505.

A peace officer is justified in using deadly force upon another person 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 §§ 835a(c)(1)(A) & (B).

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 § 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 §§ 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 § 835a(a)(4).

The evidence examined in this investigation shows that Lindsey aimed his firearm directly at pursuing officers both throughout the chase and at its conclusion. Responding officers were aware that Lindsey had intentionally fired his weapon at them and their colleagues multiple times. He was known to be a fleeing murder suspect by all pursuing officers. Lindsey had recklessly fired his weapon from a moving vehicle on crowded streets, placing both civilian and law enforcement lives at risk. Moreover, Lindsey had made statements—known to at least one of the shooting officers—indicating that he intended to kill a police officer as well as himself. Though none of the rounds fired at Lindsey ultimately hit him, each shooting officer was

justified in perceiving Lindsey as an imminent threat that needed to be instantly confronted and addressed with lethal force.

The available evidence does not suggest that any officer explicitly aimed his weapon at Hart, Lindsey's accomplice, or Cabrera-Martinez, an innocent bystander. Both were inadvertently hit by one of a barrage of shots fired during a tense, rapidly evolving, and dangerous situation. Hart and Cabrera-Martinez were injured due to Lindsey's provocative actions—as well as Hart's, who drove recklessly while Lindsey fired a revolver indiscriminately from her passenger seat. These acts left the officers with little choice but to respond to Lindsey's use of deadly force. The fact that Hart and Cabrera-Martinez were injured, likely by an unknown officer's gunfire, is unfortunate, but it does not negate the lawfulness of the officers' actions in using deadly force in response to Lindsey's actions.

CONCLUSION

It is our conclusion, Corporal Lofquist, Officer Zuniga, and Deputies Hernandez, Charrette, Vasquez, and Vega acted in lawful self-defense and defense of others when they fired their weapons at Lindsey. We further conclude that the rounds fired by the officers did not strike Lindsey, who died of a self-inflicted gunshot wound to the head, though rounds fired by unknown officers did strike Hart and Cabrera-Martinez, who were nonfatally injured.