

**Officer Involved Shooting of Daniel Padilla  
Redondo Beach Police Department**

**Lieutenant Joseph Hoffman, #1194**

**Officer Salvador Garcia, #1254**

**Officer Ryan Harrison, #1281**

**Officer Brian Weiss, #1261**

**J.S.I.D. File #16-0387**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**January 6, 2017**

**MEMORANDUM**

TO: CHIEF KEITH KAUFFMAN  
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Redondo Beach, California 90299

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

SUBJECT: Officer Involved Shooting of Daniel Padilla  
J.S.I.D. File #16-0387  
L.A.S.D. File #016-07259-0331-057

DATE: January 6, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 2, 2016, non-fatal shooting of Daniel Padilla by Redondo Beach Police Department (RBPd) Lieutenant Joseph Hoffman and Officers Salvador Garcia, Ryan Harrison, and Brian Weiss. It is the conclusion of this office that the officers acted in lawful self-defense, and defense of others, and in order to capture a fleeing felon.

The District Attorney's Command Center was notified of this shooting on August 2, 2016, at approximately 11:45 a.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Los Angeles Sheriff's Department Lieutenant Steven Jauch.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department Homicide Bureau submitted to this office by Detectives Michael Valento and John Duncan. The reports include photographs, audio-recorded interviews of witnesses, radio transmissions, surveillance videotape, and body worn videotape.

**FACTUAL ANALYSIS**

**Introduction**

On August 2, 2016, at approximately 9:40 a.m., RBPd officers were surveilling Daniel Padilla, who had an active parole warrant and warrants for being a felon in possession of an assault weapon and assault on a peace officer. Two undercover officers saw Padilla drive into the parking lot of a hotel in Lawndale. They alerted their takedown team, which consisted of five officers and three marked black and white patrol vehicles, to arrest Padilla. As Padilla drove

toward the rear of the hotel parking lot, which was a dead end, the five officers followed and positioned their vehicles to block Padilla's escape route. Padilla saw the officers approaching, reversed directions, spun his tires, and accelerated at a high rate of speed toward the officers, nearly striking one patrol car and striking a parked car. Four officers fired at Padilla as he continued to accelerate toward another patrol car, ultimately colliding with it head-on at approximately 25 miles per hour and injuring the driver officer. Padilla was shot and wounded and was taken into custody. A loaded .45 caliber semiautomatic handgun was located behind the dashboard of his vehicle.

### **Statement of Sergeant Michael Strosnider**

Sergeant Strosnider was assigned to the RBPB Special Investigations Unit and was wearing plain clothes and driving an unmarked vehicle while assisting in the surveillance of Padilla. Padilla had an arrest warrant and was under investigation for counterfeiting, identity theft, credit card fraud, possession of weapons, and attempting to run over another RBPB officer with an automobile. Padilla was known to carry a handgun and had made prior statements that he "would not go down without a fight", would "shoot it out" with officers, or would otherwise do something to officers who tried to stop him because to him it was a "game." Strosnider briefed all the other officers of this information before the surveillance operation began.

During the surveillance, Strosnider saw Padilla drive into the hotel parking lot. He radioed assisting officers to arrest Padilla. Three black and white patrol vehicles entered the parking lot and Strosnider trailed behind to assist in the arrest. He heard other officers radio that Padilla was turning around. Strosnider believed that Padilla might be preparing to use his vehicle as a weapon to ram the officers and escape. Padilla turned around and accelerated toward the following officers. As Strosnider approached, he saw and heard gunshots as Padilla crashed head-on into one of the marked police vehicles.

### **Statement of Detective Blake Nimmons**

Detective Nimmons was assigned to the RBPB Special Investigations Unit and was wearing plain clothes and driving an unmarked vehicle while assisting in the surveillance of Padilla, who had a warrant for his arrest, was known to be armed, and was under investigation for attempting to run over a police officer with an automobile. He saw Padilla drive into the hotel parking lot and out of view. Assisting marked patrol units from RBPB's Direct Enforcement Unit drove into the parking lot a short time later to arrest Padilla. As Nimmons was approaching he heard a noise that sounded like skidding followed by gunshots. He assisted in the investigation after the shooting.

### **Statement of Lieutenant Joseph Hoffman**

Lieutenant Hoffman was assigned as the commander of the RBPB SWAT team and the Direct Enforcement Unit and assisted in the surveillance of Padilla. Before the operation, he and the other officers were briefed that Padilla had previously tried to run over another RBPB officer, had a warrant for his arrest, and was known to carry a firearm. While conducting the surveillance, Hoffman, who was driving a marked black and white patrol car, saw a black SUV matching Padilla's vehicle drive past him. Sergeant Strosnider confirmed that Padilla was the suspect driving the vehicle and asked Hoffman and his team to stop and arrest Padilla. Hoffman

and two other marked patrol units followed Padilla into the hotel parking lot. Hoffman donned his SWAT ballistic helmet, armed himself with his SWAT rifle, and activated his body camera. Padilla parked in a parking stall. As Hoffman and the other officers approached, Padilla suddenly reversed his vehicle at a high rate of speed, squealing the tires. Hoffman believed that Padilla saw the officers approaching and was attempting to escape. There was no exit at the rear of the parking lot and Hoffman's plan was to detain Padilla in the parking lot by blocking his exit with their vehicles. Padilla stopped backing up, put his vehicle in drive, squealed his tires, and drove at a high rate of speed toward Hoffman and the three police vehicles that were blocking his exit. Hoffman stopped his vehicle and placed it in park as Padilla drove directly toward Garcia and Harrison and their police vehicle. Padilla swerved sharply away from Garcia and Harrison and directly toward Hoffman, still driving at a high rate of speed. Hoffman did not exit his vehicle because of fear that Padilla would run him over and kill him. He heard gunfire and was concerned that Padilla was shooting at him. In self-defense, he fired his rifle through his windshield at Padilla's vehicle. Padilla crashed head-on into Hoffman's vehicle violently as Hoffman continued to fire. Hoffman's airbag deployed. Hoffman stopped firing after the collision, exited, and assisted in detaining Padilla. After Padilla was arrested, Hoffman was treated for an injured neck.

#### **Statement of Officer Salvador Garcia**

Officer Garcia was assigned to RBPD's Directed Enforcement Unit and was assisting with the surveillance of Padilla. He was driving a marked patrol vehicle and Officer Harrison was in his right front passenger seat. Before the surveillance operation began, Sergeant Strosnider briefed him and the other officers that Padilla had a warrant for his arrest, had previously attempted to run over another RBPD officer with his vehicle, had been known to carry a firearm, and would run "no matter what" from police. During the surveillance, Strosnider radioed that Padilla had driven into a hotel parking lot. Garcia drove into the parking lot with two other marked patrol units. Padilla turned as if to park in a parking stall and looked in Garcia's direction. They made eye contact. Padilla looked panicked and put his car in reverse, squealing the tires. Padilla turned his vehicle to face in the direction of Garcia's patrol vehicle. Harrison was attempting to exit the patrol car as Padilla's tires screeched again and he drove directly at Garcia and Harrison, in an apparent attempt to ram them. Garcia braced for impact as Padilla drove at them at approximately 30 to 35 miles per hour. Harrison fired through the windshield of his patrol car at Padilla, who veered away from them at the last moment and toward Hoffman's patrol car. Garcia believed that Padilla was going to ram Hoffman and injure or kill him. He exited his patrol car, drew his service weapon, a .45 caliber semiautomatic handgun, and fired at Padilla moments before Padilla crashed head-on into Hoffman's patrol vehicle. Garcia extracted Padilla from the vehicle and handcuffed him.

#### **Statement of Officer Ryan Harrison**

Officer Harrison was a SWAT team member assigned to the Direct Enforcement Unit. He assisted in the surveillance of Padilla and was briefed that Padilla was wanted for attempting to run over another RBPD officer with his vehicle and was known to carry a firearm. He was armed with a SWAT rifle and was riding as a passenger in a marked patrol vehicle driven by Officer Garcia. He and two other patrol units followed Padilla into the hotel parking lot to arrest him. Padilla made a turn as if to park in a parking stall. Harrison began to exit his patrol car as Padilla looked in his general direction. Padilla immediately put his car in reverse and "spun" his

wheels. He put the car in drive and accelerated at the officers from approximately 8 to 10 car lengths away. Harrison believed that Padilla was going to ram them. Realizing that it might be safer to have their patrol vehicle as protection from Padilla's vehicle, Garcia yelled at Harrison to get back in the car and he did. As Padilla's vehicle continued to accelerate in their direction, he believed he and his partner could be seriously injured or killed so he fired at Padilla through the windshield of the patrol car. Padilla swerved away and continued to accelerate toward Hoffman's nearby patrol vehicle. Harrison exited his patrol vehicle and continued to fire at Padilla, who crashed head-on into Hoffman's patrol car. He assisted in taking Padilla into custody.

### **Statement of Officer Derek Theurer**

Officer Theurer was a SWAT team member assigned to the RBPB Direct Enforcement Unit. He assisted in the surveillance of Padilla. He was driving a marked black and white patrol unit and was one of three marked units that followed Padilla into the hotel parking lot to arrest him, at the direction of Sergeant Strosnider. Officer Weiss was in the passenger seat. As the officers approached, Padilla reversed his vehicle and "peeled out" out of a parking stall at a high rate of speed. He turned his vehicle to face the approaching officers, put the car into drive, and "floored it," accelerating toward the officers. Theurer positioned his patrol vehicle to block Padilla's escape route. Padilla was driving straight at the officers and was not slowing down. It was apparent that Padilla was not going to stop even though his escape route was essentially blocked. As Theurer braced for impact, Padilla suddenly swerved toward Hoffman's vehicle. Weiss, who was armed with a SWAT rifle, opened his door and fired continuously at Padilla as Theurer rolled the car to a stop. Weiss exited and continued to fire at Padilla. Theurer also exited and drew his service weapon but did not fire. He saw that Padilla had crashed head-on into Hoffman's patrol vehicle and was shot in the torso. He assisted in extracting Padilla from the vehicle and called paramedics.

### **Statement of Officer Brian Weiss**

Officer Weiss was a SWAT team member assigned to the RBPB Direct Enforcement Unit and assisted in the surveillance of Padilla. He was in a marked black and white patrol vehicle driven by Officer Theurer. He was informed during briefing by Sergeant Strosnider that Padilla had a felony warrant, had previously attempted to run over another RBPB officer with a vehicle, and was known to carry a firearm. During the surveillance he and the other surveilling officers were directed to arrest Padilla, who had just driven into the parking lot of a hotel. Weiss and his partner drove into the parking lot and were assisted by two other marked patrol vehicles. He saw Padilla drive toward the back of the parking lot and turn left as if to park in a parking stall. Padilla suddenly put his car in reverse and backed up at a high rate of speed, screeching the tires. The officers' plan was to block Padilla's escape route and box him in the parking lot. It was apparent that Padilla had seen the patrol cars approaching and was intent on fleeing. Padilla drove his car directly at Garcia and Harrison's patrol car. As Theurer was rolling to a stop, Weiss was opening his door and exiting with his SWAT rifle. He believed Padilla was going to hit Garcia and Harrison and injure them. At the last second, Padilla veered, possibly in an attempt to drive through the gap between two patrol cars. Padilla nearly struck Garcia and Harrison's patrol vehicle and veered directly toward Weiss and Theurer. Padilla veered again and sideswiped a parked car as he continued to accelerate toward Hoffman's vehicle. Weiss, believing that Padilla was going to run him over and kill him or the other officers, fired at

Padilla. He continued to fire at Padilla as he drove at approximately 30 miles per hour toward Hoffman's stopped patrol vehicle, colliding with it head-on. Weiss assisted in taking Padilla into custody.

### **Background of Daniel Padilla**

Padilla is 26 years old and has prior felony convictions for possession of a dangerous weapon, auto theft and evading a peace officer, possession of cocaine, possession of methamphetamine, hit and run and evading a peace officer, and identity theft. He has misdemeanor convictions for resisting arrest, providing false information to a peace officer, and domestic violence. At the time of the incident, Padilla was on parole and had a parole warrant. He had a second warrant for possession of an assault weapon and possession of ammunition and a firearm by a convicted felon in case number NA104091. He has been charged in this case with assaulting Garcia, Hoffman, and Harrison, and possession of a firearm by a felon, in case number YA094694. That case is pending trial.

### **Daniel Padilla's Injuries**

Padilla was shot in the torso and is recovering from his injuries.

### **Firearms Evidence**

Sixty eight cartridge casings were located at the scene of the shooting. Fifty three were 5.56 x 45mm caliber from department issued SWAT rifles and were located either in the parking lot, inside of Hoffman's vehicle, or atop Weiss and Theurer's police vehicle. Fifteen of the casings were .45 caliber and were located in the parking lot.

Four bullet holes were in the windshield of Theurer and Weiss' police vehicle fired by Weiss. There were seven bullet holes in the windshield of Hoffman's police vehicle fired by Hoffman.

There were 91 bullet holes or impacts to Padilla's vehicle.

A loaded .45 caliber handgun was located inside the dashboard of Padilla's vehicle. There is no evidence that handgun was fired in this incident.

### **Event Data Recorder Evidence**

Padilla and Hoffman's vehicles were equipped with Event Data Recorders. That data showed that Padilla's vehicle was stopped just before the collision, and then accelerated fully. He accelerated to 25 miles per hour immediately prior to impact with Hoffman's vehicle. The data showed that Padilla made no attempt to slow his vehicle by braking or decelerating before impact. Hoffman's vehicle showed a rearward velocity of approximately 12 miles per hour at the moment of impact.

## LEGAL ANALYSIS

A police officer may use reasonable force in making an arrest, preventing an escape, or in overcoming resistance.<sup>1</sup> Reasonableness is judged from the perspective of a reasonable person acting as a police officer at the scene and considers the circumstances surrounding the use of force including: (1) whether the suspect poses an immediate threat to the safety of the officers or others, (2) whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and (3) the severity of the crime at issue.<sup>2</sup> Also, where the officer has probable cause to believe that a suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape.<sup>3</sup> “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that the police are often forced to make split-second judgments - - in circumstances that are tense, uncertain, and rapidly involving - - about the amount of force that is necessary in a particular situation.”<sup>4</sup> The test of whether the officer’s actions were objectively reasonable is also “highly deferential to the police officer’s need to protect himself and others.”<sup>5</sup>

At the time of this incident, Padilla had a long criminal record, was known to carry a gun, and was wanted for attempting to run over a police officer with his vehicle. The evidence of Padilla’s animus toward police officers, his intent to harm them, and his character for attempting to avoid capture at all cost, including using a vehicle to effectuate an escape, is compelling, and was known to all of the involved officers. The evidence examined in this case shows that Padilla again attempted to use his vehicle to escape and was intent on ramming or running over the officers who were attempting to contain him in the parking lot of the hotel. He drove his vehicle at high speed directly at Officers Garcia and Harrison, who fired at him in self-defense and defense of others. Padilla veered away from Garcia and Harrison at the last moment, narrowly missing them and aiming his vehicle at Officers Weiss and Theurer. Weiss also fired at Padilla in self-defense and defense of others. Undeterred, Padilla veered toward Lieutenant Hoffman and, without slowing down, clipped a parked car and rammed head-on into Hoffman, who also fired at Padilla in self-defense and defense of others.

## CONCLUSION

Padilla’s use of his vehicle to effectuate his escape posed a substantial and immediate risk of serious physical injury or death to the officers who stood in his way and the lives of innocent bystanders if Padilla had managed to escape. The force used by Lieutenant Hoffman and Officers Garcia, Harrison, and Weiss was reasonable under the circumstances in order to defend their lives and the lives of others, and to capture a dangerous, fleeing felon. We are closing our file and will take no further action in this matter.

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<sup>1</sup> *Penal Code* § 835a.

<sup>2</sup> *Graham v. Connor* (1989) 490 U.S. 386; *People v. Mehserle* (2012) 206 Cal. App. 4<sup>th</sup> 1125.

<sup>3</sup> *Tennessee v. Garner* (1985) 471 U.S. 1.

<sup>4</sup> *Graham at* 396-397.

<sup>5</sup> *Munoz v. City of Union City* (2004) 120 Cal. App. 4<sup>th</sup> 1077, 1102.