

**Officer Involved Shooting of Michael Mejia**

**Whittier Police Department**

**Officer Thomas Osendorf, #384**

**Officer Patrick Hazell, #371**

**J.S.I.D. File #17-0102**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**March 22, 2018**

**MEMORANDUM**

TO: CHIEF JEFF A. PIPER  
Whittier Police Department  
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Whittier, California 90602

CAPTAIN CHRISTOPHER BERGNER  
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1 Cupania Circle  
Monterey Park, California 91755

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

SUBJECT: Officer Involved Shooting of Michael Mejia  
J.S.I.D. File #17-0102  
W.P.D. File #2017-00001531  
L.A.S.D. File #017-00025-3199-011

DATE: March 22, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 20, 2017, non-fatal shooting of Michael Mejia by Whittier Police Department (WPD) Officers Thomas Osendorf and Patrick Hazell. It is our conclusion that Osendorf and Hazell used reasonable force to stop a dangerous felon.

The District Attorney's Command Center was notified of this shooting on February 20, 2017, at approximately 9:08 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant John Corina.

The following analysis is based on reports, recorded interviews, video, and photographs submitted to this office by the LASD. The departmentally compelled statements of the involved officers were not considered in this analysis.

**FACTUAL ANALYSIS**

On February 20, 2017, at approximately 5:30 a.m., Michael Mejia, an admitted "Winter Gardens" gang member, murdered R [REDACTED] T [REDACTED] at T [REDACTED]' home in East Los Angeles. After killing T [REDACTED], Mejia carjacked a Dodge Stratus and fled the scene of the murder.

Later that morning, at approximately 7:50 a.m., Mejia, still driving the stolen Dodge, was traveling southbound on Colima Road in the City of Whittier. As he approached the intersection of Colima Road and Mar Vista Street, Mejia collided with a vehicle that was stopped at a red light. The force of the collision pushed that car into the vehicle in front of it, and caused major damage to all three vehicles. After the collision, Mejia convinced one of the other drivers to help him push his car off of Colima Road and onto Mar Vista Street. Once moved, the Dodge was no longer visible from the scene of the collision.

At 8:03 a.m., a WPD dispatcher received a 9-1-1 call regarding the collision at Colima Road and Mar Vista Street. The caller did not know whether anyone was injured, and the WPD dispatcher assigned WPD Officers Keith Boyer and Thomas Osendorf to respond to the traffic collision. Just after the call was announced over the radio, Officer Patrick Hazell asked to be assigned to the call as well.

Osendorf was the first officer to arrive at the scene of the collision. He parked his vehicle on Colima Road to the north of the collision and spoke with the involved drivers. Hazell was the next to arrive, and Osendorf directed him to Mar Vista Street to contact Mejia, who was still seated in the driver's seat of the Dodge. Boyer was the last officer to arrive at the scene of the accident. He pulled his patrol vehicle behind the stolen Dodge, exited, and started speaking with Mejia when Hazell arrived.

As Boyer was speaking with Mejia, Hazell, who was standing to the rear of the Dodge, asked the dispatcher to check the license plates on the stolen Dodge. Boyer moved to the passenger side of his patrol vehicle to retrieve a fingerprint scanner when the dispatcher responded with information that the car was stolen. Advised of this new information, Boyer and Hazell both approached the driver's side of the Dodge and Boyer told Mejia to exit the car. Mejia initially protested verbally, but then exited the car, turned, and faced it. Boyer was standing immediately behind Mejia and Hazell was to his right.

Without warning or provocation, Mejia pulled a Glock 9 mm semiautomatic handgun from his waistband and shot Hazell several times, hitting him in the abdomen and striking his holstered firearm. Mejia then spun and shot Boyer multiple times before Boyer could draw his firearm. Boyer suffered three gunshot wounds to the chest, fell to the ground, and died almost immediately.

After being shot, Hazell was able to take cover and move to the front of his patrol car, which was positioned in front of the stolen Dodge. Hazell was unable to see Boyer, but saw Mejia, still armed with a handgun, apparently assessing the situation. Hazell was able to fire one round from his service weapon, but the gun was severely damaged from having been shot by Mejia, and was inoperable after the round in the chamber was discharged. After realizing his firearm was inoperable, Hazell held his position of cover and radioed for help.

Osendorf, who, because of the positioning of the cars involved in the traffic collision was unable to see what was happening with Mejia, heard gunshots and started running toward Mejia and his fellow officers. When he reached the corner of Colima Road and Mar Vista Street, Osendorf saw Boyer, lying motionless on his back in the street next to the driver's side of the Dodge, and Mejia, still armed with a handgun, walking towards Boyer's patrol vehicle while looking in the direction of the officers he had just shot. Osendorf fired fourteen rounds at Mejia as Mejia attempted to get into Boyer's patrol vehicle.

Mejia was struck one time by Osendorf. In response, he yelled, “You got me!” and he threw his handgun onto the street, raised his hands, and got down on one knee. Osendorf and Hazell took Mejia into custody without further incident.

Mejia fired all the bullets which had been loaded into his handgun and it was empty when he threw it to the ground. However, the slide of the weapon was in the forward position, so it was impossible to know whether it was loaded without physically inspecting it.



*Figure 1: Mejia threw his gun on the street after Osendorf shot him.*

After Mejia was taken into custody, he was transported to the hospital by ambulance to be treated for a gunshot wound. He was shot one time in the left side. The bullet traveled back to front before it exited his body intact. Mejia was treated for his injuries and released.

Hazell was transported to the hospital for a gunshot wound to the stomach. The bullet struck his ballistic vest, penetrated it, and imbedded itself in his torso. He was treated for his wounds and released from the hospital.

## **LEGAL ANALYSIS**

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” People v.

Mehserle (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. Kortum v. Alkire (1977) 69 Cal.App.3d 325, 333.

In this case, Osendorf and Hazell confronted an armed man who had, just moments before, killed one police officer and wounded a second. Under those circumstances, they were justified in using deadly force to take Mejia into custody and acted reasonably in shooting Mejia in that effort.

## **CONCLUSION**

We conclude that Officers Thomas Osendorf and Patrick Hazell used lawful force to take an armed and dangerous felon into custody. We are closing our file and will take no further action in this matter.