

**Officer Involved Shooting of Norma Guzman  
Los Angeles Police Department**

**Officer Samuel Briggs, #35419  
Officer Antonio McNeely, #41443**

**J.S.I.D. File #15-0520**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**April 25, 2017**

## MEMORANDUM

TO:           COMMANDER ROBERT A. LOPEZ  
                  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:     Officer Involved Shooting of Norma Guzman  
                  J.S.I.D. File #15-0520  
                  F.I.D. File #F083-15

DATE:         April 25, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 27, 2015, fatal shooting of Norma Guzman by Los Angeles Police Department (LAPD) Officers Samuel Briggs and Antonio McNeely. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on September 27, 2015, at approximately 10:15 a.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Lieutenant Steve Lurie.

The following analysis is based on reports prepared by the LAPD Force Investigation Division, submitted to this office by Detectives Jose Alvarez and Oscar Lopez. The reports include photographs, audio-recorded interviews of witnesses, surveillance videotape, and Body Worn Video (BWV) from the involved officers.

The compelled statements of Officers Briggs and McNeely were considered as part of this analysis.

### **INTRODUCTION**

At approximately 9:27 a.m. on September 27, 2015, Oscar G. called 9-1-1 and reported a woman holding a knife and screaming in front of a barbershop on San Pedro Street in downtown Los Angeles. LAPD Officers Samuel Briggs and Antonio McNeely were on patrol together and responded to the call. They parked near the location and prepared to exit their patrol vehicle as they observed a woman, later identified as Norma Guzman, seated in front of the barbershop. Briggs announced to McNeely, "She's right there. She's all fuckin' crazy." As Briggs exited the patrol vehicle, he observed Guzman with a knife. He announced to McNeely, "Oh, she's got a knife!" Guzman, who had a history of mental health issues and was later determined to have the presence of THC and methamphetamines in her bloodstream, got up and started quickly approaching the officers with the knife in her right hand as she yelled something unintelligible

and gesticulated with her left hand. Briggs unholstered his service weapon and pointed it at Guzman while he radioed for backup using his other hand. Guzman continued to quickly close the distance between herself and the officers. McNeely exited on the driver's side and walked around the rear of the patrol vehicle and also drew his service weapon and pointed it at Guzman, who continued to rapidly approach the officers. Briggs yelled, "Drop the knife!" six times but Guzman continued to walk rapidly toward the officers while holding the knife and yelling. According to the audio recording on Briggs' BWV, Guzman may have said, "Shoot me! Shoot me!" When she came within four to six feet of Briggs, both officers fired at Guzman, striking her three times. A frame from Briggs' BWV captured at the moment of the shooting and showing Guzman advancing with a knife in her right hand is shown below:



Guzman died at the hospital a short time later.

An eleven-inch-long serrated knife was located at the scene near where Guzman fell after being shot.

## **FACTUAL ANALYSIS**

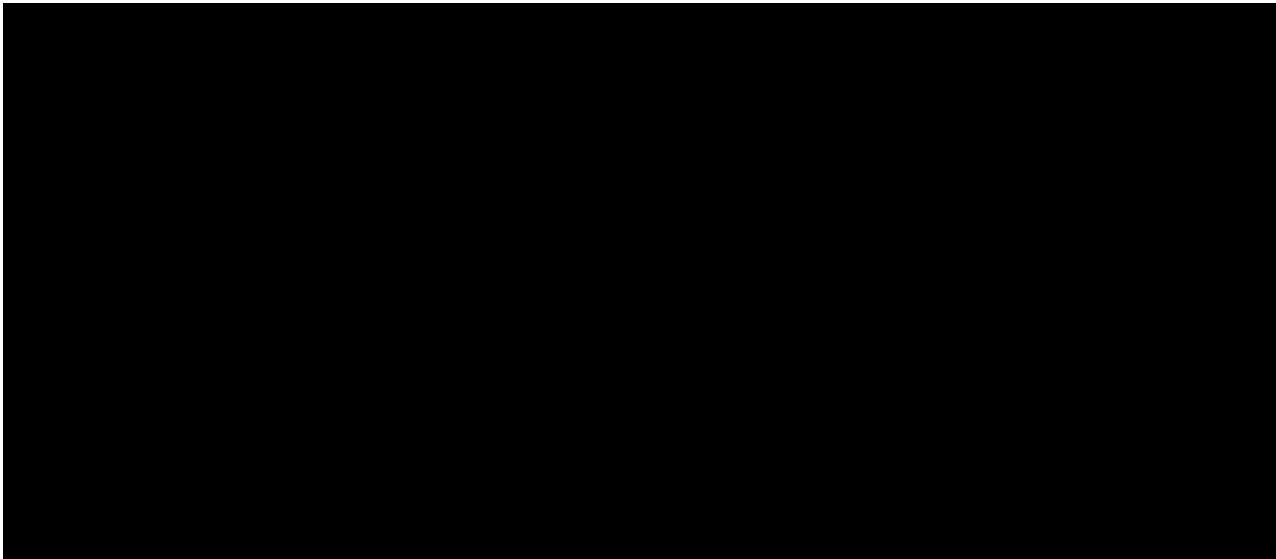
### **Statement of Oscar G.**

Oscar G. was inside a closed barbershop when he heard someone try to open the store's front rolling door. He looked outside and saw one of his clients. He also noticed Guzman standing in front of the store and talking to herself. He had seen Guzman before and believed she was mentally ill. Oscar G. told his client to enter the store and assured him, "It's okay. She's always doing this. And you know she's probably, I don't know, just talking nonsense." A short time

later, Oscar G's client announced, "Oh damn, she has a knife." At first Oscar G. did nothing in the hope that Guzman would go away but he became concerned when he saw women with children and elderly individuals passing her. Oscar G. called 9-1-1 and reported that there was an individual with a knife in front of his store. He also reported later to investigators that he had seen Guzman a week earlier walking around with a butcher knife. Approximately 5 to 10 minutes after the 9-1-1 call, Guzman saw LAPD officers in an SUV arrive at the scene. Guzman ran toward the police vehicle, passing by Oscar G. and his client in the shop. Oscar G. heard the officers yell, "Stop! Stop!" and heard a series of gunshots.

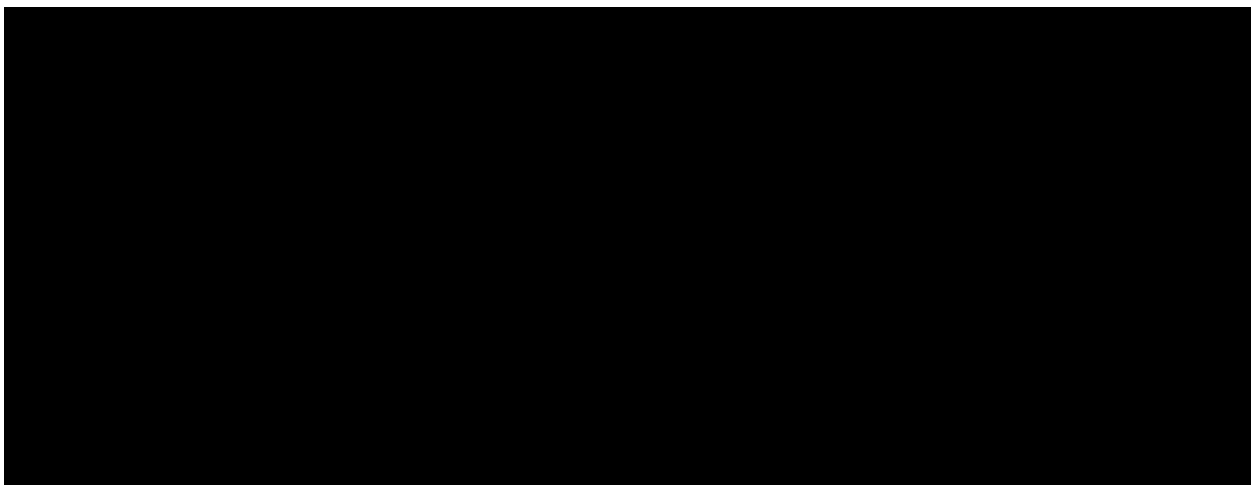
**Statement of Officer Samuel Briggs**

Officer Briggs provided a compelled statement to investigators.



**Statement of Officer Antonio McNeely**

Officer McNeely provided a compelled statement to investigators.



### **Statement of Ricky L.**

Ricky L. was walking when he noticed the police yelling at a woman, “Drop the knife! Drop the knife!” He heard three shots and saw two LAPD officers with their service weapons drawn. Following the gunshots, Ricky L. saw one of the officers handcuff Guzman and recover “a long silver looking thing” without a handle from underneath her body.

### **Statement of Epifanio S.**

Epifanio S. was parked in the driver’s seat of his vehicle with his wife at the time of the incident. He saw the police arrive and stop near Guzman. The officers exited their car as Guzman got up from her seat and aggressively approached the officers. He did not see anything in Guzman’s hands. He told investigators, “Guzman did get up and came angry from where she was sitting, and got in front of the police officers, and the police officers shot her right away.”

### **Statement of Rufino M., Jr.**

Rufino M., Jr. was standing on the sidewalk outside his residence when he saw Guzman “screaming hysterically.” Rufino M., Jr., who has known Guzman for over 15 years, said she has “mental problems” and talks to herself. Rufino M., Jr. was looking down at his cellular telephone and heard a male voice instruct Guzman to “stand down” before hearing two gunshots. He turned his head toward the scene and saw two officers standing in the street holding their service weapons as Guzman lay bleeding approximately five feet away on the sidewalk. One of the officers approached Guzman and kicked her prior to handcuffing her, describing the kick as if he was kicking a soccer ball, forcing a limp Guzman to turn over.<sup>1</sup>

### **Statement of Rufino M., Sr.**

According to Rufino M., Sr., Guzman was his former fiancée and they had lived together for approximately two years. They had separated six months prior to the incident and Guzman was homeless since that time. Rufino M., Sr. told investigators that Guzman originally had moved in with her mother but her mother ejected Guzman because Guzman would talk to herself. He said Guzman suffered from mental health problems but was “not aggressive.”<sup>2</sup>

### **Statement of Brandy M.**

Brandy M. heard a verbal altercation between Guzman and a pair of LAPD officers. She heard two gunshots and saw one of the officers kick a deceased Guzman in order to turn her over and handcuff her. Brandy M. insisted that Guzman did not have a weapon during the incident.<sup>3</sup> Guzman had a history of mental health issues including “yelling at demons.” She knew that Guzman often carried a small pocket-knife and because of her mental health issues Brandy M. was concerned about allowing Guzman in the house around her infant daughter.

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<sup>1</sup> It does not appear from the BWV or the surveillance videotape that either officer kicked Guzman.

<sup>2</sup> Guzman struck Rufino M., Sr. in the face with a sledgehammer in 2014 and was convicted of felony assault in case number BA351728.

<sup>3</sup> BWV footage shows clearly that Guzman was armed with a knife. BWV and surveillance footage do not show either officer kicking Guzman.

### Surveillance Videotape

Investigators recovered a surveillance videotape of the incident from a nearby business. The surveillance footage, which is of poor quality, shows Briggs and McNeely parking alongside a series of parked cars. Briggs immediately exits the vehicle, standing between their police car and the parked cars, while McNeely walks around the rear of their car. Both officers draw their service weapons and point them at Guzman as she continues to approach rapidly with a long object swinging in her right hand. Guzman closes the distance to approximately five feet of Briggs when both officers fire at her. A frame of the videotape from the moment of the shooting is shown below:



### Norma Guzman's Background

Guzman was 37 years old and had seven previous contacts with the LAPD mental health unit spanning from 2008 to 2015. Six of those contacts occurred between May and September, 2015.

On September 27, 2008, Guzman was armed with a knife and threatened to kill herself, causing her mother to notify the police.

On May 18, 2015, Guzman was observed jumping on the rooftop of a local barbershop and swinging a metal pipe and telling officers she was going to "cut the devil's neck."

On July 3, 2015, Guzman was loitering around a car repair business armed with a hammer. A few weeks later, on July 31, 2015, Guzman struck the owner of the business with a paint can. On August 29, 2015, she attempted to hit multiple people at a park.

On September 19, 2015, officers responded to an emergency call of a mentally ill woman armed with a knife and “fighting demons.” Police found her sitting next to a knife. She had five other knives in her backpack. Guzman was placed on a 72-hour mental health hold.

### **Guzman’s Injuries**

A postmortem examination was performed and the forensic pathologist, Kevin Young, M.D., determined that Guzman was shot in the neck, left chest, and abdomen. The gunshot wounds to the neck and left chest were fatal. A toxicology analysis was performed and determined that Guzman had the presence of THC and methamphetamines in her bloodstream at the time of her death.

### **The Knife**

Investigators recovered a metal knife blade from the sidewalk near where Guzman fell after being shot. The knife was a total length of eleven inches with a blade length of seven inches. The knife did not have a grip and appeared to resemble a blade from an electric carving knife. A photograph of the knife as it was recovered at the scene is shown below:



### **Firearms Evidence**

Briggs was armed with a .45 caliber semiautomatic pistol with a capacity of nine rounds, eight rounds in the magazine and one in the chamber. A post-incident examination of Briggs’ service weapon found that the firearm was loaded with one round in the chamber and seven rounds in

the magazine, which is consistent with Briggs firing one round during the incident. The expended .45 caliber cartridge case was not located at the scene and its whereabouts and how it was removed from the scene are unknown.

McNeely was armed with a 9mm semiautomatic pistol loaded to capacity with 17 rounds in the magazine and one round in the chamber. A post-incident examination of McNeely's service weapon found that the firearm was loaded with one round in the chamber and 15 rounds in the magazine consistent with McNeely firing two rounds during the incident. Two expended cartridge casings from McNeely's service weapon were located at the scene.

## **LEGAL ANALYSIS**

The standard for evaluating the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard, which enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation.<sup>4</sup> In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent.<sup>5</sup> Moreover, "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>6</sup> The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others."<sup>7</sup>

In this case, an evaluation of all of the evidence shows that Officers Briggs and McNeely were approached aggressively by Guzman, who was apparently suffering from mental illness, had the presence of THC and methamphetamine in her bloodstream, and was armed with an eleven-inch long knife. Guzman rapidly closed the distance between herself and Briggs, who was pinned between his parked police vehicle and the adjacent parked cars, while yelling incoherently, gesticulating with her left hand, and holding the knife in her right hand. Briggs ordered Guzman numerous times to drop the knife but Guzman failed to comply with Briggs' orders and continued to advance toward him. When Guzman came to within approximately five feet of Briggs and stepped toward him with the knife, Briggs fired one shot at Guzman, out of fear for his life. McNeely, fearing for the safety of his partner, fired two gunshots at Guzman.

## **CONCLUSION**

We conclude that Officers Briggs and McNeely were placed in reasonable fear of death or great bodily injury by Guzman's actions and acted lawfully in self-defense and defense of others when they used deadly force against her. We are therefore closing our file and will take no further action in this matter.

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<sup>4</sup> *People v. Mehserle* (2012) 206 Cal. App. 4<sup>th</sup> 1125.

<sup>5</sup> *CALCRIM No. 3470*.

<sup>6</sup> *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

<sup>7</sup> *Munoz v. City of Union City* (2004) 120 Cal. App. 4<sup>th</sup> 1077, 1102.