

**Officer Involved Shooting of Carlos Ibarra  
Pomona Police Department**

**Officer Blake Jensen, #41802**

**J.S.I.D. File #15-0406**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**April 7, 2017**

**MEMORANDUM**

TO: CHIEF PAUL J. CAPARO  
Pomona Police Department  
490 West Mission Boulevard  
Pomona, California 91766

CAPTAIN STEVEN KATZ  
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Homicide Bureau  
One Cupania Circle  
Monterey Park, California 91755

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

SUBJECT: Officer Involved Shooting of Carlos Ibarra  
J.S.I.D. File #15-0406  
L.A.S.D. File #015-00051-3199-055

DATE: April 7, 2017

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the August 7, 2015 non-fatal shooting of Carlos Ibarra by Pomona Police Department (PPD) Officer Blake Jensen. We have determined that Officer Jensen acted in lawful self-defense.

The following analysis is based upon a series of reports prepared by the Los Angeles County Sheriff Department (LASD) Homicide Bureau. JSID was notified of this shooting at 12:13 a.m. on August 8, 2015. The District Attorney Response Team responded to the location of the shooting where they received a briefing and "walk-through" of the scene. No compelled statements were considered for purposes of this analysis.

**FACTUAL ANALYSIS**

During the evening of August 7, 2015, members of the PPD and investigators from the District Attorney's Bureau of Investigation were conducting a joint operation in the City of Pomona directed at gang suppression. At approximately 10:30 p.m., District Attorney Investigator (DAI) Armando Alvarado was driving an unmarked Mazda sedan on the 400 block of East Holt Avenue in the City of Pomona. PPD Officer Michael Lee was riding in the front passenger's seat and PPD Officer Blake Jensen was riding in the rear passenger seat. The officers observed Carlos Ibarra and an unknown female arguing with a known gang member on the street. Ibarra was riding in circles on a bicycle as he argued with the man.

Shortly thereafter, Ibarra rode eastbound on Holt Avenue toward Towne Avenue. Alvarado drove after Ibarra. He activated the vehicle's red emergency lights and stopped the vehicle near Ibarra at the northwest corner of Towne Avenue and East Center Street. Jensen got out of the rear seat and attempted to contact Ibarra.



300 block of East Center Street

Ibarra fled on his bicycle westbound on the north sidewalk of East Center Street. Jensen pursued on foot, while Alvarado and Lee pursued in the vehicle. When Alvarado pulled parallel to the fleeing Ibarra, Lee shouted out of the open passenger's side window, "Stop! Police!" Ibarra replied, "What did I do?" Alvarado also identified himself as a police officer and ordered Ibarra to stop. Ibarra refused, and continued to flee westbound on his bicycle with Jensen pursuing him on foot. Jensen radioed that he was in foot pursuit of Ibarra.

When Ibarra refused to stop, Alvarado drove past Ibarra west on East Center Street in an attempt to block Ibarra's escape path. Once he was in front (west) of Ibarra, Alvarado stopped the vehicle on the north side of East Center Street. Ibarra abruptly turned his bicycle around, lost control and fell from the bicycle. Ibarra quickly got up and began pedaling eastbound away from Alvarado and Lee but directly toward Jensen.

Jensen stated after he exited the vehicle he pursued Ibarra west on the north sidewalk of East Center Street. Jensen yelled out several times, "Police! Stop the bike!" Ibarra continued to flee and appeared to increase his speed. Jensen saw the car driven by Alvarado pull parallel to Ibarra and heard Lee identify himself as a police officer and order Ibarra to stop. Ibarra did not stop. Jensen saw Alvarado drive beyond Ibarra in an apparent effort to cut off his path of flight.

Jensen saw Ibarra reverse direction on his bicycle and ride towards him. Ibarra was steering the bicycle with his left hand and pulled a revolver from his waistband with his right hand. Ibarra raised the revolver and pointed it at Jensen who, in fear for his life, fired several times at Ibarra. Ibarra fell from his bicycle and was detained in front of 389 East Center Street.

A firearm was recovered near the curb on the northside of East Center Street. The firearm was identified as a Ruger, New Model Blackhawk .357 Magnum single action revolver. The firearm was tested and found to be functional with the caveat that the base pin was improperly installed resulting in intermittent binding of the cylinder. The revolver was registered to a 73-year-old man living in Alhambra. LASD detectives contacted him after the officer involved shooting. He stated that he was unaware that the firearm was missing from his garage.



Recovered Revolver

Ibarra suffered gunshot wounds to his left hip, right elbow and groin. He was medically treated at the scene and then transported to County USC Medical Center. Ibarra survived his injuries.

Ibarra was charged in case number KA110368 with a violation of Penal Code section 245(d), assault with a firearm on a police officer. He plead no contest to that charge and was sentenced to seven years in state prison.

### **Dash Cam Video**

PPD Blair Hornby was driving a police car equipped with a forward facing dash camera video system (DCVS). Hornby responded to the location of the shooting from approximately four blocks away. He arrived at the scene moments after the shooting had occurred. The DCVS did not capture the actual shooting but shows the location of Ibarra and Jensen just after the shooting.



Still taken from dash cam video

The DCVS also shows the location of witnesses just following the shooting, the arrival of other PPD officers, the initial medical treatment of Ibarra, the arrival of fire department personnel, their treatment of Ibarra, and the movement of Ibarra's bicycle after the shooting.

#### **Statement of Alexis S [REDACTED]**

At approximately 10:30 p.m., on August 7, 2015, S [REDACTED] was returning to his residence on East Center Street. He parked his car on the south side of East Center Street. As he got out of his car, he saw a silver vehicle which, based on the flashing emergency lights and alternating headlights, he believed was an undercover police vehicle. The vehicle was traveling west on East Center Street and came to an abrupt stop. He heard a police officer state, "This is the police. Get off your bike." At that point, he noticed a man on a bike on the north side of East Center Street. The man on the bike, who was initially heading west, turned and rode "in the opposite direction" heading east. An officer got out of the driver's door of the undercover car and began to chase the man on the bike. Approximately five to ten seconds later, he saw flashes and heard gunshots on the north side of East Center Street. He did not see who shot.

#### **Statement of Rutilio A [REDACTED]**

At approximately 11:00 p.m. on August 7, 2015, A [REDACTED] was preparing to enter his van which was parked on the northside of East Center Street. He saw two vehicles, which he knew were police cars because of their flashing lights, driving on East Center Street. He also saw a man who he described as a "gangster" riding a bicycle on the north sidewalk traveling west on East Center Street. The man on the bike turned around and headed east. He saw several police officers chasing the man on the bike. He heard the police officers state "Police, police, police" and order the man to stop or freeze or put up his hands several times. The man did not comply.

He saw the man on the bike reach into his waistband with his right hand and remove a dark object. When the man began to point the object at the police, he was shot. He could not identify what type of object the man removed from his waistband.

### **Statement of Elizabeth M [REDACTED]**

M [REDACTED] was standing next to A [REDACTED] near the north curb of East Center Street preparing to enter A [REDACTED]'s vehicle. She saw a man with a baggy shirt ride rapidly westbound on the north sidewalk of East Center Street. A grey or silver undercover police vehicle with flashing emergency lights was following him. She then saw a second undercover police car pass her location. At that point, the man on the bicycle turned around and began to ride east on East Center Street. She heard the police yell either "Get down!" or "Put it down!" She saw the man on the bike raise his hand and then heard several gunshots. She saw the man with his right hand extended and assumed that he was shooting at the police.

### **LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4<sup>th</sup> 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use that amount of 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 imminent injury. CALCRIM No. 3470.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard. People v. Mehserle (2012) 206 Cal. App. 4th 1125, 1146 (holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position [citations omitted] . . . the jury should consider all relevant circumstances surrounding the defendant's conduct. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard.")

"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 police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

## **CONCLUSION**

Ibarra came to the attention of the police on August 7, 2015 when they saw him arguing on the street with a known gang member. When the police attempted to contact him he fled on his bicycle. The police ordered him to stop and get off his bike several times. He refused to comply. Once his path of escape was blocked by the police he reversed his course, drew a loaded handgun from his waistband and pointed it at Officer Jensen. The deadly peril posed by Ibarra's actions made it objectively reasonable for Jensen to respond with deadly force.

Accordingly, we find that Officer Blake Jensen acted in lawful self-defense when he used deadly force against Ibarra. We are closing our file and will take no further action in this matter.