

Officer Involved Shooting of Christian Escobedo

Los Angeles Police Department

Officer Edward Artiaga #40509

J.S.I.D. File #18-0032



JACKIE LACEY

District Attorney

Justice System Integrity Division

April 8, 2019

MEMORANDUM

TO: COMMANDER ROBERT E. MARINO
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 Christian Escobedo
J.S.I.D. File #18-0032
F.I.D. File #F004-18

DATE: April 8, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 14, 2018 fatal shooting of Christian Escobedo by Los Angeles Police Department (LAPD) Officer Edward Artiaga. We have concluded Officer Artiaga acted lawfully in self-defense.

The District Attorney's Command Center was notified of the shooting at approximately 9:20 a.m., on January 14, 2018. 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, Body Worn Video (BWV) footage, transcripts of interviews, firearm analysis reports, crime scene diagrams and sketches, and witness statements submitted to this office by LAPD Force Investigation Division Lieutenant Damien Gutierrez. Officer Artiaga's compelled statement was considered as part of this analysis.

FACTUAL ANALYSIS

On January 14, 2018, at approximately 6:25 a.m., Max. S. exited his residence on Amethyst Street to go to work. As he walked toward his vehicle, he noticed two men in his driveway. The first man¹ was seated on the pavement with his knees up toward his chest and his head facing down. This man had a black hoodie over his head and Max was unable to observe any of his facial features.

¹ This individual was never identified.

The second individual, later identified as 22 year old Christian Escobedo, was lying on his back in the driveway with his eyes closed. Max noticed a gun in Escobedo's right hand, resting on his right thigh. Max immediately went inside his residence and called the police.

LAPD dispatch issued a broadcast at 6:32 a.m., referring to a "possible ADW suspect" and describing the suspect as "male Hispanic, 20 years, black hoodie, black pants, holding a black handgun."

Uniformed Officers Edward Artiaga and Steven Valenzuela responded to the call and parked their patrol vehicle one house east of where the men were observed. The unidentified man was still seated in the driveway and Escobedo appeared to be asleep. Artiaga exited the driver's side door of the patrol car and positioned himself behind the front driver's side bumper while raising his pistol² and illuminating the men with the light attached to his weapon. Artiaga then said, "Yo! Stand up." Simultaneously, the unidentified man looked in Artiaga's direction, stood up, and ran up the driveway away from the officers. Valenzuela immediately pursued him on foot.



Artiaga's Body Worn Video depicting Escobedo lying on the ground and the unidentified man standing up before fleeing.

² Artiaga was armed with his department authorized Polymer .40 caliber Glock semiautomatic pistol.

As Valenzuela engaged in the foot pursuit, Artiaga ran up the driveway and continued to hold his pistol and illuminate the area where Escobedo was lying down. At this point, Escobedo was lying on his back with his right hand on his front waistband holding what appeared to be a handgun. Artiaga sent out a broadcast requesting back-up, an airship, and a supervisor.



Artiaga's BWV depicting Escobedo lying on the ground. (Photo enhanced for clarity by LAPD Force Investigation Division Investigative Support Unit.)

Artiaga's BWV then depicts the following: Artiaga began yelling, "Hey partner, partner, partner, partner, partner, partner, partner!" as Escobedo simultaneously sat up and turned in Artiaga's direction. Artiaga yelled at Escobedo, "Don't move! Don't move! Don't move!" Escobedo turned his upper torso and head toward Artiaga while moving his right hand (with the gun)³ from his front waistband area to the right side of his torso, closer to Artiaga. [REDACTED]

Artiaga backed away quickly from Escobedo while firing five consecutive rounds in rapid succession at him.⁵

Upon hearing gunshots and Artiaga yelling, "Partner!" Valenzuela abandoned his foot pursuit⁶ and returned to the base of the driveway. When he arrived, Escobedo was down on the ground and Artiaga was standing, facing Escobedo, with his gun drawn. Valenzuela did not observe any of the

[REDACTED]

[REDACTED]

[REDACTED]

⁵ Four expended cartridge cases were recovered from the driveway and one expended cartridge case was recovered from the street.

⁶ The unidentified man was never apprehended.

interactions between Artiaga and Escobedo preceding the shooting, nor did he see Artiaga shoot Escobedo. Similarly, several neighbors also heard gunshots, but did not see the shooting.⁷



Officer Artiaga's BWV depicting Escobedo sitting up before being shot.

Additional units responded shortly thereafter. When they arrived, Escobedo was lying on his back with both arms resting on the driveway alongside his torso. A black Glock 9mm semiautomatic pistol was lying near his left knee. The gun was loaded with seven 9mm cartridges in the magazine and an additional cartridge in the chamber.

Los Angeles Fire Department (LAFD) personnel arrived at the scene and pronounced Escobedo dead at 6:58 a.m. A subsequent autopsy revealed Escobedo suffered five gunshot wounds: one entering into the right side of the head, one entering the right front shoulder area, one entering the right upper chest, one entering the right side of the torso, and one graze wound to the left shoulder. Subsequent toxicology testing revealed Escobedo had a Blood Alcohol Content (BAC) of .173.

⁷ Denise V. was inside her home when she heard gunshots. Onoria V. was outside retrieving his newspaper when he saw the unidentified man run past him. He then heard gunshots but was unsure what direction they came from or who the shooter was.

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.

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. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

“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, 589. “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.

In the instant matter, Escobedo was asleep in the driveway of a residence not belonging to him. He had a loaded gun in his right hand. He was with an unidentified individual who fled and led Valenzuela on a foot pursuit. When Artiaga yelled multiple times at Escobedo not to move, Escobedo sat up and moved his right hand (with the gun) from his waistband area to the right side of his torso in the direction where Artiaga was standing. [REDACTED] Artiaga fired his duty weapon. Under these circumstances, Artiaga's use of deadly force was reasonable.

CONCLUSION

We find that Officer Artiaga acted lawfully in self-defense when he used deadly force against Christian Escobedo. We are closing our file and will take no further action in this matter.