

Officer Involved Shooting of Jose Castro

Los Angeles Police Department

Officer Nathaniel Beck, #35886

Officer Johnathan Adamson, #41189

Officer Patrick Hassell, #32763

Officer Aaron Harrington, #41254

J.S.I.D. File #17-0135



JACKIE LACEY

District Attorney

Justice System Integrity Division

June 13, 2018

MEMORANDUM

TO: COMMANDER ALAN HAMILTON
 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 Jose Castro
 J.S.I.D. File #17-0135
 F.I.D. File #F018-17

DATE: June 11, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 7, 2017, non-fatal shooting of Jose Castro by Los Angeles Police Department (LAPD) Officers Nathaniel Beck, Johnathan Adamson, Patrick Hassell, and Aaron Harrington. We find that the officers acted in lawful self-defense and defense of others, and were reasonable in their use of deadly force to prevent the escape of a dangerous felon.

The District Attorney's Command Center was notified of this shooting on March 8, 2017, at 12:40 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Lieutenant Brian Gilman.

The following analysis is based on reports prepared by the LAPD Force Investigation Division submitted to this office by Detectives Gregory McKnight and Theresa Stanford. The reports include photographs, audio-recorded interviews of 27 witnesses, radio transmissions, medical records, surveillance video, and Digital In-Car Video System (DICVS) footage.

The compelled statements of Beck, Adamson, Hassell, and Harrington were not considered.¹

¹ Unlike private citizens, public sector employees can be forced to submit to questioning regarding the performance of their official duties and, so long as they are not required to waive their privilege against self-incrimination, their refusal to submit to such questioning can result in administrative discipline including termination from public service. *Gardner v. Broderick* (1968) 392 U.S. 273, 278; *Uniformed Sanitation v. City of New York* (1968) 392 U.S. 280, 284-285. The involved officers in this shooting were interviewed and ordered to submit to questioning concerning the performance of their official duties. Like any other individual, the officers possesses a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against themselves. *Uniformed Sanitation v. City of New York, supra, at 284-285*. Because the LAPD ordered the officers to answer questions which might expose them to criminal liability, the LAPD compelled the officers to participate in interviews. The effect of this legal compulsion is that the officers' statements cannot be used against them in a criminal proceeding, nor can any material derived from the compelled interviews be used against them. *Garrity v. New Jersey* (1967) 385 U.S. 493, 496-497; *Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 715. Further, because these compelled statements are part of the officers' police personnel files, their statements are confidential and may not be disclosed absent an evidentiary showing and court order. *Penal Code* section 832.7.

FACTUAL ANALYSIS

On March 7, 2017, at approximately 9:30 p.m., Jose Castro, who has a history of mental illness, and was under the influence of methamphetamine and behaving erratically, was in a residence and threatened his family and his girlfriend, Lynda B., with a knife.

Castro eventually left the residence with his mother and Lynda B., held a kitchen knife to Lynda B.'s throat, carjacked a vehicle, drove Lynda B. away against her will, told Lynda B. he was not going to go back to prison, and said he wanted the police to kill him.²

The police were called, a pursuit ensued, and officers conducted a Pursuit Intervention Technique ("PIT maneuver") to stop Castro's vehicle, causing it to spinout and crash.

When Castro's car came to rest, he started stabbing Lynda B. repeatedly with a 12-inch kitchen knife. Lynda B. escaped the vehicle and Castro chased her with the knife, then turned to flee as Officers Beck, Adamson, Hassell, and Harrington fired their service weapons a total of 17 times at Castro to stop his attack and attempt to flee. Surveillance and DICVS video recorded the incident. A still photograph from the surveillance video is shown below:



² Castro was on parole in case number TA125006 for resisting an executive officer, with force.

Castro was struck in the left flank with a single gunshot, fell to the ground, dropped the knife, and was taken into custody. The gunshot permanently paralyzed him from the waist down. Castro stabbed Lynda B. more than ten times. She was treated in the intensive care unit, underwent surgery, and survived her injuries.

Castro has been charged in case number TA142704 with attempted murder, assault with a deadly weapon, kidnapping, carjacking, and evading a police officer. The case is pending preliminary hearing on October 2, 2018.

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of another if that person actually and reasonably believes that he or others are 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* 505. 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." *Munoz v. City of Union City* (2004) 120 Cal.App.4th 1077, 1102. Moreover, if there is probable cause to believe that a person has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape. *Tennessee v. Garner* (1985) 471 U.S. 1; *Kortum v. Alkire* (1977) 69 Cal.App.3d 326.

Analysis

Based on a review of all the evidence in this case, including compelling surveillance and DICVS video, Officers Beck, Adamson, Hassell, and Harrington acted reasonably in lawful defense of others by shooting Castro, ending his attack on Lynda B., and preventing his escape.

Based on 9-1-1 calls, radio transmissions, and video footage, the officers were aware that Castro had kidnapped Lynda B. at knifepoint, was essentially holding her hostage, and had just committed an armed carjacking. It was clear that Castro was dangerous, violent, on a crime spree, and armed. That belief was confirmed when, after leading the officers on a six-mile long pursuit which necessitated the use of a PIT maneuver to end the pursuit, Castro began stabbing Lynda B. repeatedly with a kitchen knife, in the officers' presence, in an obvious attempt to kill her. The officers were left with no choice but to shoot Castro to save Lynda B.'s life and end Castro's violent crime spree.

CONCLUSION

Castro's actions presented an immediate deadly threat to Lynda B. and the public, and the officers' use of deadly force to end that threat, and prevent Castro's possible escape, was reasonable under the circumstances. We are closing our file and will take no further action in this matter.