

**Officer Involved Shooting of Manuel Soriano
Los Angeles Police Department**

Officer Johnathan Stringer, #39465

J.S.I.D. File #15-0447



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District Attorney

Justice System Integrity Division

September 20, 2017

MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ
 Los Angeles Police Department
 Force Investigation Division
 100 W. 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 Manuel Soriano
 J.S.I.D. File #15-0447
 F.I.D. File #F075-15

DATE: September 20, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 27, 2015, fatal shooting of Manuel Soriano by Los Angeles Police Department (LAPD) Officer Johnathan Stringer. It is our conclusion that Officer Stringer acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on August 28, 2015, at approximately 12:49 a.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by detectives with the LAPD Force Investigation Division. Officer Stringer's compelled statement was considered as part of this analysis.

FACTUAL ANALYSIS

On August 27, 2015, at 11:26 p.m., LAPD Van Nuys Division Police Officers Johnathan Stringer and Christopher Carr responded to the 14600 block of Valerio Street regarding the theft of a water hose and water. The officers contacted the reporting party who advised them that her garden hose had been rolled into the backyard of a vacant house next door to her residence. The officers followed the hose to a wooden fence on the east side of the vacant property. The hose disappeared under the fence into the rear yard. Carr attempted to pull the hose from beneath the fence but was unable to do so. The officers also observed an electrical cord running into a bedroom window on the east side of the house.¹ There was a light on in a second bedroom on the east side of the house.

¹ It was later determined that the extension cord was transferring power from an exterior outlet at the reporting party's residence without her knowledge or permission.

There was no entry into the rear yard on the east side of the house, so Stringer and Carr entered through an unlocked pedestrian gate on the west side of the property. As the officers walked around the exterior of the home, they illuminated the interior of the house with their flashlights and it appeared to be vacant. However, due to the fact that there was a single light on inside, the officers believed that there may be people living there illegally.

Carr located the end of the water hose on the east side of the rear yard attached to an orange mesh netting. Carr cut the hose loose from the netting. Carr and Stringer started walking back through the yard in order to pull the hose from beneath the fence and return it to the reporting party.

Compelled Statement of Officer Johnathan Stringer

Stringer, like any individual, possesses a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against himself. 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 LAPD orders officers who are involved in an officer involved shooting incident to submit to questioning concerning the performance of their official duties, and ordered Stringer to do so in the present case. Officer Stringer was interviewed by FID detectives on August 28, 2015, and June 28, 2016, regarding his actions during this officer involved shooting. Because the LAPD compelled Stringer to participate in these interviews, Stringer's statements cannot be used against him in a criminal proceeding, nor can any material derived from the compelled interviews be used against him. *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 Stringer's police personnel file, the statements are confidential and may not be disclosed absent an evidentiary showing and court order. Penal Code section 832.7.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statement of Officer Christopher Carr

Carr was walking 10 to 12 feet in front of Stringer through the backyard when he heard his partner say, “Hey, come here.” Carr walked back toward Stringer and saw his partner with one foot on the threshold of a rear door talking to someone inside the house. Stringer repeatedly said, “Hey, come here. Let me talk to you. Come outside, real quick.” Stringer also told the person to put his hands up and turn around in Spanish.

Carr moved closer to Stringer and observed Soriano standing in the doorway. Soriano was muttering words in Spanish that Carr believed to mean, “I’m working. What’s going wrong.”⁴ Soriano was sweating profusely and appeared to be looking around for an avenue of escape. On several occasions, Soriano placed his right hand into his front pants pocket. Stringer advised Carr that he was going to use OC spray. Carr radioed a request for additional officers to respond to the scene.

Stringer sprayed Soriano from 10 to 12 feet, striking him in the face. Soriano ran through the house into a hallway. Stringer and Carr chased after him. Soriano ran into the living room area at the front of the house. The living room was almost completely dark. Soriano attempted to open the front door, but was unable to unlock it. Soriano then turned to face the officers. Stringer was issuing commands to Soriano, which Soriano ignored.

At that time, Stringer said, “Let’s get him.” Stringer went to Soriano’s left side while Carr grabbed Soriano’s right elbow and wrist. The officers brought Soriano down to the floor on his stomach and Stringer straddled his lower back. Soriano tucked his right arm under his chest as Carr placed his knee on Soriano’s back. Carr attempted to pry Soriano’s arm from beneath his body using his baton. Carr felt resistance on his baton, as if Soriano was attempting to pull the baton away from him. At the same time, Carr heard Stringer yell, “Hey, he’s fighting with me! He’s fighting with me!” Carr could hear the sound of thumps as Stringer repeatedly told Soriano to stop. Carr did not know whether Stringer was striking Soriano or whether Soriano was striking his partner.

During the struggle on the ground, Soriano maneuvered himself into a seated position. Carr regained control of his baton while Stringer continued to yell, “He’s fighting with me!” Soriano then grabbed the left side of Carr’s gun belt and pulled Carr toward him. Carr ordered Soriano to release him. Soriano complied, then picked up what appeared to be a two to three-foot long object from the floor. Fearing that Soriano was going to use the object as a weapon, Carr struck Soriano in the knees with his baton. Soriano swung the object backward using both hands and

³ [REDACTED]

⁴ Carr is not fluent in Spanish but knows enough to “get by” when interacting with Spanish speakers.

struck Stringer in the face between his eyebrows. Carr struck Soriano a second time across the knees with his baton. Carr then heard a distinct thud. Carr could not see Stringer, but believed that Soriano struck his partner a second time.

Immediately after hearing the thud, Stringer screamed, "I'm going to shoot him! I'm going to shoot him!" Carr recalled thinking that Stringer was blacking out or had sustained some type of injury. Carr described Stringer as a "big guy" and stronger than himself.⁵ Carr believed that Soriano was under the influence of something because he was not reacting to his baton strikes. While Carr stood up to move away from Soriano, Carr was struck by something on the left side of his face. The blow caused Carr to "see stars" and stunned him for a moment. Carr realized that Soriano was no longer trying to run away from them, but rather, he was trying to cause injury to them. Carr took a step to his right and heard two gunshots. Soriano fell over to the floor.

Carr immediately broadcast that shots had been fired. After securing Soriano, he requested paramedics respond to their location. Personnel with the Los Angeles Fire Department pronounced Soriano dead at the scene.

Weapon

A metal carpenter's level measuring 47.5 inches in length and two inches in width and weighing 1.62 pounds was recovered in the living room near Soriano's body.

During Stringer's walk-through of the shooting scene with investigators, Stringer stated that the metal level appeared to be the object Soriano used to strike him in the head. Carr also pointed out the level during his walk-through as the object used by Soriano to hit him on the left side of the face.

Injuries

Stringer was treated at Northridge Hospital Medical Center for pain to his right shoulder and soreness to the top of his head. Stringer was diagnosed with a tear to the labrum in his right shoulder and underwent surgery on January 8, 2016. There were no visible injuries to his head.

Carr sustained a three-inch linear abrasion to the left side of his face and bruising to his left ear.

Public Safety Statements

Sergeant Russell Graybill was one of the first units to arrive at the location after the officer involved shooting. Graybill approached the front door and immediately detected the heavy odor of OC spray coming from inside the residence. Graybill escorted Stringer and Carr to the front of the home and separated them. Stringer was supervised by Sergeant Othar Richey and Carr was supervised by Sergeant Richard Brunson.

⁵ Stringer is 5 feet 8 inches tall and weighs 210 pounds. Carr is 5 feet 9 inches tall and weighs 165 pounds.

Richey took Stringer's Public Safety Statement while outside the residence. During the short interview, Stringer advised Richey that Soriano had struck him two times in the head with a board that was on the floor in the residence.

Brunson took Carr's Public Safety Statement while outside the residence. During the short interview, Carr advised Brunson that Soriano hit him in the head and that he believed that Stringer was also struck in the head. Carr also stated that a board or blunt object that was used by Soriano was inside the residence.

Autopsy Report

Los Angeles County Deputy Medical Examiner Odey Ukpo, M.D., performed a postmortem examination of Manuel Soriano on September 1, 2015. Soriano sustained four gunshot wounds to the right deltoid region, right mid back, left mid back and left jaw. The path of all the gunshot wounds was in a back to front direction.

During the autopsy, a blood sample was collected from Soriano for analysis. The toxicology report indicated that Soriano's blood contained methamphetamine.

LEGAL ANALYSIS

CALCRIM No. 505 states:

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed the following:

- (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury;
- (2) that the immediate use of force was necessary to defend against that danger; and
- (3) that he used no more force than was reasonably necessary to defend against that danger.

“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 that 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 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.

Actual danger is not necessary to justify the use of force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon these circumstances. The right to self defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal.App. 2d 577, 580.

CONCLUSION

The evidence examined shows that Soriano resisted multiple attempts by Stringer and Carr to lawfully detain him in order to investigate the theft of the water hose and his presence in the vacant house. Soriano ignored multiple commands given to him by Stringer at the rear door and in the living room. When Stringer and Carr attempted to physically detain Soriano, he began to fight with the officers. [REDACTED]

[REDACTED], attempted to take away Carr's baton and grabbed Carr's gun belt. Ultimately, Soriano grabbed a metal level and struck the officers in the head. Once Soriano began to physically assault the officers, they reasonably believed that Soriano's intentions changed from a desire to escape to a wish to do them serious physical harm.

Under the circumstances, it was reasonable for Stringer to believe that he and Carr were in imminent danger of being killed or suffering great bodily injury. Soriano was wielding a nearly four-foot long metal carpenter's level [REDACTED] Stringer and Carr had already been struck in the head with the level, stunning them with the force of the blows. [REDACTED]

[REDACTED] Soriano's actions placed Stringer in reasonable fear of imminent death and great bodily injury to himself and Carr, and he responded with reasonable deadly force. The fact that all four gunshot wounds were back to front is not inconsistent with Stringer's compelled statement. [REDACTED]

We conclude that Officer Stringer acted in lawful self-defense and defense of others when he used deadly force against Manuel Soriano. We are therefore closing our file and will take no further action in this manner.