

Officer Involved Shooting of Emanuel Pasa

California Highway Patrol

Officer Jose Renteria, #19527

J.S.I.D. File #14-0647



JACKIE LACEY

District Attorney

Justice System Integrity Division

November 16, 2016

MEMORANDUM

TO: LIEUTENANT CHARLES SAMPSON
Southern Division, Investigative Services Unit
California Highway Patrol
437 North Vermont Avenue
Los Angeles, California 90004

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

SUBJECT: Officer Involved Shooting of Emanuel Pasa
J.S.I.D. File #14-0647
C.H.P. File #0661-509-14

DATE: November 16, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 11, 2014, non-fatal shooting of Emanuel Pasa by California Highway Patrol (CHP) Officer Jose Renteria. It is our conclusion that Officer Renteria acted in lawful defense of another.

The District Attorney's Command Center was notified of this shooting on October 11, 2014 at 4:23 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports, audio recordings and surveillance videos submitted to our office by California Highway Patrol Investigative Services Unit Officer Adam Smith. The non-compelled statement of Officer Renteria was considered for this analysis.

FACTUAL ANALYSIS

Background

The incident occurred in the parking lot of a Stater Brothers store in a large shopping center on the east side of Pioneer Boulevard, just south of the 91 Freeway in the City of Artesia. Collateral events occurred at the La Mirage night club immediately north of the shopping center.

The northernmost row of businesses in the shopping center, including the Stater Brothers store, face south, toward an east-west driveway that runs perpendicular to Pioneer Boulevard (a north-south roadway) and provides access from the parking lot to Pioneer Boulevard. La Mirage draws large crowds at night, and patrons sometimes park in the shopping center parking lot and walk a short distance north to the club. It is not possible to see any part of La Mirage from the parking lot of Stater Brothers.

On the evening spanning October 10 and October 11, 2014, J [REDACTED] V [REDACTED] (“J [REDACTED]”) visited La Mirage with his brother B [REDACTED] V [REDACTED] (“B [REDACTED]”) and their friend E [REDACTED] A [REDACTED]. J [REDACTED] drove the group in his red Ford Mustang, which he parked in the parking lot south of Stater Brothers. They proceeded to the club on foot.

Meanwhile, Emanuel Pasa and his cousins L [REDACTED] M [REDACTED] (“L [REDACTED]”), B [REDACTED] M [REDACTED] (“B [REDACTED]”) and D [REDACTED] M [REDACTED] (“M [REDACTED]”) were also at La Mirage that night and also parked in the parking lot south of Stater Brothers. J [REDACTED] group did not know Pasa’s group. While both groups were inside the club, L [REDACTED] and J [REDACTED] collided on the dance floor, although their accounts differ about how that occurred. Each of them thought the other was angry about the encounter.

Just before 1:30 a.m., Pasa, L [REDACTED], B [REDACTED] and D [REDACTED] walked to L [REDACTED] car, parked in the parking lot of Stater Brothers within 30 feet north of J [REDACTED] car. At approximately 1:30 a.m., J [REDACTED], B [REDACTED] and A [REDACTED] walked to the same parking lot where they walked past L [REDACTED] who was standing next to her car. J [REDACTED], B [REDACTED] and A [REDACTED] got into J [REDACTED] vehicle and drove north, passing L [REDACTED] and her car again.

As J [REDACTED] group entered the Mustang, L [REDACTED] opened her trunk and retrieved a metal baseball bat. She stood next to the rear of her car with the bat in her hand and stared in the direction of the Mustang. J [REDACTED] drove through the parking lot towards the exit near Pioneer Boulevard passing L [REDACTED] and Pasa who were at the rear of Lina’s vehicle. As J [REDACTED] passed L [REDACTED] and Pasa, L [REDACTED] ran towards J [REDACTED] vehicle with the bat in her hand. L [REDACTED] ran to J [REDACTED] vehicle and struck it more than once with the bat, shattering the right front window with one of the strikes. J [REDACTED] stopped his vehicle just as he was entering Pioneer. J [REDACTED] and B [REDACTED] exited the Mustang and were immediately attacked by Pasa, L [REDACTED] and at least one other man.

Initially, L [REDACTED] was attacking with the bat and the men were using their fists. The bat was passed to Pasa, who had it by the time the police arrived. Pasa began swinging the bat at J [REDACTED] and B [REDACTED], chasing them east through the parking lot.¹ Pasa then directed his attention to K [REDACTED] W [REDACTED] who was standing near the sidewalk in front of Stater Brothers. W [REDACTED] was using his cell phone to record the fight.

CHP Officers Renteria and Romero were working uniformed patrol, traveling northbound on Pioneer Boulevard, north of Artesia Boulevard, in their fully marked black and white patrol vehicle. The officers saw J [REDACTED] Ford Mustang blocking the number two lane of Pioneer Boulevard. The doors of the Mustang were open.

Renteria and Romero exited their car and entered the Stater Brothers lot on foot. Renteria saw Pasa with a baseball bat chasing W [REDACTED]. Renteria yelled “415!” to Romero. (415 is the Penal Code section for a public disturbance.)² Renteria and Romero ran through the parking lot toward Pasa. Renteria yelled for Pasa to, “drop the bat.” Pasa continued to chase W [REDACTED] on the sidewalk in front of Stater Brothers. Renteria was approximately ten feet away from Pasa when Pasa raised the bat over his right shoulder preparing to hit W [REDACTED] in the head. Renteria yelled

¹ During the altercation, J [REDACTED] was hit in the face and sustained a fracture to his left eye socket along with other facial injuries.

² Romero’s initial 415 broadcast was made at 1:33 a.m. and the shots fired call was made at approximately 1:34 a.m.

for Pasa to “drop the bat” again. Pasa looked at Renteria then back at W [REDACTED] and continued to swing the bat toward W [REDACTED] head. Renteria fired his service weapon at Pasa and struck him. Pasa was able to complete his swing and struck W [REDACTED] in the head before Pasa fell to the ground. Renteria broadcast a shots fired call and requested an ambulance. Romero immediately moved the bat away from Pasa and placed him in handcuffs.

Civilian Witnesses

Statement of E [REDACTED] A [REDACTED]

E [REDACTED] A [REDACTED] visited La Mirage with his friends, J [REDACTED] and B [REDACTED] V [REDACTED] on the night of the incident. J [REDACTED] drove them in his Mustang, which he parked in the Stater Brothers lot, close to Pioneer Boulevard. A [REDACTED] group spent a few hours inside the nightclub. A [REDACTED] and J [REDACTED] left the nightclub at approximately 1:10 to 1:15 a.m. and walked south to the Mustang, where they waited for approximately three minutes for B [REDACTED], who lingered at La Mirage talking to a woman.

B [REDACTED] joined them, and all three noticed Pasa and his companions at the back of a silver van, which was parked within 30 feet of their vehicle. A [REDACTED] had not seen Pasa’s group in the nightclub and he had no prior familiarity with them. A [REDACTED] noticed that L [REDACTED] had a blue and white Dodgers bat which she was swinging around. A [REDACTED] group commented among themselves that they hoped that Pasa’s group did not do anything to them because the bat was being handled in a menacing way.

A [REDACTED] group entered the Mustang, with J [REDACTED] driving, B [REDACTED] in the front seat and A [REDACTED] in the back behind B [REDACTED]. The Mustang backed up and pulled into the traffic lane entering Pioneer Boulevard. No one in A [REDACTED] group said anything to antagonize Pasa’s group, and their windows were rolled up. As the Mustang pulled out of the parking lot, A [REDACTED] group commented that they hoped Pasa’s group did not strike their Mustang with the bat. Either Pasa or one of the men in his group struck the small driver’s side window behind the driver’s window of the Mustang. Within two seconds, L [REDACTED] shattered the front passenger window of the Mustang with the baseball bat. Nothing was said by anyone in either group.

J [REDACTED] and B [REDACTED] jumped out of the Mustang. A [REDACTED] tried to call 9-1-1, but his phone was dead. A [REDACTED] ran back to the club, where he encountered a deputy sheriff. The deputy told him to go back to the parking lot because the CHP had already responded. A [REDACTED] was gone for approximately four minutes. When he got back, he saw Pasa leaning over in agony. One of the officers told A [REDACTED] to lie down.

Statement of B [REDACTED] V [REDACTED]

On the night of the incident, B [REDACTED] went to La Mirage with his older brother J [REDACTED] and J [REDACTED] friend, A [REDACTED]. They parked in the Stater Brothers lot. B [REDACTED] group spent about three hours inside the club and had no problems with any other patrons. B [REDACTED] did not notice Pasa’s group. When B [REDACTED] and his companions walked through the Stater Brothers parking lot, he saw Pasa’s group but there were no problems between the two groups.

No one in the Mustang said anything to incite Pasa's group. L■■ pulled a baseball bat from the trunk.³ She approached the passenger side and struck it with the baseball bat one time. The window next to B■■ window shattered, showering him with glass. J■■ drove forward a few more feet, then J■■ and B■■ exited the car to defend themselves.

Once B■■ exited the car, L■■, Pasa and at least one other man from their group all approached him. Pasa and another man were attacking B■■. L■■ squeezed between them and tried to attack B■■ with the bat, including attempting twice to strike him in the head. L■■ also tried to strike J■■ with the bat, but B■■ did not see her connect with him. B■■ was afraid for his life. B■■ never touched L■■, and he never saw anyone but her in possession of the bat.

B■■ managed to evade being struck with the bat and at one point he fell to the ground while dodging her blows. B■■ exchanged punches with both Pasa and another man. B■■ believed the blood on his shirt was from his fight with Pasa. B■■ did not describe the rest of the fight and appeared not to remember it.

When the police arrived, B■■ heard two to three gunshots.

Statement of J■■ V■■

J■■ was at the La Mirage night club with B■■ and A■■. J■■ saw L■■ inside the club, with Pasa. J■■ bumped into L■■. L■■ gave him a dirty look. J■■ initially left the club to walk some women to their car and he believed he may have passed Pasa and his companions at that time.

J■■ walked past Pasa and his companions possibly for a second time when he went to his Mustang to leave. L■■ gave him a funny look, but he thought nothing of it. When J■■ entered his car, L■■s group got the bat out of the trunk of their vehicle and they seemed to be pointing at him and talking about him. L■■ approached with the bat and she looked like she was going to do some damage with it. L■■ smashed one of the windows of the Mustang. J■■ exited the car to defend himself. After that, J■■ remembered very little.

J■■ did not know what he was struck with. He completely blacked out the moment he was hit. He did not hear any gunshots. J■■ regained consciousness on the ground in a pool of blood.

Statement of M■■ ("L■■")M■■

L■■ encountered J■■ in the nightclub, and he pointed at her and mouthed the words, "Just wait." L■■ did not take this seriously. Nonetheless, when she saw J■■ driving toward the parking lot exit, she took a bat from the trunk of her vehicle. She had seen him stare at her as he drove past her. L■■ admitted breaking one of J■■s car windows with the baseball bat because she was angry. She admitted that she and her cousin fought Johnny. She also admitted

³ B■■ does not specify exactly how or when he saw L■■ do this.

fighting with B [REDACTED]. After that initial portion of the fight, L [REDACTED] and her group convened at her car. J [REDACTED] and B [REDACTED] approached her car and resumed the fight. At this point, Pasa took control of the bat and began to use it on an unspecified person. According to L [REDACTED], no one struck J [REDACTED] with the bat; J [REDACTED] had a nose bleed because of having been punched by her brother.

Statement of K [REDACTED] W [REDACTED]

K [REDACTED] W [REDACTED] was also a patron of the La Mirage nightclub on the night of the incident. W [REDACTED] left the club and waited for his friends in the parking lot of Stater Brothers. W [REDACTED] had no prior acquaintanceship with anyone else involved in the incident. W [REDACTED] saw J [REDACTED]'s Mustang preparing to pull onto Pioneer Boulevard, and L [REDACTED] approached the Mustang with a bat and shattered the side window. W [REDACTED] began recording the fight with his cell phone.⁴ L [REDACTED] was accompanied by a few men. There were at least two or three people in the Mustang who exited. A group of six to seven people, all men except L [REDACTED], participated in the fight, which moved east from the western extreme of the parking lot. The fight escalated as the group moved toward Stater Brothers. L [REDACTED]'s group had the bat and they were swinging it in a two handed grip at J [REDACTED]'s group.

While W [REDACTED] was about 60 feet away, the police officers became visible and people scattered. W [REDACTED] was approximately 20 yards away from the fight when Renteria and Romero arrived. The two groups separated but Pasa, who had the baseball bat in his hands, was non-responsive to the commands of the officers to "freeze and put the weapon down." Pasa continued walking toward W [REDACTED]. Pasa gave the officers a look after their commands, then swung the bat and hit W [REDACTED], striking him in the head, left eye, wrist, and hand. Immediately after that, the police fired their weapons.

W [REDACTED] remembered seeing one round being fired and heard a total of two shots being fired.

Statement of Emanuel Pasa

Investigators interviewed Pasa on the day of the incident while he was in the hospital. Pasa remembered going to the club with L [REDACTED], D [REDACTED] and B [REDACTED] in L [REDACTED]'s car. Pasa remembered being at the nightclub with them, but did not remember any disagreements inside the club. Pasa stated he was drinking a lot at the club. In his interview, Pasa said both that he could and could not remember leaving the club. The next thing Pasa remembered was waking up in the hospital. Pasa said he did not remember getting shot.

[REDACTED]
[REDACTED]
[REDACTED].

Officers' Statements

⁴ W [REDACTED] was filming video using the Snapchat app on his cell phone. Snapchat deletes the videos after they have been sent. Therefore, investigators were unable to capture any video from W [REDACTED]'s cell phone.

Statement of CHP Officer Jose Renteria

Officers Jose Renteria and Moises Romero were working patrol in full uniform in a marked patrol vehicle driven by Romero at the time of the incident. Renteria and Romero were driving northbound on Pioneer Boulevard approaching the 91 Freeway, when they saw a red Ford Mustang blocking the number two lane of northbound traffic on Pioneer Boulevard. The officers stopped perpendicular to the vehicle. The Mustang was unoccupied, with the doors open.

Renteria shined the patrol vehicle's spotlight into the open door of the Mustang and saw no one inside. Renteria and Romero exited their vehicle and approached the Mustang. As they approached, Renteria saw an altercation on the sidewalk in front of Stater Brothers. The altercation involved a group of people yelling and screaming at one another and moving around.

Pasa, who was immediately noticeable because of his size, was swinging a bat with a two handed grip, over his right shoulder. Pasa was swinging at a group of people who appeared to be trying to get away from him. Renteria feared that if anyone were struck in the head by the bat, a fatal injury could result, so he unholstered his weapon.

Renteria told Romero, "Hey, we've got a 415." At first, Pasa was following some people to the south. The group of six or seven people surrounding Pasa all appeared to be within range to be struck by Pasa. No one but Pasa had a weapon. After the officers approached, Pasa turned his attention to W [REDACTED], who appeared to be using his cell phone to record the events. Pasa pursued W [REDACTED] north, toward Stater Brothers and chased him onto the sidewalk. W [REDACTED] was backing away. Throughout the events, the distance between Pasa and W [REDACTED] was five to ten feet. W [REDACTED] was shorter and much thinner than Pasa.

Renteria ordered Pasa to drop the bat three times. Pasa turned and looked at him for a couple of seconds, then turned his attention back to W [REDACTED], who still had his cell phone out. Pasa continued to swing the bat at W [REDACTED]'s head with a two handed grip on the bat in the manner of a baseball player. Renteria shot Pasa while Pasa was facing W [REDACTED]. When Renteria fired he had in mind that a strike to the head with a bat could cause death.

Renteria fired two to three rounds at Pasa from a distance of 10 to 20 feet. He fired while Pasa was in the motion of swinging and moving toward W [REDACTED]. Renteria believed the rounds that struck Pasa stopped him from further assault on W [REDACTED]. Renteria did not see the baseball bat make contact with W [REDACTED].

After the shots were fired, Pasa dropped the bat and walked over to the side and leaned on a bench.

Renteria fired his weapon when Pasa swung at W [REDACTED] to prevent W [REDACTED] from being seriously injured or killed. Renteria did not believe that a Taser would have been adequate because Pasa's heavy clothing would likely have inhibited the penetration of the Taser darts.

Statement of CHP Officer Moises Romero

Romero described the events that brought him and his partner into the Stater Brothers lot. Once the officers exited their car, Renteria, who was ten to fifteen feet ahead of him yelled, “415!” Romero saw Pasa with the bat and yelled, “Drop the bat!” while running toward him. Pasa was chasing W [REDACTED], who was retreating onto the sidewalk. When the officers were approximately ten to fifteen feet from Pasa, Renteria yelled, “Drop the bat!” Pasa looked at Renteria with the bat still in his hands. Pasa looked back toward W [REDACTED], who was approximately three to four feet from him, and swung the bat at him with a two handed baseball swing. Romero heard two shots being fired.

As Renteria reached for his gun, Romero reached for his Taser to enable them to have a less lethal option. Romero commanded Pasa to drop the bat three to four times, and Renteria said it two to three times.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he 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.

“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 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.*

Both officers repeatedly ordered Pasa to drop the bat. Pasa defied them and swung at W [REDACTED]’s head. If Pasa had not been deterred, death or extremely serious injury were imminent and inevitable.

We conclude that Officer Renteria was in reasonable fear of death or great bodily injury to W [REDACTED] by Pasa’s actions and acted lawfully in defense of another when he used force. We are therefore closing our file and will take no further action in this matter.