

**Officer Involved Shooting of Samajay Bowens
Los Angeles Police Department**

Officer Shane Bua, #35600

J.S.I.D. File #15-0035



JACKIE LACEY

District Attorney

Justice System Integrity Division

November 5, 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 Samajay Bowens
 J.S.I.D. File #15-0035
 F.I.D. File #F006-15

DATE: November 5, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 20, 2015, non-fatal use of force against Samajay Bowens by Los Angeles Police Department (LAPD) Officer Shane Bua. We have concluded that Officer Bua acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 11:00 p.m., on January 20, 2015. 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, audio recordings and transcripts of interviews, firearm analysis reports, crime scene diagrams, photographic evidence, and witness statements submitted to this office by LAPD Force Investigation Division (FID) Detectives Solorza and Burke. Bua's compelled statement was considered as part of this analysis.

FACTUAL ANALYSIS

On Tuesday, January 20, 2015, at approximately 9:30 p.m., LAPD Officers Shane Bua and Carlos Cruz were patrolling the area of 55th Street between Hoover Street and Vermont Avenue in the City of Los Angeles. Bua and Cruz were in full LAPD uniform, driving an unmarked police vehicle. They were tasked with crime suppression in the area due to a spike in gang related crimes and shootings.

Cruz and Bua were driving west on 55th Street from Vermont Avenue when they observed a man walking on the north side of the street. Based upon the man's body

taken to the hospital and treated. It was later determined that Bowens' injury was a self-inflicted shotgun wound.



Shotgun and Shotshell wads located where Bowens discarded the weapon.

Bowens' weapon, a Winchester 12-gauge, model 1300 pistol grip shotgun, was recovered where Cruz saw him drop it, as were shotshell wads and shotshell debris consistent with the weapon having been fired.³ Later examination of the weapon revealed a fired shotshell still lodged in the receiver of the weapon, which was set in the "fire" position.⁴

³ Bowens, when interviewed, denied ever having a weapon and claimed he was shot by someone driving by in a BMW sports utility vehicle. DNA consistent with Bowens' profile was detected on multiple live shotshell rounds recovered along the path between where Bowens was initially contacted by Cruz and where he discarded the shotgun. Bowens, who was a minor at the time of the incident, [REDACTED]

⁴ The "fire" position is engaged when the fire button is toggled to the left, as opposed to the safety mechanism being engaged.

LEGAL ANALYSIS

“An officer may use reasonable force to make an arrest, prevent escape or overcome resistance, and need not desist in the face of resistance.” *Munoz v. City of Union City* (2004) 120 Cal.App.4th 1077, 1102. “Unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.” *Id.* (citations and internal quotations omitted).

“The question is whether a peace officer’s actions were objectively reasonable based on the facts and circumstances confronting the peace officer.” *Id.*, at 1102.

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. 505, 3470*.

In the instant matter, Bua fired his service weapon [REDACTED]

[REDACTED] Under these circumstances, it was reasonable for Bua to believe that Bowens may have already fired a round at his partner Cruz and was about to shoot him or the civilian bystanders. His use of force was thus appropriate. Additionally, we find that Bua’s use of force did not result in any injury to Bowens, and Bowens’ injury was self-inflicted.

CONCLUSION

The evidence examined in this investigation shows that Officers Bua’s firing of his service weapon was reasonable given the fact that Bowens was armed with a shotgun, had just fired the weapon, and was pointing the weapon in the direction of Bua and civilians in the area. Further, the injury sustained by Bowens was not the result of Bua’s actions, but a self-inflicted shotgun wound resulting from Bowens’ accidental discharge of the weapon. As such, we are closing our file and will take no further action in this matter.