

**Officer Involved Shooting of Andres Robles-Meza
Los Angeles School Police Department**

Officer Jonathan Zibli, #1335

J.S.I.D. File #17-0359



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District Attorney

Justice System Integrity Division

November 27, 2018

MEMORANDUM

TO: CHIEF STEVEN K. ZIPPERMAN
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TO: COMMANDER ALAN HAMILTON
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Andres Robles-Meza
J.S.I.D. File #17-0359
F.I.D. File #F056-17

DATE: November 27, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 22, 2017, non-fatal shooting of Andres Robles-Meza by Los Angeles School Police Department (LASPD) Officer Jonathan Zibli. It is our conclusion that Officer Zibli used reasonable force to prevent an armed carjacking.

The District Attorney's Command Center was notified of this shooting on July 22, 2017, at approximately 4:04 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Steven Lurie.

The following analysis is based on reports, recorded interviews, videos and photographs submitted to this office by the LAPD's Force Investigation Division. The departmentally compelled statement of Officer Zibli was not considered in this analysis.

FACTUAL ANALYSIS

On July 22, 2017, in the early morning hours, LASPD Officers Jonathan Zibli and Mason Hill were driving a marked police car near downtown Los Angeles. The officers were assigned to "off hours patrol." This assignment required them to patrol various school facilities overnight.

At approximately 2:39 a.m., the officers were driving on Seventh Street between Little Street and South Burlington Avenue when they both observed Andres Robles-Meza standing on the corner of Seventh Street and South Burlington Avenue. Robles-Meza was walking in circles while

holding a knife to his neck. Zibli and Hill exited their car, and Hill commanded Robles-Meza to drop the knife. Robles-Meza looked in the officers' direction, but did not say anything in response to the officer's commands.¹ Instead, Robles-Meza ran east on Seventh Street toward South Union Avenue. Robles-Meza had cut himself with the knife and was bleeding as he ran from the officers.

The officers gave chase on foot, and Zibli returned to the patrol car, drove it toward Robles-Meza, and positioned it so Hill could retrieve a beanbag shotgun which was stored in the trunk of the vehicle. Hill obtained and loaded the shotgun and again chased Robles-Meza.

Robles-Meza alternately ran and walked on South Union Avenue with the officers following behind. The officers radioed for assistance, but there were very few LASPD officers working at that time, and Los Angeles Police Department (LAPD) officers were not immediately notified of the foot pursuit.

Robles-Meza continued running until he reached the McDonalds located at 1625 Wilshire Boulevard.² There were numerous people waiting in their vehicles in the drive-through lane of the restaurant, as well as several people standing in the parking lot of the restaurant. Hill fired the beanbag shotgun at Robles-Meza in an attempt to force him to drop the knife. Hill believed the beanbag struck Robles-Meza, but it did not cause him to drop the knife. Instead, Robles-Meza, still holding the knife to his neck, began running in circles around the restaurant. At one point, Robles-Meza started pulling on the handle to the rear door of an occupied car which was in the drive-through lane.³

After running around the McDonalds, Robles-Meza ran toward a group of transient men who were sitting on a sidewalk adjacent to the McDonalds parking lot. As he was running toward those men, Zibli took the shotgun from Hill. Robles-Meza stood over one of the men while holding the knife as the officers approached. Zibli fired another beanbag round at Robles-Meza, who did not react to the shot. Robles-Meza then ran away from the men toward Wilshire Boulevard, still holding the knife.⁴

Robles-Meza ran to the corner of Wilshire Boulevard and South Union Avenue. When he arrived at the intersection, a motorcycle, occupied by a rider and passenger, was stopped at a red traffic light. Robles-Meza ran toward the motorcycle. Hill said Robles-Meza "ran up to the motorcycle and attempted to grab the passenger. I didn't see if [he] was able to make contact with the passenger...[before] the motorcycle driver...took off westbound down Wilshire." Paul

¹ Hill told investigators Robles-Meza never said anything. Paul H., a witness who was watching when Robles-Meza was ultimately shot, told investigators Robles-Meza was "laughing" and saying things that did not make sense. Paul H. described Robles-Meza as "going crazy."

² Several security cameras captured portions of the foot pursuit which are consistent with Hill's statement. No cameras captured the subsequent officer involved shooting.

³ Hill fired two additional beanbag rounds at Robles-Meza during the foot pursuit. The precise timing of those shots is disputed but it is undisputed that the shots had no appreciable effect on Robles-Meza, who never dropped his knife.

⁴ Investigators were unable to locate the men approached by Robles-Meza.

H. was on the same corner. He believed Robles-Meza actually grabbed onto the rider of the motorcycle and tried to tackle him before the rider drove away.⁵

After the motorcyclist fled, Robles-Meza approached a white sedan that was stopped for a traffic signal in the same intersection. The officers followed behind him shouting at him to drop the knife and get away from the car. Robles-Meza approached the rear, passenger side door of the car and tried to open it with his left hand while holding the knife with his right hand. Zibli yelled, “Get away from the car!” and fired his service weapon as Robles-Meza was trying to open the door.

Hill believed Robles-Meza was struck by at least one bullet fired by Zibli, but Robles-Meza did not appear to respond to being shot. Instead, Robles-Meza ran around the back of the car and attempted to open the rear door behind the driver. In response, Zibli again fired his weapon at Robles-Meza.⁶ After the second volley of shots was fired, the driver of the car fled.⁷ Officers alerted their dispatcher to the officer involved shooting seven minutes after their first radio traffic.⁸

Paul H. watched as Robles-Meza was “grabbing the door and, like, trying to get in and hitting – hitting...at the window and yelling.” In response, the officers shot at Robles-Meza.⁹ Paul H. said the officers gave many commands to Robles-Meza and “were concerned... – [based on] the emotion and voice – that he was going to harm the guy in the car.”

After the car drove away, Robles-Meza, who had been shot in the torso and left arm, continued running south on South Union Avenue. He eventually stopped in the middle of the block, sat down and dropped the knife he had been holding. Officers from LAPD responded to Hill’s announcement of an officer involved shooting and assisted in taking Robles-Meza into custody. Two folding pocket knives were recovered from Robles-Meza; one from his pants pocket, and one from the sidewalk where he was ultimately detained.

Robles-Meza was treated for two gunshot wounds and self-inflicted cuts to his neck. He survived his wounds. Robles-Meza told investigators that he was under the influence of methamphetamine, trying to kill himself and “losing it” on the day he was shot. He explained that he was “just trying to get away” and was not “thinking good” when he tried to get into the white car. He later said he may have been trying to take the car, but he “wasn’t thinking straight.”

⁵ Investigators were unable to identify or locate the riders of the motorcycle. Surveillance video shows a person approach the motorcycle; however, the video does not clearly show his actions.

⁶ Hill believed Zibli fired two volleys of shots at Robles-Meza and fired two to three shots in each volley. However, the physical evidence (shell casings recovered from the scene and an examination of Zibli’s weapon) suggests Zibli fired a total of three rounds from his service weapon.

⁷ Investigators were never able to identify or locate any occupants of the white sedan. The sedan was captured on surveillance video near the time of the shooting, but the camera did not capture the shooting.

⁸ LAPD was not alerted to the incident until after the officer involved shooting occurred.

⁹ In an extended interview, Paul H. described numerous shots fired by officers over the course of several minutes. While some of the reported gunfire is attributable to the officers’ use of the beanbag shotgun, there is no evidence to suggest the multiple volleys of handgun fire reported by Paul H.

LEGAL ANALYSIS

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. Kortum v. Alkire (1977) 69 Cal.App.3d 325, 333.

An officer has “probable cause” in this context when he knows facts which would “persuade someone of reasonable caution that the other person is going to cause serious physical harm to another.” CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody “appears to the officer likely to inflict great bodily injury on himself or those acting with him.” Id. at 1146; quoting People v. Bond (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that the deadly force was not justified. CALCRIM Nos. 505, 507. The same legal principles apply any time an officer uses deadly force, whether or not a person is killed as a result.

In this case, Hill and Zibli were confronted by Robles-Meza who was “going crazy” while holding a knife, cutting himself, and running into an area where people had congregated. The officers gave numerous verbal commands to Robles-Meza and tried to disarm him four times with a beanbag shotgun. None of their efforts had any effect on Robles-Meza, who held on to his knife and ran from the officers before trying to attack the rider of a motorcycle. When the motorcyclist rode off, Robles-Meza turned his attention to a nearby car, which he attempted to enter by pulling on the door handles and pounding on the windows. Zibli shot Robles-Meza as Robles-Meza was trying to enter the car, and shot again when Robles-Meza continued his attempt to enter the car on the other side. When Zibli fired each volley, it was reasonable for him to believe Robles-Meza posed an imminent deadly threat to the occupants of the car, and, because Robles-Meza had not responded to four separate shots by a beanbag shotgun, that deadly force was necessary to stop the threat.

CONCLUSION

We conclude that Officer Zibli used lawful force to prevent Robles-Meza from committing a carjacking with a knife. We are closing our file and will take no further action in this matter.