

**Officer Involved Shooting of Daniel Yealu**

**Los Angeles Police Department**

**Officer Alberto Ortiz #38202**

**Officer April Lockhart #39993**

**J.S.I.D. File #14-0226**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**May 17, 2016**

## MEMORANDUM

TO:           COMMANDER ROBERT A. LOPEZ  
Force Investigation Division  
Los Angeles Police Department  
100 West First Street, Suite 431  
Los Angeles, California 90012

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

RE:           Officer Involved Shooting of Daniel Yealu  
J.S.I.D. File #14-0226  
L.A.P.D. F.I.D. File #F016-14

DATE:         May 17, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 7, 2014 fatal shooting of Daniel Yealu by Los Angeles Police Department (LAPD) Officers Alberto Ortiz and April Lockhart. It is our conclusion that the officers acted in lawful self-defense and defense of others at the time they fired their weapons.

The District Attorney's Command Center was notified of this shooting on April 7, 2014, at approximately 9:04 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Lieutenant Brian Gilman.

The following analysis is based on reports submitted to our office by LAPD Force Investigation Division (FID). The officers' compelled statements were considered in this analysis.

### FACTUAL ANALYSIS

On April 7, 2014, at approximately 8:00 p.m., uniformed LAPD Officers Alberto Ortiz and April Lockhart were assigned to the front desk at West Traffic Division (WTD) located at 4849 West Venice Boulevard.<sup>1</sup>

---

<sup>1</sup> Officer Ortiz was 29 years old, five feet eight inches tall, weighed 140 pounds, and had worked for LAPD for seven years and ten months. Officer Lockhart was 33 years old, five feet three inches tall, weighed 130 pounds, and had worked for LAPD for five years and one month. On that day, Lockhart was wearing a ballistic vest but Ortiz was not wearing one.

### Robert Claridge's Statement:

At approximately 7:30 p.m., Robert Claridge arrived at LAPD's WTD station to report a hit and run that occurred earlier that day. Both Ortiz and Lockhart assisted him with filing the report. Ortiz stood to the east of Lockhart and both officers stood on the north side of the front desk facing south as they spoke to him. Claridge stood on the south side of the front desk facing north as he spoke to the officers.

Daniel Yealu entered the lobby of WTD, which was at the south end of the building, and walked north towards the front desk.<sup>2</sup> Yealu stood approximately five feet west of Claridge. Lockhart asked Yealu if she could help him. Yealu responded that he wanted to file a complaint. When Lockhart asked Yealu on whom did he want to file a complaint, Claridge saw Yealu lift his shirt and produce a firearm. Yealu pointed the firearm at the officers, aiming "more at Ortiz," and fired two to three shots. Claridge turned to his right and dove to the floor and crawled to the men's restroom just east of him. Claridge heard more shots fired and heard Lockhart shouting.<sup>3</sup> He closed the bathroom door and "one to two minutes later I was hearing a lot more shouting, at which point it sounded like there were enough officers in the lobby to have the situation more under control."<sup>4</sup> Two unknown officers came into the restroom and escorted him out into the lobby. Claridge saw approximately ten officers and saw Yealu near the elevator face down on the ground before Claridge was escorted out of the lobby.

### Detective Hugo Garcia:

LAPD Detective Hugo Garcia was in the back of the detectives' squad room when he heard 10 to 20 shots come from inside the lobby. He armed himself with his duty weapon and approached the door leading to the front desk and lobby area. He heard Lockhart scream and saw Ortiz staggering backwards towards him. Ortiz said, "Hugo, I've been shot. Help me." Garcia grabbed Ortiz and led him inside the squad room when he heard Lockhart say, "I need help." He ran into the lobby to assist Lockhart. He looked west of the front desk and saw Lockhart standing with her weapon drawn and pointed at Yealu, who appeared to have been shot and was face down just west of Lockhart in front of the elevator. Yealu was moving slightly with both his hands underneath his torso out of view. He and Lockhart ordered Yealu to show his hands but Yealu was unresponsive. He took out his handcuffs and placed them on Yealu without further incident.<sup>5</sup> Garcia pointed out to Lockhart that he saw Yealu's firearm near the elevator door.<sup>6</sup> He recovered a loaded magazine clip in a Velcro pouch that was strapped to Yealu's waist.<sup>7</sup> He also recovered a car key from the front pocket of Yealu's shorts.<sup>8</sup>

---

<sup>2</sup> There were no other people in the WTD lobby at the time.

<sup>3</sup> Claridge could not make out what Lockhart said.

<sup>4</sup> Immediately following the shooting, multiple LAPD WTD officers who were inside the building arrived in the lobby to assist Lockhart and Ortiz.

<sup>5</sup> Yealu was transported to Cedars-Sinai Medical Center that night and was treated for multiple gunshot wounds. He underwent nine surgeries in 17 days. He failed to respond to treatment and was pronounced dead on April 24, 2014.

<sup>6</sup> The firearm was a Glock 40 S & W caliber semiautomatic pistol and was registered to Yealu. It contained seven total live rounds; one round in the chamber and six rounds in the magazine. Eight expended cartridge casings were

[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

[Redacted]

[REDACTED]

[REDACTED]

Coroner's Report:

On April 27, 2014, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor J. Daniel Augustine performed an autopsy on Yealu. Augustine concluded that Yealu's death was caused by multiple gunshot wounds.

Augustine determined that Yealu suffered five gunshot wounds and one of them was fatal. The gunshot wound to Yealu's left abdomen area injured various major organs. The projectile was recovered in Yealu's liver.

Yealu suffered two potentially fatal wounds; one to his left thigh and the other to his left upper arm. There were two non-fatal wounds that perforated his right upper arm and left forearm.

**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.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 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. Conner* (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.

The evidence examined shows that Yealu walked into the WTD station, pulled out a firearm, pointed it at Ortiz and fired multiple rounds at him. In fear of imminent danger of being killed by Yealu, Ortiz fired back at Yealu. [REDACTED]

[REDACTED]

We conclude that Officers Ortiz and Lockhart were in reasonable fear of imminent danger of death or great bodily injury and acted lawfully in self-defense and defense of others when they fired their weapons at Yealu. We are therefore closing our file and will take no further action in this matter.