

**Fatal Officer Involved Shooting of Jamaal Simpson
Los Angeles County Sheriff's Department**

Deputy Gregory Van Hoesen, #551798

J.S.I.D. File #19-0327



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

January 13, 2022

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

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

SUBJECT: Fatal Officer Involved Shooting of Jamaal Simpson
J.S.I.D. File #19-0327
L.A.S.D. File #019-00618-0399-013

DATE: January 13, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 1, 2019 fatal shooting of Jamaal Simpson by Los Angeles County Sheriff's Department (LASD) Deputy Gregory Van Hoesen, Serial #551798. We have concluded that Van Hoesen acted in lawful self-defense at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on August 1, 2019, at approximately 2:15 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Brandon Dean.

The following analysis is based on surveillance video, reports, recorded interviews, photographs, dispatch recordings, and medical records. These materials were submitted to this office by the LASD Homicide Bureau.

INTRODUCTION

On August 1, 2019, shortly before 1:00 a.m., Van Hoesen attempted a traffic stop of a tan Honda Pilot for expired registration. After a short pursuit, the Honda stopped in the street and the front passenger, later identified as Jamaal Simpson, ran out of the Honda, past Van Hoesen's patrol car, and drew a handgun from his front waistband. Van Hoesen exited his patrol car and chased after Simpson.

As he was running away, Simpson turned in Van Hoesen's direction and fired a round at him. Van Hoesen heard the round "whiz" by and returned fire from seven yards away, hitting Simpson 17 times, killing him. Simpson was pronounced dead on scene at 1:18 a.m. by Los Angeles Fire personnel.

An empty .40 caliber semiautomatic handgun was found next to Simpson. Also in the vicinity were one .40 caliber shell casing and 20 9mm shell casings. In the path Simpson had run was a

.40 caliber magazine loaded with ten rounds. Simpson's DNA was on the .40 caliber handgun, and gunshot residue was found on his right hand.

FACTUAL ANALYSIS

Voluntary Statement of Van Hoesen

Van Hoesen provided the following voluntary statement. Van Hoesen had been a deputy sheriff for seven years. During the incident he was working a single person marked black and white patrol car with a light bar and spotlights. He was wearing a standard LASD uniform.

Van Hoesen was stopped at a red light on Century Boulevard when he ran the plate of a tan Honda Pilot in front of him. Finding its registration expired, he tried to conduct a traffic stop. The Honda, at first, signaled and pulled over to the shoulder but then sped off when Van Hoesen stopped behind it. Van Hoesen followed. The Honda fled eastbound on 67th Street, made a right turn (south) onto Brynhurst Avenue, and then turned left (east) onto 71st Street. The Honda stopped on 71st Street, and Van Hoesen stopped behind it.

The front passenger (later identified as Jamaal Simpson) exited the Honda and ran toward the south sidewalk of 71st Street, clutching his waistband. Simpson then ran west on 71st Street. Van Hoesen got out of his car and ordered Simpson to "Stop!" which Simpson ignored. Van Hoesen ran to the back of his patrol car with his gun drawn watching Simpson. At some point, the Honda drove away.

As Simpson was running away on 71st Street, Van Hoesen saw him draw a black handgun from his front waistband. Van Hoesen became scared. He did not know where the Honda had gone and feared that Simpson and the Honda driver would try to form an "L shaped ambush." Van Hoesen again ordered Simpson to "Stop!" which Simpson ignored. Van Hoesen ran after Simpson onto Brynhurst Avenue. He pursued Simpson because he was concerned that Simpson was running with a gun in a neighborhood and might attempt to barricade himself in a house. Van Hoesen wanted to see where Simpson fled in order to set up a containment area to catch Simpson.

As Simpson was running with the gun in his right hand on Brynhurst Avenue, he "reached back," "blading his body," and fired one round at Van Hoesen from a distance of seven yards. Van Hoesen saw Simpson's face, the muzzle of Simpson's gun pointed at him, and the muzzle flash when Simpson fired. Van Hoesen heard the "whizz" of the round travel past him.

Van Hoesen returned fire at Simpson. Simpson fell to the ground on his left side but still held the gun and appeared able to fire back. Van Hoesen continued to fire until his gun went "dry."

Van Hoesen said, "I aggressed the threat. Seeing that he still had the firearm and was capable of shooting at me and was moving—and this was all simultaneous—So I'm aggressing the threat,

he's falling, and I'm shooting. I moved off-line and continued to fire. As I did that, I saw him drop the weapon and roll to his back ... simultaneously my weapon went dry." Asked how many shots he fired, Van Hoesen answered, "Oh, I fired a magazine ... which would have been 19 plus one."¹

Van Hoesen fired as fast as he could. He was "terrified" for his life and "engag[ed] the threat until [he] saw that [Simpson] was no longer a threat." He said, "I thought that if I didn't fire fast enough, and engage him fast enough, he was going to get off another round." Van Hoesen stopped firing when Simpson dropped his gun. Van Hoesen quickly reloaded—dropping the empty magazine and leaving it on the ground—but fired no more rounds. Van Hoesen took shelter behind a parked car and radioed that he had just been involved in a shooting.

Surveillance Video

One video camera, pointing south on 71st Street, captures the beginning of the incident but not the exchange of gunfire, on Brynhurst Avenue. A car, apparently the Honda, drives in and out of view on 71st Street, traveling east, followed seconds later by Van Hoesen's patrol car, which stops in the middle of 71st Street, in view of the camera. A male figure, apparently Simpson, flashes across the screen running west along the south sidewalk of 71st Street, toward Brynhurst Avenue. Van Hoesen gets out of his patrol car, appears to point his weapon, and runs after Simpson. The video quality is poor.



Figure 1: The Honda driving east on 71st Street.

¹ Twenty 9mm casings were recovered from the scene.



Figure 2: Van Hoesen running west after Simpson and pointing his gun.

Scene Photos and Evidence Recovered

After the incident, Simpson came to rest on Brynhurst Avenue near 71st Street. His head was facing south toward Florence Avenue, and his feet were facing north toward 71st Street. A .40 caliber semiautomatic handgun (item 3), 20 9mm casings, one .40 caliber casing, and an empty brown 9mm Glock magazine (item 11) lay near Simpson. A .40 caliber magazine (item 1) loaded with ten rounds lay on the sidewalk on 71st Street, in the path Simpson had run from the Honda.

The brown Glock 9mm magazine appears to have been dropped by Van Hoesen when he reloaded his weapon. It is identical to the magazine found in his Glock afterward, including the marking “VAN.”

The .40 caliber magazine on 71st Street appears to be from Simpson’s weapon, as it contained no magazine, the calibers match, and the magazine lay in the path Simpson traveled as seen in the video.

The one .40 caliber casing and 20 9mm casings on scene are consistent with Van Hoesen’s statement that Simpson fired one shot and he fired his full magazine.

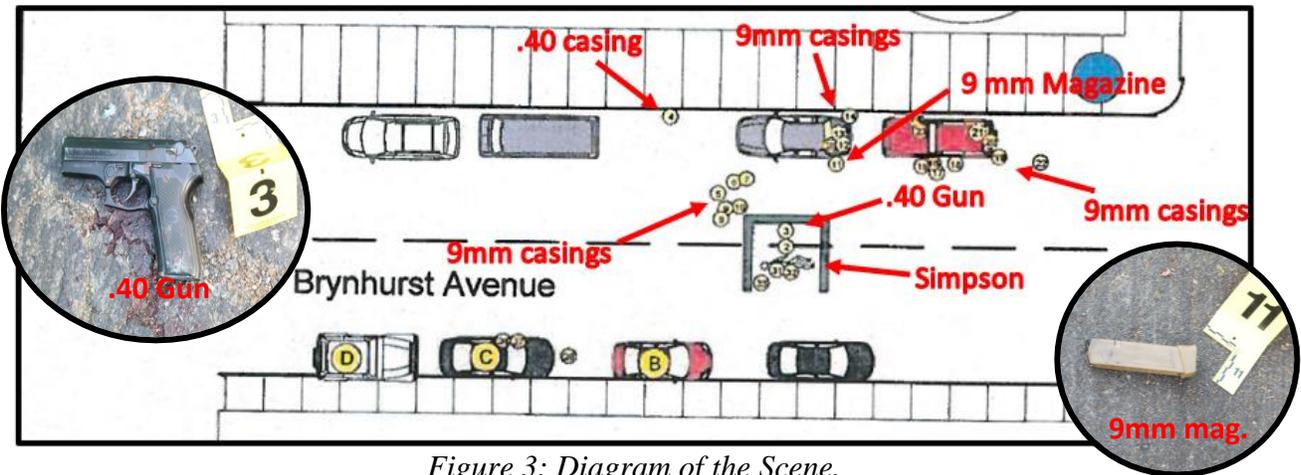


Figure 3: Diagram of the Scene.

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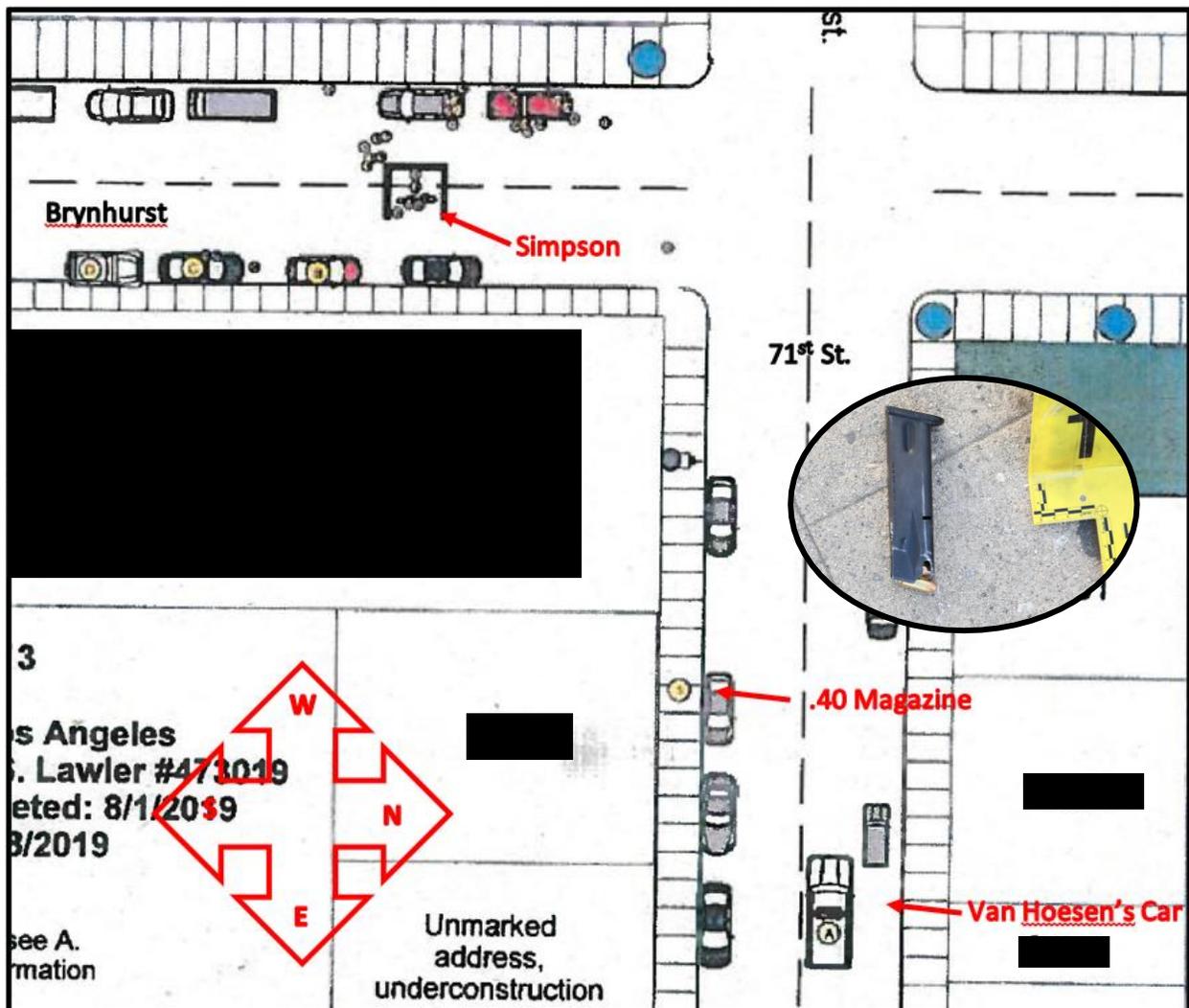


Figure 4: Diagram of the Scene.

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Figure 5: Van Hoesen's weapon and magazine after the incident.



Figure 6: Glock magazine recovered at the scene.



Figure 7: Scene of the shooting, looking south on Brynhurst Avenue.

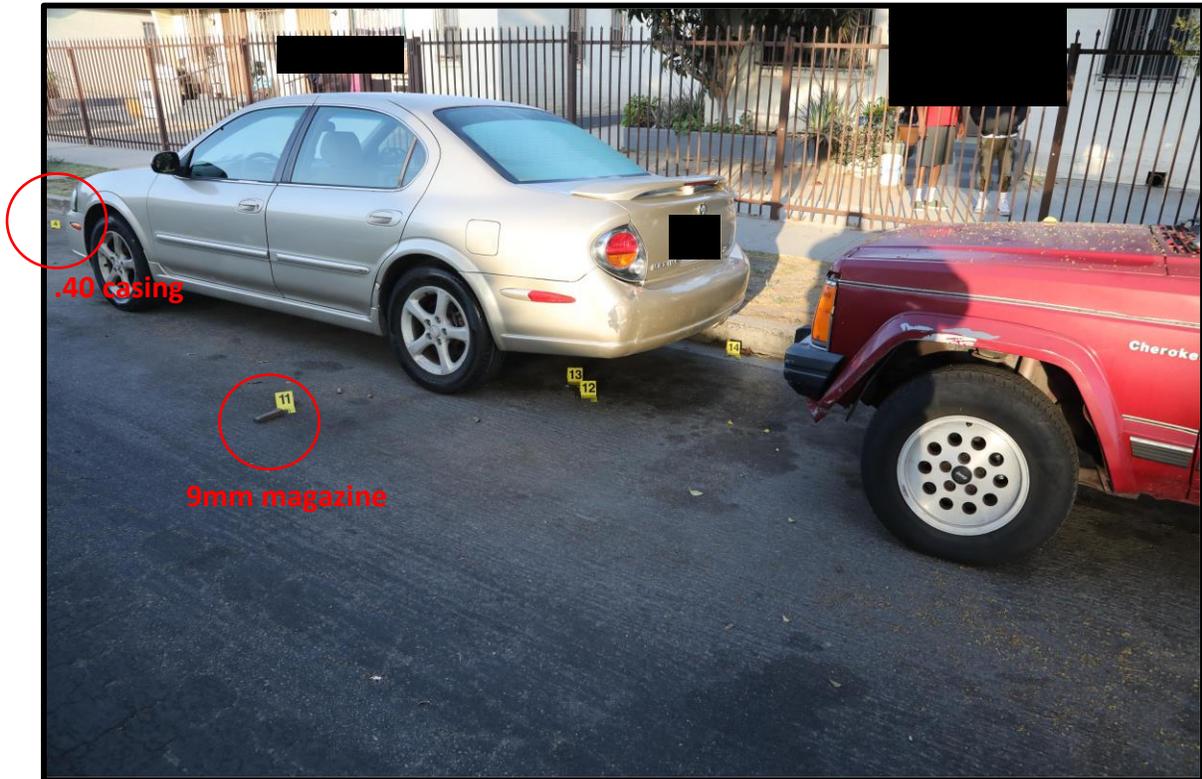


Figure 8: Scene of the shooting, looking west on Brynhurst Avenue.

Jail Calls

On August 1, 2019, at 4:52 p.m., [REDACTED] said to an unknown woman, "I just talked to [REDACTED] last week and he told me, 'I promise you [REDACTED], you ain't going to see me in there, I'm going out like Rambo.'" [REDACTED]

[REDACTED] Later [REDACTED] said, "I'm sure they found something ... [REDACTED]. He ain't going to go without it."

[REDACTED]

At 7:52 p.m., [REDACTED] called another unknown woman and said, "He's been having this shit planned out since [REDACTED]?" Later he added, "He's been talking about it for a year now. He said, 'I ain't going back; I'm going out like Rambo.'"

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Autopsy

Simpson was pronounced dead on scene by Los Angeles Fire Department Personnel at 1:18 a.m. On August 4, 2019, an autopsy was conducted by Dr. Matthew Miller. Dr. Miller ascribed the cause of death as gunshot wounds. Simpson suffered 17 gunshot wounds, including fatal shots to the side of his neck and four to his chest that pierced his heart and lungs. Nine projectiles were recovered from Simpson's body.

DNA Evidence

The LASD Scientific Services Bureau (SSB) attempted to analyze DNA from the recovered .40 caliber handgun, magazine, and live rounds.

Blood stains on the left side of the gun (on the slide) and gun grip contained one contributor, whose DNA was statistically 1×10^{32} times more likely to be Simpson's than a random person's, "very strong support," according to SSB, that the DNA came from Simpson. Likewise, blood on the trigger was analyzed and Simpson was found to be a 93 percent contributor by a statistical likelihood that it was 9×10^{31} times more likely to be Simpson's DNA than a random person's—again, "very strong support."

The magazine had at least five DNA contributors and was not suitable for interpretation. The rounds inside the magazine contained insufficient DNA material for analysis.

Firearm Ballistics Evidence

The SSB examined the .40 caliber handgun, magazine, and casing and determined the following. First, the handgun was test fired with the magazine, and they both functioned properly together.² Second, the casing was fired by that firearm according to ballistic testing.

Eight of the nine projectiles recovered from Simpson's body were analyzed and matched Van Hoesen's service weapon; the ninth was a lead bullet core unsuitable for analysis. Twenty 9 mm casings were recovered from the scene, the same number of rounds Van Hoesen's weapon contained prior to the incident. The 9 mm casings were not ballistically analyzed.

² Although the firearm was tested only with the magazine inserted, semiautomatic firearms are capable of firing without a magazine inserted.

Gunshot Residue

Simpson's right hand contained particles of lead, antimony, and barium, which are "highly indicative" of coming from the discharge of a firearm.

THE LAW

California law permits deadly force in self-defense or defense of others if the person claiming the defense 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.

A person may use all the force in self-defense that 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 that appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

In evaluating whether a police officer's deadly force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 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.

ANALYSIS

Van Hoesen was working a single man unit and attempted to conduct a traffic stop on the Honda because its registration was expired. The Honda evaded. When it did stop, Simpson ran from the car holding a gun. Van Hoesen pursued Simpson but did not discharge his duty weapon until Simpson fired at him. Simpson's gunshot was so close that Van Hoesen heard it "whizz" by him.

When Simpson turned to Van Hoesen and fired at him, Van Hoesen was justified returning fire in self-defense and continuing to fire until Simpson, under the circumstances known to Van Hoesen, was fully disabled. Van Hoesen did not know that Simpson had likely accidentally dropped his firearm's loaded magazine as he fled, and his gun held only one round. The fact that Simpson was able to fire only a single round does not change the lawfulness of Van Hoesen's actions. Under the law, if Van Hoesen's beliefs were reasonable—and they were—a danger need not actually have existed.

CONCLUSION

We find that Van Hoesen acted lawfully in self-defense when he used deadly force against Jamaal Simpson.