

**Non-Fatal Officer Involved Shooting of  
Jeffrey Islam Askew**

**Los Angeles Police Department**

**Officer Steven Martinez #41024**

**J.S.I.D. File #23-0320**



**NATHAN J. HOCHMAN**

**District Attorney**

**Justice System Integrity Division**

**February 18, 2025**

## MEMORANDUM

TO: CAPTAIN OMAR BAZULTO  
Los Angeles Police Department  
Force Investigation Division  
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Los Angeles, California 90012

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

SUBJECT: Non-Fatal Officer Involved Shooting of Jeffrey Islam Askew  
J.S.I.D. File #23-0320  
L.A.P.D. File #F049-23

DATE: February 18, 2025

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 15, 2023, non-fatal shooting of Jeffrey Islam Askew by Los Angeles Police Department (LAPD) Officer Steven Martinez. We have concluded that Officer Martinez acted in lawful self-defense at the time he fired his service weapon, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on September 15, 2023, at 2:32 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LAPD Force Investigation Division (FID) Lieutenant David Smith.

The following analysis is based on body worn camera video (BWV), investigative reports, surveillance video, audio recordings and transcripts of witness interviews, crime scene diagrams, and medical reports submitted to this office by LAPD FID Detective Guillermo Medina and Justin Fuller on October 9, 2024. Officer Martinez's compelled statement was not considered as part of this analysis.

### **INTRODUCTION**

On September 15, 2023, at approximately 12:09 p.m., LAPD dispatch received a 9-1-1 call regarding a "hot prowl burglary" call at a senior living facility. Officers from the nearby Newton Division responded to the location.

Three of the four men involved in the crime fled to the roof of the apartment building. One of the men, Jeffrey Islam Askew, jumped from the roof of the five-story apartment complex to a single-story home and bounced onto the ground. As officers approached to provide aid to Askew, Askew removed a dark cylindrical object from the front of his clothing. Askew raised the object above his head, prompting the officers to discharge a 40mm Less Lethal Launcher (40mm launcher) and a shotgun at him.

Askew was struck by gunfire and transported by the Los Angeles City Fire Department (LAFD) to a local hospital, where he was treated for his injuries.

### SUMMARY

On September 15, 2023, at approximately 11:45 a.m., surveillance video showed 23 years old ██████, 25 year-old ██████, 21 year-old ██████, and 27 year-old Jeffery Islam Askew (Askew), waiting for a car to exit from a senior living facility, before entering and parking in the secured parking structure. (Figure 1)



Figure 1: ██████, ██████, and Askew (far left) entered the residential area of the complex.<sup>1</sup>

██████, ██████, and Askew entered an apartment belonging to 84-year-old resident, ██████. ██████ told investigators that while armed with a handgun, the men demanded money and threatened to shoot ██████. ██████ told investigators that they duct taped his hands, feet, and mouth and then covered his head with a blanket while they ransacked his home.<sup>2</sup>

When the men left ██████'s home, ██████ was able to free himself and he fled to the manager's office where he reported that he had been robbed. At 12:09 p.m., ██████, one of the managers at

<sup>1</sup> ██████ remained with the car. ██████ and ██████ wore a change of clothing underneath their exterior clothes to avoid identification.

<sup>2</sup> Askew, ██████, and ██████ took ██████'s vehicle keys, checkbook, and cell phone.

the apartment complex called 9-1-1. Dispatch broadcast a radio call of, “211 suspects there now,” which was later updated to, “459 Hot Prowl.”<sup>3</sup>

Apartment manager █████ tracked the movements of █████, █████, and Askew using security cameras to follow the men as they fled to their car. The men returned to the apartment complex, climbed over an outside balcony, and entered another residence. █████ observed that one of the men (later identified as either █████ or Askew) had a handgun. (Figure 2) █████ told dispatch about her observations regarding the gun and that information was broadcast to the officers.



Figure 2: █████ and █████ (holding the gun) outside of the apartment complex.

Numerous officers responded from LAPD’s Newton Division Station, which was located approximately 150 feet away from the apartment complex. The officers set up a perimeter and containment area. █████, who was still with the car, was taken into custody.

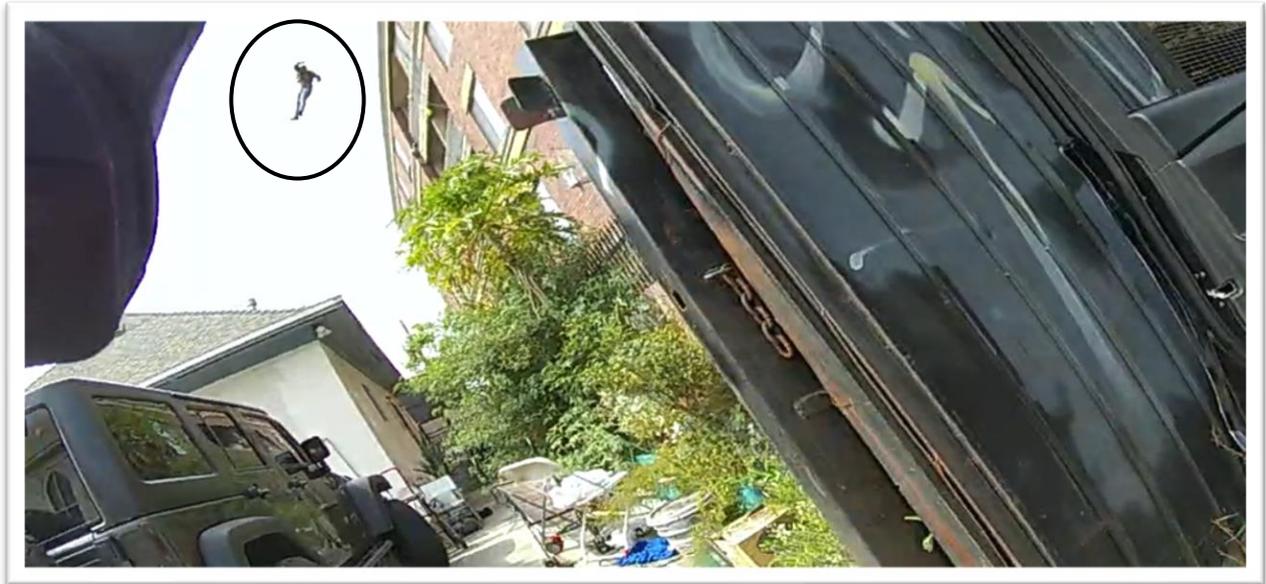
Officers Steven Martinez (Martinez), Danny Anderson (Anderson) and Erik Cifuentes (Cifuentes) were inside Newton Division Station when they heard the request for backup. The three officers responded to the containment area set up in an alley behind the apartment building.

Martinez retrieved a 12-gauge shotgun from the back of Officer Ricardo Huerta’s (Huerta) patrol car and returned to the containment area.

While Martinez was in the alley, he was joined by Huerta and Officer Daniel Nunez (Nunez). Nunez was armed with a 40mm launcher. At approximately 1:23 p.m., the officers heard Officer Andrew Garcia (Garcia) broadcast over the radio that he saw Askew on the roof. When Askew looked over the edge of the roof, Martinez ordered him to show his hands. Askew disappeared

<sup>3</sup> California Penal Code section 211 refers to the crime of robbery and Penal Code section 459 refers to burglary.

and then suddenly reappeared, jumping from the fifth story of the apartment building onto the roof of a single-story home, next to the apartment complex. (Figure 3) Askew hit the roof, bounced off of it, and landed on an adjacent cement walkway.



*Figure 3: Martinez’s BWV depicting Askew jumping from the apartment complex.*

Officer Manuel Gutierrez (Gutierrez) was positioned next to a patrol car door when Askew jumped from the roof. After Askew hit the ground, Gutierrez directed officers to form an arrest team to render aid to Askew. Askew was on his side with his back towards the officers. BWV shows Martinez yelling, “Let me see your hands! Let me see your hands right now!”



*Figure 4: Martinez BWV depicting Askew reaching around the front of his clothing while Martinez yells at him, “Don’t do it!”*

While armed with the shotgun, Martinez led the arrest team forward. BWV shows that, as Martinez reached the front of a parked Jeep, Askew reached for something in his clothing. (Figure 4) Martinez yelled, “Hey! Hey! Hey! Don’t! Don’t do it! Don’t do it! Don’t do it!” as Askew lifted his right arm up. Martinez told the arrest team, “Back up!” and then told Askew again, “Don’t do it!” Huerta yelled, “40, 40, 40 standby, 40 standby,” signaling he was ready to use the 40mm launcher. The officers repositioned themselves behind cover as Martinez yelled at Askew.

Askew grabbed an object with his right hand, removed it from his clothes and rolled onto his stomach. As Askew raised the object past his head, officers could see that the object Askew was holding was black and cylindrical. As he raised the object up, Huerta fired one round from the 40mm launcher and Martinez simultaneously fired one round from the shotgun.<sup>4</sup> (Figure 5)

In his compelled statement, Huerta told investigators, “[I] saw his hand move for his waistband . . . as if searching for something. I stated, ‘40, 40, 40, standby, 40 standby’ in an attempt to advise my fellow officers 40[mm launcher] is ready . . . I then saw the suspect produce a black firearm. I thought he was going to shoot myself, my fellow officers. I fired one less lethal round from the 40-millimeter.”



*Figure 5: Nunez’s BWV depicting Askew holding the short-handled hammer in his right hand. The claw-head portion of the hammer is in Askew’s hand.*

Nunez told investigators that he observed Askew reaching for his waistband and redeployed [for safety] behind the corner of the single-family home. Nunez told investigators:

“I remember seeing the suspect lying face up, looking at us with his right hand reaching into his waistband grabbing like a black rubber grip with what I can see is like shiny metal. I assumed it was a gun at that point, because

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<sup>4</sup> When Martinez took cover behind the residence, his BWV was obscured during the shooting incident.

[communications between officers] still said that there was no guns on the other two suspects [in custody] and that there were still firearms [on Askew and the outstanding suspects].

So, believing it to be a gun, I start telling everybody to, 'Get back! Get back!' I tried pulling officers by their [equipment belts] to get cover . . . I start helping . . . to clear some space . . . I picked up a dolly and throw it to the side. . . . I remember my partner saying, '40 standby,'" and then I remember hearing the 40 and the shotgun go off."

### **Ballistics Investigation**

FID analysts from the Video Technology Unit conducted a Sound Graph analysis to determine the order in which officers discharged the lethal and less lethal rounds. The analysts identified three high frequency sounds that were captured within 0.283 seconds of each other.

The analysts could not determine the order of fire or whether the other sound captured was shots or noise. Huerta and Martinez fired almost simultaneously, and review of the BWV showed that Nunez was lifting and dropping a metal dolly to create room for the officers which may have accounted for the third noise.

Analysts determined that Martinez fired one round from the shotgun approximately 22 feet away from Askew.

The item was later determined to be a short-handled hammer with a black grip and a silver-colored head. BWV shows that Askew gripped the claw-head of the hammer in his hand, obscuring the identity of the item. (*Figure 6*)



*Figure 6: The six-inch hammer that Askew held when he was shot was left on the walkway when Askew was moved by the officers to the paramedics.*



Figure 7: ██████. was armed with a loaded Smith & Wesson pistol during the home invasion robbery of ██████.

Officers conducted a grid search of the apartment complex and located a black 40 caliber Smith & Wesson semi-automatic pistol in the planter area behind Apartment 201. (Figure 7) The pistol was loaded with one live round in the chamber and nine live rounds in the magazine.<sup>5</sup>

█████. fled from the second story window of Apartment ██████ and was taken into custody. Approximately one hour after Askew was shot, ██████. was taken into custody.

### Other Video

As ██████. and Askew fled up the stairs toward the roof, ██████. live streamed the incident on Instagram. During the live stream, ██████. shows his face and repeatedly says, “I can’t go to jail. It’s over. It’s over. They called in S.W.A.T.” Askew is heard off camera saying, “I’m going to kill myself.” ██████. replies, “What do you mean you’re going to kill yourself?” Helicopters and the canine units can be heard in the background.

### Medical Reports

Askew was treated for a gunshot wound to the back of his head and shoulder, and a broken femur sustained while jumping from the apartment building. On October 17, 2023, Askew was released from the hospital and transferred to the jail.<sup>6</sup>

<sup>5</sup> The Smith & Wesson pistol was test fired and determined to be functional.

<sup>6</sup> Askew was charged in case BA517929 with one count of home invasion robbery with the allegation of elder abuse, and one count of first-degree residential burglary.

## **LEGAL ANALYSIS**

### **The Law**

A peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) &(B).

Deadly force shall be used “only when necessary in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“A threat of death or serious bodily injury is ‘imminent’ when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.” Penal Code section 835a(e)(2).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) and (e)(3). The peace officer’s decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

### **Analysis**

Newton Division police officers responded to an ongoing emergency in which an 84-year-old victim was tied up and robbed at gunpoint in his apartment. The officers were aware that at least one of the perpetrators was armed with a handgun.

When the officers spotted Askew on the roof of the apartment complex, he was surrounded by police units and a helicopter. Askew told [REDACTED], he wanted to die. In a desperate attempt to avoid capture, Askew jumped from the fifth story of the apartment building to a roof below, landing on the cement and breaking his leg. The officers’ concern for Askew’s life led them to approach him while he was on the ground.

Despite the officers, with their weapons drawn, giving numerous orders to stop reaching into his clothing, Askew reached for an object, pulled it out, and held it above his head. The object was black and cylindrical. Askew held the object in the web of his hand with his index finger resting along one the side of the black handled grip while his thumb rested along the other side. His

other three fingers gripped and obscured the claw head of the hammer. Based on the BWV still photographs, it appeared as though Askew was holding a gun. When Askew raised the hammer which he held in the grip of his palm, with his index finger along the side of the black “barrel” shaped object, the officers reasonably believed he was pointing a firearm at them.

Under these circumstances, the evidence supports a reasonable belief that Martinez’s use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to the officers or another person.

## **CONCLUSION**

For the foregoing reasons, we find that Officer Martinez acted lawfully in his own self-defense and in defense of others.