

**Non-Fatal Officer Involved Shooting of Mario Bustillos
Los Angeles County Sheriff's Department**

Deputy Edwin Barajas, #537558

Deputy Leonel Leon, #624077

Deputy Victor Garcia, #624326

Deputy Timothy Cho, #536021

Deputy Chase Morales, #606656

Deputy Steve Medina, #618141

J.S.I.D. File #23-0027



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

February 22, 2024

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
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: Non-Fatal Officer Involved Shooting of Mario Bustillos
J.S.I.D. File #23-0027
L.A.S.D. File #023-01400-2873-055

DATE: February 22, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 31, 2023, non-fatal shooting of Mario Bustillos by Los Angeles County Sheriff's Department (LASD) Deputies Edwin Barajas, Leonel Leon, Victor Garcia, Timothy Cho, Chase Morales, and Steven Medina. We have concluded that the deputies acted in lawful self-defense and defense of others at the time they fired their service weapons, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend themselves and others against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on January 31, 2023, at 3:23 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LASD Homicide Bureau Lieutenant Patricia Thomas.

The following analysis is based on the 9-1-1 recordings, radio calls, body worn camera video (BWV), surveillance video, investigative reports, audio recordings and transcripts of witness interviews, crime scene diagrams, medical records, and photographs submitted to this office by LASD Homicide Detectives Guillermo Morales and Marc Boskovich on October 24, 2023.

FACTUAL ANALYSIS

The "No Bail" Warrant

On January 31, 2023, a six-member Parole Compliance Team (PCT) comprised of six LASD deputies and a probation officer from the Los Angeles County Probation Department deployed to locate Mario Bustillos, who was on probation for a firearms offense, had absconded from probation, and had a "no bail" warrant. The PCT went to Bustillos' last known address to locate and arrest him for the probation violation. Two members of the team, Deputies Edwin Barajas and Leonel Leon, who were in uniform and in a marked patrol vehicle, observed Bustillos walking with another man through an open field.

The First Shooting

As Leon and Barajas were positioning their patrol car to stop Bustillos, Bustillos drew a .40 caliber Glock semiautomatic firearm from his waistband and fired four rounds at the deputies, striking their patrol car. The deputies were not injured. Leon and Barajas exited the patrol car and returned fire. Leon fired 17 rounds and Barajas fired eight rounds at Bustillos, who then ran away. It is unknown if Bustillos was struck by gunfire at that point. Leon and Barajas radioed for help and additional deputies responded to capture Bustillos. A photo of Leon and Barajas' patrol car with bullet damage is shown below:



Figure 1-Leon and Barajas' patrol car with bullet damage circled in red.

The Second Shooting

Bustillos ran through a residential neighborhood and eventually jumped over a fence where Deputies Victor Garcia, Jennifer Villafana, Timothy Cho, Chase Morales, and Steven Medina were positioned. Bustillos engaged in a gun battle with the deputies and was grazed by a bullet in the right arm. Bustillos fired four rounds at the deputies. Garcia fired one round, Morales fired nine rounds, Cho fired two rounds, and Medina fired eight rounds at Bustillos. Villafana did not fire. Bustillos surrendered and was taken into custody a short time later. Bustillos survived his injuries and has been charged in Los Angeles Superior Court case number TA159782 with five counts of attempted murder of a peace officer, one count of being a felon in possession of a firearm, and one count of being in possession of a firearm in a school zone. The case is pending preliminary hearing. A still photograph from surveillance video of Bustillos firing at the deputies is shown below:



Figure 2- Still Photo of Surveillance video of Bustillos concealing himself and firing at deputies.

Deputy Leonel Leon's Statement

Leon stated he was assigned to the PCT and was in uniform, in a marked patrol car, and was partnered with Barajas. They were assigned to locate Bustillos, who they knew was on probation for a firearms offense and had absconded. Leon and Barajas were driving past two males who were walking in a field near where Bustillos was known to reside. One of the men, later identified as Bustillos, looked away from the deputies, preventing them from getting a good look at his face, and appeared to reach into his waistband. Leon and Barajas circled around to get a better look at Bustillos. When they were approximately 50 feet away, Bustillos produced a black handgun from his waistband and fired at Leon, striking the patrol car. While the patrol car was still rolling, Leon exited and fired 17 rounds at Bustillos, who ran away. Leon and Barajas pursued Bustillos but the deputies lost sight of him in a residential neighborhood. Leon stated that he fired his service weapon at Bustillos because he feared for his and Barajas' lives. Leon's BWV did not capture the shooting.

Deputy Edwin Barajas' Statement

Barajas stated he was assigned to the PCT, was in uniform and in a marked patrol vehicle, and was partnered with Leon. They were assigned to locate and arrest Bustillos for being in violation of his probation for a firearms offense. Barajas and Leon observed Bustillos walking in a field near his residence. The deputies drove toward Bustillos and Barajas yelled, "Hey!" Bustillos appeared to be struggling with an object in his waistband and ran toward the deputies. Bustillos then drew a gun from his waistband and, from 15 feet away, took a two-handed shooting stance and fired at the deputies. Barajas exited the patrol car and fired eight rounds at Bustillos, who fired back at Barajas. Bustillos then ran away. Barajas and Leon pursued Bustillos but lost sight of him in a residential neighborhood.

Deputy Victor Garcia's Statement

Garcia stated he was in uniform and in a marked patrol vehicle and partnered with Deputy Jennifer Villafana. They drove to the location of the shooting to assist in containing Bustillos. Garcia saw Bustillos appear in front of a residence, take a two-handed shooting stance, and fire

at him. Garcia, in fear for his life, fired a round at Bustillos. He heard a round strike near where he was standing and then heard more gunshots.

Deputy Timothy Cho's Statement

Cho stated he was in uniform and in a marked patrol vehicle when he responded to a Code-Three backup call for a deputy-involved shooting. He arrived and assisted in the containment of Bustillos, who he saw in front of a residence and firing a gun at Garcia and Villafana, who were nearby. When Bustillos aimed his gun at Cho, Cho fired two rounds at Bustillos.

Deputy Steve Medina's Statement

Medina stated he was on patrol and partnered with Morales when they responded to assist in a shooting containment. Medina saw Bustillos jump a wall and point a gun at Villafana and Garcia who were nearby. Medina fired multiple rounds at Bustillos who fell to the ground.

Deputy Chase Morales' Statement

Morales stated he was in uniform and on patrol in a marked patrol vehicle with his partner, Steve Medina, when they responded Code-Three to a deputy-involved shooting. They arrived, looked up a photo of Bustillos to assist in their identifying him, and assisted in the containment. Morales saw Bustillos jump a wall of a residence and fire a gun at Villafana and Garcia, who were nearby. Morales fired nine rounds at Bustillos and saw Bustillos fall to the ground. Morales said he fired his service weapon because he feared Bustillos was going to kill the other deputies.

Mario Bustillos' Statement

Bustillos was *Mirandized* and asked about the shooting. He said, "Nah, I don't want to talk about it."

Firearms Evidence

Bustillos was armed with a .40 caliber Glock semiautomatic handgun located in shrubbery where he was arrested. Four expended cartridge casings located at the first shooting involving Barajas and Leon were matched to Bustillos' gun. Four additional expended cartridge casings were matched to Bustillos' gun at the second shooting location. When Bustillos' gun was recovered, there was one live round in the chamber and 11 rounds in the extended magazine. A photo of Bustillos' gun and extended magazine is shown below:



Figure 3-Photo of Bustillos' .40 caliber Glock semiautomatic handgun with an extended magazine.

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

There is compelling evidence in this case, including video of the second shooting, that Bustillos fired eight rounds at the deputies to effectuate his escape. The evidence supports a reasonable belief by all the deputies that it was necessary for them to fire their service weapons at Bustillos to protect themselves and the other deputies from an imminent deadly threat when Bustillos fired his gun at them.

CONCLUSION

For the foregoing reasons, we find that the use of deadly force by deputies Barajas, Leon, Garcia, Cho, Morales, and Medina was reasonable under the circumstances, and they acted lawfully in self-defense and in defense of others.