

**Fatal Officer Involved Shooting of Hector Barba
Huntington Park Police Department**

Officer Miguel Sanchez, #5343

J.S.I.D. File #22-0014



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

March 9, 2023

MEMORANDUM

TO: CHIEF COSME LOZANO
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FROM JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Hector Barba
J.S.I.D. File #22-0014
Huntington Park P.D. File #22-00292
L.A.S.D. File #022-00007-3199-013

DATE: March 9, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 18, 2022, fatal shooting of Hector Barba by Huntington Park Police Department (HPPD) Officer Miguel Sanchez. We have concluded that Officer Sanchez acted lawfully in self-defense when he fired his weapon.

The District Attorney's Command Center was notified of the shooting on January 18, 2022, at 3:45 a.m. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

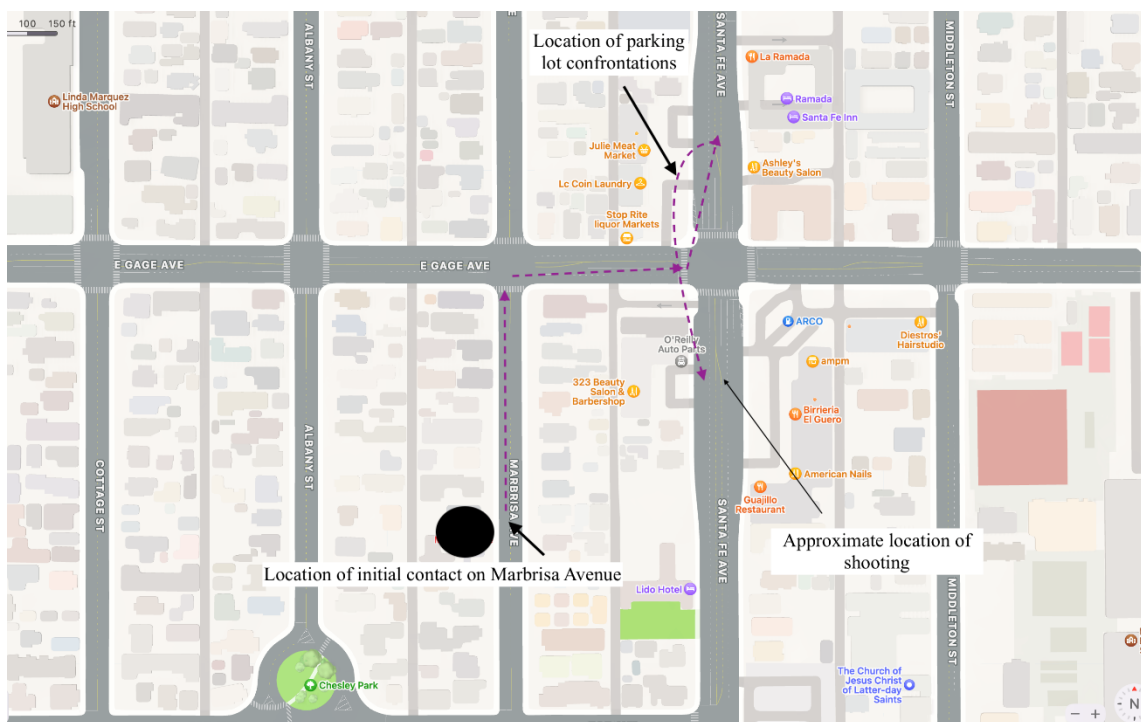
The following analysis is based on investigative reports, recorded interviews, photographs, video evidence, the autopsy report and witness statements submitted to this office by Los Angeles County Sheriff's Department (LASD) Detectives Silviano Garcia and Guillermo Morales. There was no body worn video in this case. Sanchez's voluntary statement was considered as part of this analysis.

FACTUAL ANALYSIS

Introduction

On Monday, January 17, 2022, shortly before midnight, a Los Angeles County Fire Department (LAFD) truck was dispatched to investigate a call regarding a possible fire on Marbrisa Avenue in the City of Huntington Park. Firefighters encountered Hector Barba outside of a residence in the middle of the [REDACTED] block of Marbrisa Avenue. Barba said he had a weapon, possibly a

firearm, which caused the Fire Department personnel to withdraw and call the police. Officers from the Huntington Park Police Department, including Sanchez, arrived at that location at approximately 11:46 p.m. and saw Barba holding a knife. Barba walked away from the police, with officers following him over a distance of several blocks. Confrontations between Barba and officers took place at two locations on this foot chase – in the parking lot of Julie’s Meat Market on Santa Fe Avenue just north of Gage Avenue, and then in the street on Santa Fe Avenue just south of Gage Avenue. The second confrontation resulted in an officer-involved shooting and Barba died as a result of his gunshot wounds.



A map of the area of the shooting, showing the location of the initial encounter between Barba and fire personnel, his general path of travel while being followed by HPPD officers and the approximate location of where the final confrontation took place resulting in the officer-involved shooting.

9-1-1 Call

A 9-1-1 call was made on January 17, 2022, at 11:36 p.m. A male called and said something was on fire in the middle of the [REDACTED] block of Marbrisa Avenue. When the dispatcher tried to confirm the address, the caller changed the address to a house across the street, and said he was just passing through the area and saw the fire. The dispatcher tried to clarify the information given by the caller, which caused the caller to say, “Ok, bye.” The caller hung up the phone.

Fire Department Personnel

At approximately 11:45 p.m., a call came into Fire Station 164 in Huntington Park claiming that someone had passed by a residence on Marbrisa Avenue just south of Gage Avenue and had spotted a fire. A fire engine went to the location to investigate the possible fire. Inside the fire engine were LAFD firefighters [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and Captain [REDACTED] [REDACTED]. When the fire engine arrived at the location of the Marbrisa Avenue call, Barba approached the passenger side of the vehicle where [REDACTED] was sitting and engaged [REDACTED] in conversation.

[REDACTED] was interviewed on the morning of the incident. [REDACTED] said that when they stopped the fire engine to find the fire, Barba approached [REDACTED] front passenger window, stood on the fire engine's running boards and tried to talk to [REDACTED] and [REDACTED] stepped out of the fire engine to speak with Barba, who told both of them that he had called 9-1-1 because he needed a ride to the hospital. Barba would not answer questions about why he needed to go to the hospital or what was wrong with him. [REDACTED] thought Barba looked distraught and agitated, but not physically injured.

When [REDACTED] persisted trying to get details on Barba's medical concerns, Barba replied, "Well, I just don't want to make a mess in my grandparents' house. So, if you're not gonna help me out, then forget it. I'll just go get my gun." Upon hearing a statement about a gun, [REDACTED] got back into the truck and directed [REDACTED] to get back in as well. [REDACTED] called for the HPPD to respond to the location while the fire truck drove a short distance away to the corner of Marbrisa Avenue and Gage Avenue. Approximately a minute later, three HPPD patrol vehicles arrived at the location. [REDACTED] approached an officer to brief him on what had happened. As [REDACTED] pointed to the home where he had first encountered Barba, he saw Barba look out from the carport area at a residence on Marbrisa Avenue. [REDACTED] returned to his fire truck and watched the officers respond to the location from his truck.

[REDACTED] saw officers approaching the driveway with their firearms drawn, and appearing to attempt to engage in conversation with Barba. [REDACTED] was unable to hear anything due to the noise from his fire truck. Barba paced back and forth along the driveway several times, and at one point he charged at officers, causing them to step back from him. Barba then ran north on Marbrisa Avenue and went past [REDACTED] firetruck. [REDACTED] then moved the vehicle to the Arco gas station on the corner of Gage Avenue and Santa Fe Avenue, where he saw Barba in the parking lot of the Stop Rite Liquor Store walking south on Santa Fe Avenue and crossing Gage Avenue. HPPD Officers followed Barba, some on foot, and some in their patrol vehicles. [REDACTED] lost sight of Barba and approximately 15 to 20 seconds later he heard five gunshots. The firetruck then drove towards where Barba lay in the street and the firefighters and paramedics attempted to render aid to Barba.

[REDACTED] saw a knife on the trunk of one of the patrol vehicles, and saw a sheath next to Barba's body. [REDACTED] had not been able to see what, if anything, was in Barba's hands as he walked along the sidewalk on Santa Fe Avenue just prior to the shooting.

██████ was also interviewed on the morning of the incident. ██████ arrived at the location on Marbrisa Avenue in the fire truck captained by ██████. Upon stopping, ██████ noticed Barba was standing on the running boards talking to ██████ through his open window. Barba told ██████ that he had called because he wanted to go to the hospital, but there was no fire at the location. Barba said he wanted to avoid making a mess at his father's house. When ██████ questioned what that meant, Barba replied, "You know what I mean." Barba began talking to ██████ and based on the conversation (which ██████ later told ██████ included Barba going to get a gun), ██████ called for HPPD, and an ambulance and paramedics as a backup.

██████ was able to see officers talking to Barba from their location at the end of the street. He saw Barba run at officers, stop, turn around, and return down the driveway. ██████ saw Barba running northbound on Marbrisa Avenue with his hands in his pockets followed by patrol cars. ██████ truck re-positioned to Gage Avenue and Santa Fe Avenue, where he saw Barba again charging at officers in the liquor store parking lot, and also try to enter a patrol vehicle. ██████ saw Barba run south on Santa Fe Avenue across Gage Avenue and out of sight, when he heard three to four gunshots. Officers directed ██████ to render aid, which he did. ██████ saw a knife sheath next to Barba, and a knife on the trunk of one of the patrol vehicles.

Firefighter Matthew ██████ was in the firetruck with ██████ and ██████. ██████ did not hear the conversation between ██████ and ██████ and Barba, but moved the truck when ██████ re-entered it and advised that, after talking to Barba, that Barba had just threatened them. ██████ was able to see the HPPD officers arrive at the scene and encounter Barba with their guns drawn. ██████ did not see a weapon in Barba's hands at that time, but recalled that the other passengers in the truck rolled up their windows and held the doors shut from the inside to stop Barba from coming inside the truck (according to ██████ the doors did not lock).

Upon repositioning the truck on Gage Avenue and Santa Fe Avenue, ██████ saw officers chasing Barba around the liquor store parking lot. As Barba ran south on Santa Fe Avenue, ██████ saw a black object in Barba's hands. At some point after crossing Gage Avenue, ██████ saw three officers standing near a patrol vehicle in the middle of Gage Avenue, and he saw Barba run towards the officers. When Barba was 10 to 15 feet away from the officers ██████ saw an officer shooting at Barba, heard three gunshots and saw Barba fall to the ground. ██████ was unable to tell if Barba was armed at the time of the gunshots. ██████ saw Barba lying on the ground after being shot, saw officers handcuff and then empty Barba's pockets, then remove the handcuffs so that paramedics could render aid to Barba. ██████ saw a knife sheath near Barba's body and a knife on the trunk of the patrol car.

Over a month after the incident, on February 22, 2022, investigators interviewed firefighter Curtis ██████ about the incident. ██████ was the driver of the firetruck with ██████ and ██████ in it. ██████ said he did not remember the entire incident, but remembered Barba getting on to the firetrucks sideboards and asking for help. ██████ could not hear the conversation that took place outside. After moving the firetruck, ██████ was able to see Barba running from officers northbound on Marbrisa Avenue towards Gage Avenue, occasionally lunging at officers, before Barba ran past his firetruck.

Upon repositioning the truck [REDACTED] saw Barba in the liquor store parking lot waving a knife. [REDACTED] eventually saw the shooting take place and Barba fall to the ground through his rear-view mirror. [REDACTED] was not able to identify exactly what Barba had in his hand when the shooting took place, but said, "Whatever he had in his hand, he still had it."

Rescue Personnel

LAFD Paramedics [REDACTED] [REDACTED] and [REDACTED] [REDACTED] also responded to the scene in their paramedic's truck. [REDACTED] was interviewed on the morning of the incident. [REDACTED] was interviewed two days later on January 19, 2022. [REDACTED] and [REDACTED] arrived at the location after the firetruck had moved back to the intersection of Gage Avenue and Marbrisa Avenue and patrol cars were already further down the street on Marbrisa Avenue (closer to Marbrisa Avenue location where they first encountered Barba). They saw Barba alternatively walking and running along Marbrisa Avenue northbound towards their location on Gage Avenue. They moved their vehicle further east on Gage Avenue into the parking lot of the liquor store on the northwest corner and saw as officers continued pursuing Barba. Barba approached their location in the parking lot and [REDACTED] saw Barba in the parking lot running towards a female officer with his knife out as the female officer ran away from him. [REDACTED] then saw Barba go after a larger male Hispanic officer as if Barba was going to stab the officer. [REDACTED] said he heard two gunshots while Barba was in the liquor store parking lot (there is no evidence that a firearm was fired at that location. A less lethal 40mm round was found there, and these shots appear to have been that less lethal weaponry).

[REDACTED] then drove his vehicle away from the liquor store towards the Arco gas station on the southeast corner of Gage Avenue and Santa Fe Avenue. [REDACTED] saw Barba walking south on Santa Fe Avenue from Gage Avenue away from the liquor store parking lot still holding the knife while five officers trailed him. Barba charged at the officers, swinging his knife in their direction, when [REDACTED] heard approximately ten gunshots. [REDACTED] said that an officer handcuffed Barba and directed [REDACTED] to drive his paramedic vehicle over to where Barba lay so that [REDACTED] and [REDACTED] could render aid to Barba.

[REDACTED] did not see any further interactions with Barba until he later heard gunshots and was called over to treat Barba. [REDACTED] saw a knife on the street next to the suspect. [REDACTED] was unsure if the knife was sheathed. [REDACTED] could not tell if Barba was armed with a knife throughout the incident.

[REDACTED] was an Emergency Medical Technician (EMT) and ambulance driver for CARE Ambulance. [REDACTED] arrived on Gage Avenue at Marbrisa and parked behind other fire trucks. [REDACTED] saw Barba walking northbound Marbrisa Avenue towards Gage Avenue in a skittish and fidgety manner. Barba appeared to be, "a bit off," to [REDACTED]. As Barba walked closer to the ambulance [REDACTED] and her partner, [REDACTED] M., locked their doors and rolled up their windows. [REDACTED] saw a police officer with his TASER out, as well as other officers in police vehicles chasing Barba.

[REDACTED] drove her ambulance behind the firetruck as it redeployed and later saw Barba in the liquor store parking lot. [REDACTED] saw Barba leaving the parking lot, crossing Gage Avenue, and

walking southbound on Santa Fe Avenue. As Barba walked south on Santa Fe Avenue, [REDACTED] was able to see him holding a knife, waving it erratically, and at one point holding it to his own neck. [REDACTED] could tell that the officers were giving Barba commands as they followed him, but she was not able to hear what was being said. Through her side-view mirror, [REDACTED] was able to see Barba. [REDACTED] heard gunshots, and saw Barba fall to the ground. [REDACTED] went to Barba to render aid and saw Barba had been shot several times.

[REDACTED] was the other EMT working with [REDACTED] in the CARE Ambulance and was interviewed by investigators on February 22, 2022. While parked on Gage Avenue and Marbrisa Avenue, [REDACTED] saw Barba run past him chased by four police officers with their TASERS drawn. After following the firetruck when it left the location, [REDACTED] ambulance again parked and he saw Barba walking southbound on Santa Fe Avenue with five officers following on foot, and several others following in their patrol vehicles. While walking, Barba made slashing motions with the knife in his hands towards his throat. [REDACTED] told [REDACTED] that he thought Barba was trying to kill himself. Barba continued southbound until [REDACTED] could no longer see him, and approximately five seconds later, [REDACTED] heard four to five gunshots. After police cleared the area, [REDACTED] approached to render aid and saw Barba lying on the ground suffering from gunshots wounds. [REDACTED] saw a knife that he described as a pocket knife, approximately five inches long, with a red handle.

Statements of Marbrisa Avenue Witnesses

[REDACTED] lived across the street from the location of the original call on Marbrisa Avenue and noticed police officers outside her home on the evening of January 17, 2022. She looked out the window and saw Barba walking towards offices motioning with his hands near his jacket pockets. One of the officers shouted to Barba to show his hands. [REDACTED] saw Barba remove something from his jacket pocket and heard an officer yell, "Gun!" [REDACTED] said that one officer shot Barba with something other than a firearm – she described the gunshot as being muffled. Barba then ran north towards Gage Avenue. [REDACTED] did not see a weapon.

[REDACTED] is [REDACTED] daughter. [REDACTED] saw flashing lights of a firetruck outside her bedroom and saw firemen getting out of the truck, and then getting back into the truck and leaving the location. Then [REDACTED] saw three patrol vehicles arrive and park at the Marbrisa Avenue location and saw Barba walking down the driveway towards police officers. [REDACTED] heard one officer say, "Come out." and heard Barba say he was scared. Officers tried coaxing Barba to the street, but he walked down the driveway away from them, and then returned while pulling something out of his pockets. [REDACTED] heard a gunshot and heard an officer say he had shot Barba with a rubber bullet. The officers chased Barba out of sight. A short time later [REDACTED] heard four to six gunshots from east of her home.

[REDACTED] took a cellphone video through her bedroom window depicting some of the time that Barba was engaging with police in the driveway at the Marbrisa Avenue location. At one point, as he walks down the driveway towards the officers on the street his hands come out of his jacket pockets and officers are heard shouting, "Knife! Knife! Knife!" [REDACTED] and her mother are heard talking on the video concerned about gunshots being imminent and needing to hide. The

officers are shining a flashlight on Barba the whole time and talking to him about dropping the knife. Barba disappears at the back of the driveway for nearly a minute before reappearing walking towards the officers. The officers can be overheard saying, “What’s going on bro.” “We want to help you, we don’t want to hurt you.” As Barba walks north through the next-door neighbor’s front yard in the direction of Gage Avenue, a single shot can be heard, Barba is seen briefly bending over, and an officer is seen walking in the street carrying a .40mm rifle and re-loading it. Barba and the officers then disappear from the video as they walk northbound on Marbrisa Avenue towards Gage Avenue.



Screenshot from [REDACTED] cellphone video showing Barba walking down the driveway on Marbrisa Avenue towards police officers with a knife in his hands.



Screenshot from [REDACTED] cellphone video showing Barba walking northbound through the neighbor's front yard towards Gage Avenue at approximately the moment Verdiell deployed the 40mm less lethal shotgun.

[REDACTED] was a neighbor of the Marbrisa residence and was awoken on the night of January 17, 2022, by someone yelling and bright lights flashing in her home. She looked out of her window and saw Barba in the driveway at the Marbrisa Avenue location refusing a police officer request. She saw Barba begin to run north and heard a popping noise. A few minutes later she heard another popping noise, and shortly after that she heard numerous gunshots.

Liquor Store Parking Lot Witnesses

[REDACTED] worked at Stop Rite Liquor Store on the northwest corner of Santa Fe Avenue and Gage Avenue. The liquor store is two businesses to the south of Julie's Meat Market and shares a common parking lot with the meat market as well as a laundromat. After a customer told [REDACTED] about a confrontation going on outside, [REDACTED] went outside and saw Barba walking in the street, carrying a knife in his hand and laughing while walking towards a police officer in the liquor store parking lot who kept backing away. The officer was speaking to Barba, but [REDACTED] could not hear what was said. [REDACTED] began recording the incident on his cellphone.

[REDACTED] said that Barba walked through the Julie Meat Market parking lot where several HPPD Officers were standing and several patrol vehicles were parked. A patrol vehicle drove towards Barba as Barba jumped away. [REDACTED] thought that the vehicle made contact with Barba, but Barba continued walking. Barba walked towards the liquor store, causing [REDACTED] to retreat into his store and lock the door. Barba entered an HPPD patrol vehicle that was parked in the parking lot, then walked back across Gage Avenue on the sidewalk while HPPD Officers

continued following him and giving him commands. Eventually, ██████ lost sight of Barba, stopped recording and returned to his store. Approximately 30 seconds later ██████ heard gunshots, so he returned to the area and began recording with his cellphone again.

██████ cell phone video shows Barba running away from officers in the parking lot. At one point the video shows a police vehicle driving up to Barba in an apparent attempt to pin him in, and Barba either being hit by the vehicle and bouncing away or pushing off of the vehicle and running away appearing to laugh. The video shows Barba holding a knife, and at one point even opening the door of a stopped (and empty) patrol vehicle.



Screenshot from ██████ cellphone video showing Barba running through parking lot on Santa Fe Avenue southbound towards Gage Avenue with a knife in his hand.

Eventually as Barba crosses the street and continues southbound on Santa Fe Avenue the fire vehicles park in the area and block his view, so he turns off the video. He turns it on again after the shots have already been fired.

██████ lived on Santa Fe Avenue just south of Gage Avenue and first became aware of an incident when he heard sirens and saw flashing lights and saw Barba walking towards his residence away from the liquor store parking lot with several police officers following with their

weapons drawn. ██████ was smoking a “blunt” (mixed cigar and marijuana) at the time. ██████ saw Barba walking south on Santa Fe Avenue towards his house and could hear police officers giving Barba commands to surrender and get on the ground. Barba did not comply.

██████ saw Barba change directions and cross Santa Fe Avenue in the direction of the officers. ██████ did not see any weapon in Barba’s hand at this time. Fearing that Barba may shoot at officers and he could be hit by stray gunshots, ██████ ducked behind a concrete wall. ██████ then heard four to five gunshots and saw an ambulance arrive and quickly attend to Barba.

Police Officer Witnesses

On January 27, 2022, investigators interviewed HPPD Officers Miguel Sanchez, Dexter Pattison, Saul Rodriguez, Matthew Rincon, Jesus Verdiell, and April Wheeler, who were all present during the chase and subsequent shooting of Barba. Prior to the interview, the officers were shown a ten-minute video which contained a compilation of all of the surveillance videos stitched together chronologically showing the incident. All of the officers gave voluntary statements and were accompanied by counsel as they made their statements.

Officer Miguel Sanchez

On the evening of January 17, 2022, Sanchez was on patrol and received a radio call that the fire department had contacted an individual possibly armed with a gun. Sanchez drove to the location in his patrol vehicle and arrived at approximately the same time as other officers. Sanchez and Rincon went to the residence on Marbrisa Avenue to investigate while Pattison spoke with the firefighters at the scene. At that residence, Sanchez saw Barba in the driveway, and then saw Barba run towards the back of the driveway. Sanchez radioed for additional units to assist. At that time, Pattison told Sanchez what Pattison had learned from the firefighters, that Barba had said it was, “Going to get messy,” and that Barba was going to get a gun.

Sanchez was concerned that Barba may barricade himself into the residence, did not know if Barba lived at that location, and was concerned about hostages. He requested an airship, but was told that one was not available.

Barba reappeared in the back of the driveway and began walking up and down the driveway, towards and then away from the street. Sanchez commanded Barba to show his hands and come closer to speak with him. Barba did not listen to any of Sanchez’s commands. Verdiell arrived and parked his patrol vehicle in the driveway and illuminated the location with his spot light. Sanchez asked Verdiell to get the 40mm less lethal weapon, as Barba walked up the driveway now showing a knife in his hand.¹ Sanchez ordered Barba to drop the knife, but Barba refused to comply.

Verdiell fired a round at Barba with the 40mm launcher, but it appeared to have no effect. Barba ran north on Marbrisa Avenue, and Sanchez got into his patrol vehicle and followed him to Gage

¹ A 40mm less lethal shotgun is a shotgun type firearm that shoots a large spongy projectile at a high velocity at a suspect. Shooting at the chest area and above is prohibited, as is shooting at the groin area. While less lethal, the projectile is large and exits the shotgun at a high velocity and can cause significant pain.

Avenue, where Barba turned and walked eastbound. Sanchez could see that Barba still had the knife in his hand as he walked, and Sanchez wanted to detain Barba because he was concerned that Barba could harm innocent bystanders who happened to be in Barba's path. Sanchez was also unsure if Barba had harmed anyone at the Marbrisa Avenue residence where Sanchez had first encountered Barba.

Barba turned north on to Santa Fe Avenue walking into the parking lot of the meat market. Sanchez drove his car north of Barba's location on Santa Fe Avenue to stop traffic from driving near Barba. Sanchez saw Barba chasing Wheeler, who was on foot in the parking lot, causing Wheeler to turn and run away. Barba then turned and ran at Rincon with the knife in his hand as he chased Rincon. Sanchez drove his vehicle into the parking lot at a high speed designed to create a distraction so that Barba would be diverted from Rincon. Sanchez drove fast towards Barba, then stopped suddenly just before reaching Barba. Barba responded by jumping on the hood of Sanchez's patrol vehicle. Sanchez reversed his vehicle and Barba jumped off and kept walking through the parking lot.

Barba walked towards Pattison's empty patrol car that was parked in the lot and opened the front door, partially entering for a moment before getting out and continuing along Santa Fe Avenue south across Gage Avenue. Sanchez and other officers followed Barba from their cars as Sanchez walked southbound Santa Fe Avenue on the west sidewalk.

Barba stopped suddenly while walking on the sidewalk and turned back into the street when Sanchez heard a pop, which he assumed was another 40mm round being fired at Barba. Sanchez saw Barba jump in the air and run across more lanes of traffic to the east side of Santa Fe Avenue. Sanchez stopped his car and got out as Barba ran across the street. Sanchez could still see the knife in Barba's hand at this point. Sanchez stood behind his car door giving Sanchez commands to drop the knife. Barba looked at Sanchez, raised his knife and charged at Sanchez. Sanchez backpedaled to try and keep a safe distance from Barba, but Barba closed the distance too quickly, and Sanchez believed that he was out of space and time to get away. When Barba reached a distance of five to seven feet, Sanchez fired four rounds at Barba in fear that Barba would stab him.

Sanchez described the knife as having a red handle, a stainless-steel blade and being approximately six or seven inches in length.



Screenshot from surveillance video showing Barba being struck by 40mm less lethal ammunition on Santa Fe Avenue south of Gage Avenue after the liquor store parking lot confrontation.



Screenshot from surveillance video showing Barba standing on Santa Fe Avenue facing Sanchez, who is standing next to his patrol vehicle.



Screenshot from surveillance video showing Barba beginning to charge Sanchez on Santa Fe Avenue south of Gage Avenue as Sanchez stands next to his patrol vehicle.



Screenshot from surveillance video showing Barba falling to the ground after having just been shot by Sanchez on Santa Fe Avenue just south of Gage Avenue.



Photograph of the knife recovered from the hands of Barba after Barba was shot and the knife was placed into the trunk of Sanchez's patrol vehicle.

Officer Dexter Pattison's Statement

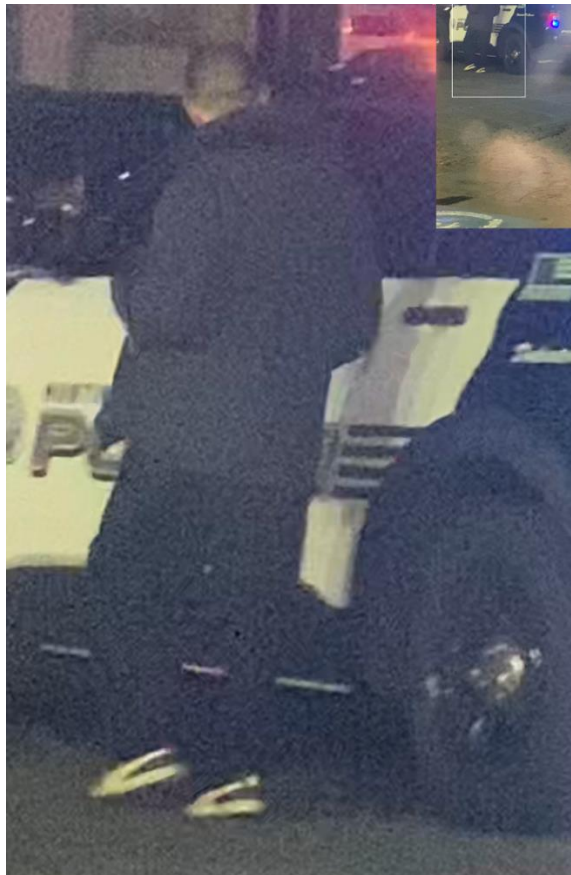
Officer Pattison also responded to the location on Marbrisa Avenue. When Pattison reached the location, Sanchez and Rincon were already at the driveway, and the fire captain approached Pattison to tell him what had happened and why they had called for police backup. Pattison learned that Barba had told the firefighters that he did not want to make a mess at his grandparent's house, and that he was going to get a gun. Upon receiving that information, Pattison forwarded that information via his radio and requested additional officers to respond to the location.

Around that time, Pattison saw Barba walking down the driveway towards officers with his hands inside his jacket pockets. Numerous officers were at the scene, and in response to their demands that he show his hands, Barba raised his jacket pockets in the air, simulating a weapon in his pocket. Barba disappeared back at the end of the driveway, and Verdiell drove to the driveway and illuminated the area with the vehicle's headlights. Barba returned and walked back down the driveway towards where the officers were on the street and sidewalk area and pulled a sheath out of his pocket, and a knife out of that sheath, and brandished it at officers. Barba continued walking up and down the driveway until he went north through the front yard of the house next door towards Rincon. Verdiell shot Barba with a 40mm less lethal round which struck Barba in the shoulder, but appeared to have no effect on Barba, who began running northbound on Marbrisa Avenue sidewalk.

Pattison got into his car to follow Barba northbound on Marbrisa Avenue, and then eastbound on Gage Avenue. Pattison used his public address system in his car to get Barba to stop and drop the knife, but Barba continued walking away. Pattison parked his vehicle in the parking lot of

the liquor store on the corner and stood next to it as Barba walked towards him. Barba pointed the knife at Pattison and said, “I’m gonna get you. You’re the one.”

Barba walked away towards Santa Fe Avenue, where Verdiell shot another 40mm less lethal round at Barba. This round hit Barba in his upper torso, and also seemed to have no effect on Barba. Barba returned to the west side of Santa Fe Avenue and entered the parking lot of the meat market (which was directly adjacent to the parking lot of the liquor store, separated only by a few plants). Pattison thought that Barba was looking at Wheeler and Rincon, who were both standing in the parking lot, trying to decide which one to attack. At that time Sanchez drove his patrol vehicle into the parking lot and stopped just short of Barba. Barba jumped on and then off of Sanchez’s hood. Pattison heard Barba saying that he had been hit harder by a car in the past in a taunting voice to officers. Barba walked away and entered Pattison’s patrol vehicle, which was in the liquor store parking lot. Pattison thought Barba had tried to put it into drive before getting out and walking away.²



Screenshot from cellphone video showing Barba approaching Pattison’s vehicle just before opening the front door.

² Pattison said that he put the car into “secure idle,” meaning Barba would not have been able to put Pattison’s patrol vehicle into drive.

Barba continued walking southbound on Santa Fe Avenue, crossing Gage Avenue and walking on the west sidewalk. At this point several officers were walking and driving behind Barba as Barba walked south on Santa Fe Avenue. Barba left the sidewalk and walked east across several lanes of Santa Fe Avenue towards Rodriguez's patrol vehicle. Rodriguez shot Barba with another 40mm less lethal round, striking Barba in the hip and causing him to jump up and down. Barba walked towards the east sidewalk of Santa Fe Avenue, then turned towards Sanchez, who told him to drop his knife. From a distance of about 15 or 16 feet, Barba charged Sanchez with the knife raised in his hand and the blade pointing towards Sanchez. When Barba was within five feet of Sanchez, Pattison heard gunshots and Barba fell to the ground. Pattison saw the knife lying next to Barba's right arm, so he kicked it away, handcuffed Barba and waited for the firefighters to begin treating Barba.

Pattison described the knife as having a red or orange handle, a silver blade and was a "Milwaukee" or "Makita" brand.

Officer Saul Rodriguez's Statement

Rodriguez responded to the Marbrisa Avenue location after hearing the radio call while at the station. Rodriguez responded to the alley behind the location, and heard about the deployment of the 40mm less lethal ammunition and about Barba's going northbound towards Gage Avenue.

While driving on Gage, Rodriguez saw Barba walking on Gage Avenue with officers walking and driving behind him. Rodriguez saw Barba in the liquor store parking lot with a knife in his hands ignoring commands to drop the knife. Rodriguez saw Barba run across the traffic lanes on Santa Fe Avenue as Verdiell shot him with another 40mm less lethal round. Barba went back into the parking lot of the meat market on the east side of Santa Fe Avenue.

At that location, Rodriguez was able to see Barba chasing an officer in the parking lot while brandishing his knife. Rodriguez saw Sanchez drive his vehicle towards Barba and stop suddenly just before Barba, and then saw Barba jump briefly on and off the hood of Sanchez's vehicle. Rodriguez heard Barba say, "I've been hit before and this ain't shit!" Barba then ran through the parking lot and briefly entered then exited an unoccupied patrol vehicle, then crossed Gage Avenue and proceeded south on Santa Fe Avenue on the west sidewalk.

Rodriguez trailed behind Barba in his patrol car, with Sanchez driving a patrol vehicle on his left, and an unknown officer driving on his right. Barba turned and walked into the street towards Rodriguez's patrol vehicle, Rodriguez stopped his car and got out while holding a 40mm less lethal weapon. Barba approached Rodriguez and as he got within 15 feet, Rodriguez fired one 40mm less lethal round at Barba, causing Barba to jump up and down and walk away from him.

Barba walked towards Sanchez's patrol vehicle, where Sanchez was standing on the driver's side towards the rear of his vehicle. Barba charged at Sanchez and reached somewhere near the driver's door of the vehicle when Rodriguez heard gunshots. Simultaneously, Rodriguez perceived that Verdiell had fired another 40mm less lethal round at Barba. Barba fell to the ground. Rodriguez went up to Barba as he lay on the ground and noticed that Barba was still clutching the knife in his right hand, Rodriguez saw one officer kick the knife out of Barba's

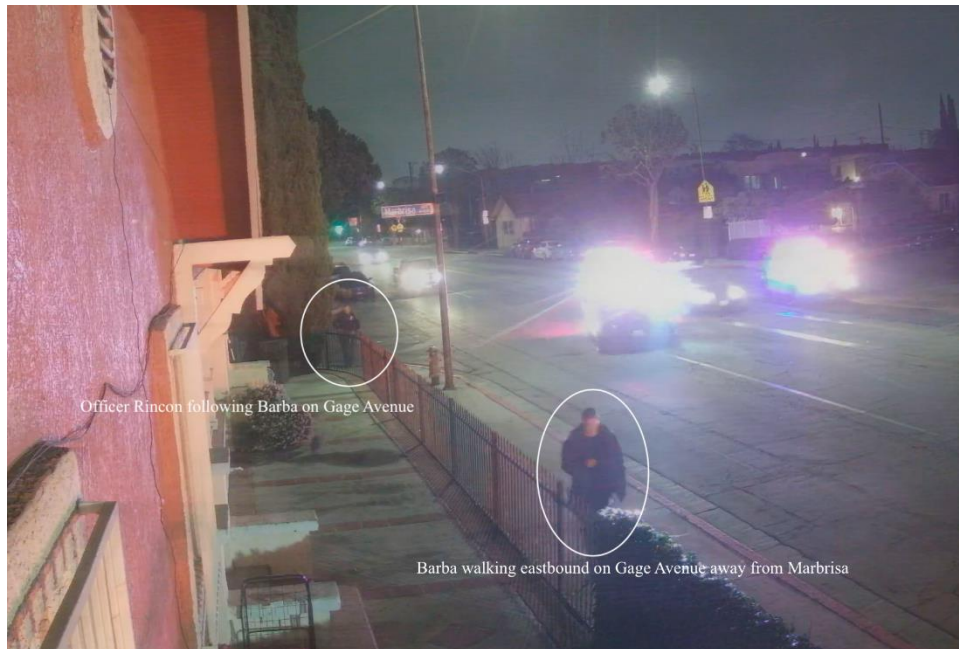
hand. Later, while waiting for LASD investigators, it began to rain, so Rodriguez picked up the knife with plastic gloves, placed it into a plastic bag, and put it into Sanchez's patrol vehicle's trunk.

Officer Matthew Rincon's Statement

On the night of the incident, Rincon was handling a burglar alarm call when he heard the radio call about Barba's encounter with the firetruck. Rincon was the first officer to arrive on the scene, saw the firetrucks staged at the corner of Marbrisa Avenue and Gage Avenue, and stopped to speak with the fire personnel about their observations. Rincon later saw Barba in the driveway of the Marbrisa Avenue location standing in the back of the driveway near a truck. Rincon asked Barba to come out to the street to talk, but Barba ignored him. Barba had his hands in his jacket pockets as he appeared to be looking for something in the bed of the pickup truck parked in the driveway. Rincon continued trying to coax Barba out to the street to talk as other officers began to arrive.

When Verdiell arrived and shined his light down the driveway at Barba, Barba walked down the driveway towards officers and pulled a knife out of his jacket pocket, then walked across the neighbor's yard northbound towards Gage Avenue. At that time, Verdiell shot Barba with a 40mm less lethal round, hitting Barba in the chest. Barba ran north along the sidewalk on Marbrisa Avenue while Rincon followed behind him keeping a short distance between them. At one point along Marbrisa Avenue, Barba stopped and, with his hand in his pocket, pointed the jacket pocket at Rincon.

Rincon followed Barba eastbound along Gage Avenue and then northbound along Santa Fe Avenue. Rincon continued to command Barba to stop and drop the knife. Barba ignored the commands.



Screenshot of surveillance video of Rincon following Barba as Barba walks eastbound Gage Avenue away from Marbrisa Avenue and towards Santa Fe Avenue.

When Barba walked into traffic lanes on Santa Fe Avenue outside of the meat market parking lot, Verdiell shot another 40mm less lethal round at Barba. Barba turned back and entered the parking lot at the meat market, visibly carrying the knife in his hand.

Rincon took cover behind a patrol car parked in the liquor store parking lot while Sanchez drove his patrol vehicle up to Barba, bumping Barba. Barba ran southbound, stopped briefly at Pattison's unoccupied patrol vehicle, then crossed Gage Avenue and walked southbound along the west sidewalk of Santa Fe Avenue. Rincon followed Barba because he was concerned for the public's safety and did not want Barba attacking anyone. After walking half a block on the sidewalk, Barba turned around and walked into the lanes of traffic in the street towards Rodriguez's car, causing Rodriguez to fire a single 40mm less lethal round at Barba. The round struck Barba's lower body and caused Barba to hop sideways further across Santa Fe Avenue. Rincon saw Sanchez get out of his patrol vehicle. He saw Barba sprinting towards Sanchez, when Rincon heard gunshots.

Rincon went to where Barba lay in the street and saw him still clutching a knife in his hands. Rincon moved the knife out of Barba's hands and searched Barba's waistband, where he saw a sheath attached to Barba's belt. Rincon emptied Barba's pockets, but did not remove the sheath from Barba's belt.

Officer Jesus Verdiell's Statement

As the shift supervisor, Verdiell did not respond immediately to the scene until he heard radio traffic from officers indicating that Barba was uncooperative and armed with a knife. Upon arrival at the Marbrisa Avenue residence, Verdiell saw other officers already there. They told Verdiell to park his patrol vehicle in the driveway with his lights illuminating the driveway.

Verdiell was able to see Barba at the back of the driveway smoking a cigarette. Verdiell got his 40mm less lethal weapon, loaded it, and got out of the vehicle. Barba approached his vehicle, pulled out a black sheath and from that pulled out a knife, which Verdiell ordered Barba to drop. Instead, Barba retreated back down the driveway.

Barba came out of the driveway and began walking north across the next-door neighbor's front yard and towards other officers. Verdiell said he feared that Barba would attack the officers, so he fired a single 40mm less lethal round at Barba. The 40mm round struck Barba, but seemed to energize Barba instead of deterring him. Barba began running northbound towards Gage Avenue followed by officers. Verdiell heard a neighbor yell, "That's Barba! That's his grandparents' house!" Verdiell returned to his patrol vehicle, caught up with Barba and the trailing officers, then passed them on Gage Avenue and turned left northbound onto Santa Fe Avenue. There, he stopped in the street north of the intersection to block cars from driving into the area.

While Verdiell stopped in the street, Barba approached Verdiell's patrol vehicle, causing Verdiell to get out with his 40mm less lethal weapon. When Barba closed the distance to 15-20 feet, Verdiell fired one 40mm less lethal round at Barba, to which Barba responded by turning around and walking towards the meat market parking lot, where other officers were following Barba on foot.

As Barba walked towards the officers in the meat market parking lot, Sanchez drove up to Barba, and Barba jumped on then off of the hood of Sanchez's patrol vehicle, yelling, "That ain't shit. I've been hit by a car before!" Barba then walked south past the parking lot, across Gage Avenue and southbound on Santa Fe Avenue on the west sidewalk.

Verdiell trailed behind the officers on foot and several patrol vehicles in a line in front of him until he saw the vehicles stop and Barba cross in front of them mid-block on Santa Fe Avenue. Barba walked across the front of Sanchez's patrol vehicle, and Sanchez got out of his vehicle. Verdiell got out of his vehicle again with his 40mm less lethal weapon and ordered Barba to stop. Barba was five to 10 yards away from Sanchez when Verdiell fired his 40mm less lethal ammunition at Barba. Barba was not stopped by the 40mm projectile, and he immediately advanced towards Sanchez with the knife in his right hand. Verdiell saw Sanchez fire his service weapon at Barba three to four times, and Verdiell saw Barba fall to the ground.

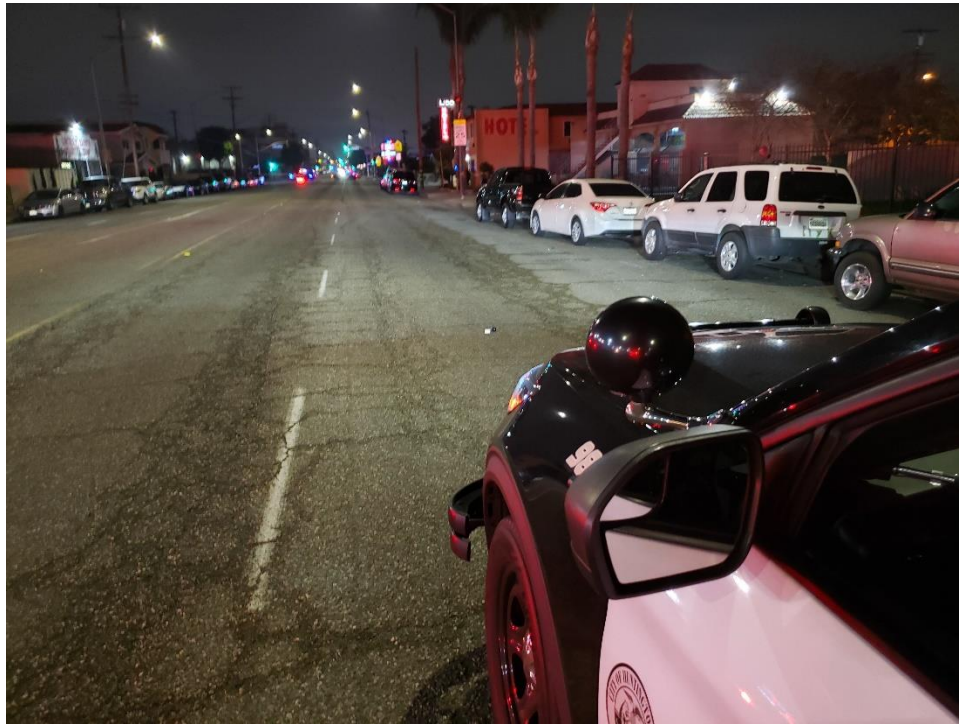
Verdiell approached Barba and saw that he still had the knife in his hand. An unknown officer kicked the knife out of his hand. Verdiell described the knife as a Milwaukee brand knife with a red handle. When it started to rain, officers placed a tent over Barba's body and placed the knife in the truck of Sanchez's patrol vehicle.



Photograph of Marbrisa Avenue with expended 40mm projectile in foreground.



Screenshot of surveillance video showing Verdiell shooting a 40mm less lethal round at Barba on Santa Fe Avenue next to the meat market parking lot.



Photograph of expended 40mm less lethal projectile in the street on Santa Fe Avenue just south of Gage Avenue.



Photograph of expended 40mm less lethal projectile in the bushes on east side of Santa Fe Avenue just south of Gage Avenue.

Officer April Wheeler's Statement

Wheeler was assigned to patrol with HPPD on the night of the incident. Wheeler heard radio traffic about the fire engine requesting assistance, and she drove to the location. On the way, she heard further information that the suspect may be armed, so she drove into the alley at the rear of the Marbrisa Avenue location and parked behind Rodriguez. When Wheeler heard radio broadcast that Barba was running north on Marbrisa Avenue towards Gage Avenue, she drove towards Gage Avenue and eventually saw Barba walking eastbound on Gage Avenue towards Santa Fe Avenue being followed by Rincon and other officers.

Wheeler tracked Barba on to Santa Fe Avenue and parked her patrol vehicle in the meat market parking lot and began following Barba. Barba turned and began walking back towards the parking lot when Sanchez drove up to Barba at a high rate of speed in his patrol vehicle, stopping right at Barba's location and coming into contact with Barba. Wheeler said that Barba was unfazed by this contact with Sanchez's vehicle and continued walking through the liquor store parking lot.

Wheeler noticed that Pattison's patrol vehicle was unattended in the liquor store parking lot, and saw Barba enter Pattison's vehicle and then quickly leave it, going back into the street on Santa Fe Avenue. At that time, Wheeler said Verdiell fired a 40mm less lethal round at Barba, striking him in the abdomen. Barba walked south at that point, crossing Gage Avenue and walking southbound on Santa Fe Avenue on the west sidewalk.

Wheeler returned to her vehicle and followed Barba along with other patrol vehicles as he walked along the sidewalk. When Barba left the sidewalk and walked into the traffic lanes on Santa Fe Avenue, Wheeler stopped and got out of her patrol vehicle. Barba walked towards the east side of Santa Fe Avenue towards Sanchez's patrol vehicle and she was able to see the knife in Barba's hand. Wheeler heard officers give commands to Barba, which he ignored, and then began to rush towards Sanchez, who was standing outside of the driver's door of his patrol vehicle. Wheeler heard three gunshots and Barba fell to the ground. Wheeler saw Pattison and Rincon handcuff Barba, and she saw the knife inches from Barba's body. An unknown officer kicked the knife away from Barba's body, and Wheeler, wearing gloves, placed the knife on the lid of Sanchez's patrol vehicle's trunk.

Surveillance and Cell Phone Videos

Numerous surveillance videos were used to reconstruct Barba's journey from the location of the original call on Marbrisa Avenue to the location on Santa Fe Avenue where the shooting ultimately took place. A compilation of those surveillance videos was stitched together by investigators into one longer video of approximately ten minutes. This video was shown to the officers who gave voluntary statements prior to their interview with investigators. This video also includes all of the surveillance and cell phone videos that were viewed which clearly showed the incident.

Autopsy

An autopsy was conducted by Deputy Medical Examiner Dr. [REDACTED] [REDACTED] on January 19, 2022. Dr. [REDACTED] ascribed the cause of death to three bullet wounds to Barba's body - one bullet wound to Barba's front head, one to Barba's right back in the torso area, and one to Barba's front left calf.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Penal Code section 835a.

A peace officer is justified in using deadly force upon another person 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 to 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) and (B).

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 is 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).

The jury instructions for self-defense say that a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505.

Sanchez and numerous other HPPD officers responded to a radio call by the fire department of a man possibly armed with a gun after Barba made statements to firefighters suggesting he was armed. When officers arrived, Barba displayed a knife, then disappeared into the back of a residence that officers were not sure he owned or was associated with. Barba returned and ignored numerous commands to drop the knife. An officer attempted to subdue Barba by firing a 40mm less lethal round at Barba as he left the property police first encountered him on and

walked northbound through the next-door neighbor's front yard. The 40mm round had no effect on Barba and he continued ignoring commands to drop the knife and stop. Barba led numerous officers on a multiple street low-speed chase, with officers following Barba on foot and in a car at a distance to try and avoid a direct physical confrontation with Barba.

Officers eventually deployed less lethal ammunition on three more occasions, each time having no effect on getting Barba to comply with commands to drop the knife. As the police followed Barba through the streets of Huntington Park, they attempted to stay a safe distance from him so as to not be directly threatened by his knife.

However, Barba eventually reversed course and approached Sanchez. Barba can be seen on video walking towards Sanchez as Sanchez stood next to his car. Eventually Barba charged towards Sanchez with the knife out in a menacing manner. When Barba came within approximately ten feet of Sanchez, Sanchez fired at Barba, mortally wounding him. At the time he fired, Sanchez did not have anywhere further to retreat.

These facts support Sanchez's stated belief that he feared for his life. Based on this evidence, Sanchez's use of deadly force was reasonable and necessary within the meaning of Penal Code Section 835a(c)

CONCLUSION

We conclude that Officer Sanchez used deadly force in lawful self-defense.