

**Officer Involved Shooting of Oscar Sandoval**

**Los Angeles Police Department**

**Officer Alvaro Carlos, #42747**  
**Officer Mathew Matzkin, #38196**  
**Officer Steve Norris, #37704**  
**Officer Peter Tulagan, #33514**

**J.S.I.D. File #18-0003**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**March 10, 2020**

## MEMORANDUM

TO:                   COMMANDER TIMOTHY NORDQUIST  
Force Investigation Division  
Los Angeles Police Department  
100 West First Street, Suite 431  
Los Angeles, CA 90012

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

SUBJECT:           Officer Involved Shooting of Oscar Sandoval  
J.S.I.D. File #18-0003  
F.I.D. File #F082-17

DATE:               March 10, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 30, 2017, fatal shooting of Oscar Sandoval by Los Angeles Police Department (LAPD) Officers Alvaro Carlos, Mathew Matzkin, Steve Norris, and Peter Tulagan. We have concluded that all four officers acted in lawful self-defense and defense of others at the time each fired his weapon.

The District Attorney's Command Center was notified of this shooting on December 30, 2017, at approximately 10:03 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Antenucci.

The following analysis is based on reports, recorded interviews, DVD recordings, and photographs submitted to this office by the LAPD Force Investigation Division. The compelled statements of Officers Matzkin and Norris were considered in this analysis.

### **FACTUAL ANALYSIS**

#### **The Domestic Violence Incident**

On December 30, 2017 at approximately 6:00 p.m., Lorena returned to her home. She found her husband, Oscar Sandoval, drunk. The couple argued, and Sandoval went next door to the home of his mother, Maria, and his brother, Sergio. Sergio and Maria attempted unsuccessfully to calm Sandoval down. Sandoval shoved Sergio, shouting, "Fuck you and fuck this shit! I'm done! I'm tired!"

Sandoval returned to his house with Sergio and Maria following him. Sandoval found that the metal screen door over the front door was locked and became enraged. He went around to the back of the house and discovered that the sliding glass back door was locked, too. A pellet rifle

was propped against the wall next to the sliding door. Sandoval picked up the pellet rifle and swung it against the sliding glass door, smashing it.

Sandoval entered the house, found his keys, and went to the garage to get his handgun. Sergio and Maria tried to stop him. There was a struggle, during which Sandoval knocked Maria to the ground. Lorena heard yelling and went to the backyard to try to pacify Sandoval. Sergio and Maria told her not to go near Sandoval, warning, "He wants to kill you!" Lorena ignored them, and when she approached Sandoval, he punched her in the nose, drawing blood.

Lorena ran into the house, found their 10-year-old daughter who had been in her bedroom, and fled with her daughter in her car. As she drove away, she called 9-1-1.

Sergio returned to his home and stood in the driveway as he, too, called 9-1-1. He told the operator that his brother was drunk and trying to kill himself. While he was speaking to the operator, he heard two gunshots fired from Sandoval's house.

At 7:24 p.m., Communications Division (CD) broadcast that there was an attempt suicide and a man was attempting to arm himself with a gun. Partner Officers Mark Mireles and Matthew Matzkin responded to Sandoval's residence, as did Officers Eugene Barnett and Steve Norris, who were also partners. Mireles and Matzkin arrived at 7:29 p.m. with Barnett and Norris moments behind. As the officers arrived, CD broadcast that shots were fired at the location. Mireles inquired whether the shots were a suicide or if he was shooting at someone else, but CD could not confirm.

The officers deployed on the street outside Sandoval's house and Mireles and Matzkin made contact with Sergio, who was one house south of Sandoval's residence. Sergio informed the officers that Sandoval was armed, that he heard gunshots, and that his mother was with Sandoval in the backyard. Mireles and Matzkin moved closer to Sandoval's house and saw Maria in the driveway. Matzkin took cover behind a tree in the front yard while the rest of the officers positioned themselves behind vehicles on the street immediately south of Sandoval's house. Officers Peter Tulagan and Steven Soto arrived and took cover behind a pickup truck on the curb.

At 7:33 p.m., Sandoval fired a shot, but none of the officers saw where he was. Mireles yelled for Maria to run. Maria ran down the sidewalk to her house and went inside with Sergio. Officers Shane Ampe and Emanuel Barbu arrived and posted themselves behind the vehicles parked south of the residence. Officers Christopher Vege and Sean Brock parked their patrol car in the middle of the street, immediately north of Sandoval's home on Bassett Street, at the intersection of Oakdale Avenue. They intended to provide containment on the north side of the house.

At 7:36 p.m., as the officers were evacuating the surrounding houses, Sandoval fired again. Thirteen seconds later, he fired a third time. None of the officers saw where Sandoval was, but the shots seemed to be coming from Sandoval's backyard. Norris advised Mireles that the officers should pull back for officer safety. Mireles countered that there were citizens in the area, so they needed to maintain their positions.

Within a minute of the last two shots, Officers Brian Davis and Alvaro Carlos arrived at the scene. Both officers took cover behind vehicles parked outside Sandoval's house.

At 7:38 p.m., Norris and Matzkin each announced they saw movement in the house at the front window. Three minutes later, Sandoval opened the front door and appeared in the door frame holding a handgun at his side. Norris alerted fellow officers, shouting, "Front door! Front door! Contact front! He's got a gun! He's got a gun!"<sup>1</sup> Mireles yelled to the other officers that Sandoval had a gun and repeatedly ordered Sandoval to put his hands up. Sandoval did not say anything or raise the gun. He backed into the house and the security door closed behind him. Matzkin notified the other officers that he saw a black semiautomatic handgun in Sandoval's right hand.

Twenty-four seconds after backing into the house, Sandoval reappeared at the front door. A pause ensued, after which Carlos, Matzkin, Norris and Tulagan fired their duty weapons. The officers at the scene had their body worn video (BWV) cameras activated, but due to their tactical positions, the cameras captured audio, but not video, recordings of Sandoval's actions immediately prior to the shooting.

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<sup>1</sup> Mireles' BWV momentarily captured Sandoval in the doorway, but the doorframe obscures his right hand. The gun is not visible.

The officers' positions when they fired at Sandoval are depicted in this diagram:

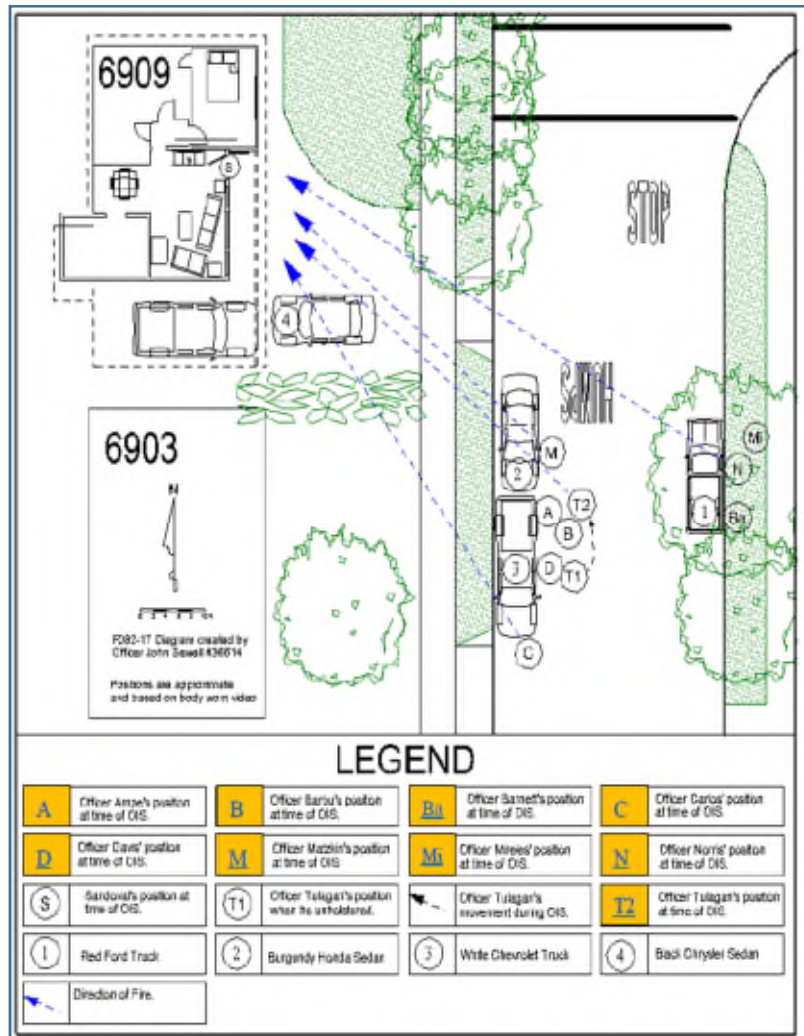


Figure 1 Diagram Showing Officers' Positions at the Time of the OIS

When Sandoval reemerged from the house prior to the shooting, the individual officers responded as follows:

### Mireles

Mireles broadcast over his radio that Sandoval “is a male white. (Sandoval) has a gun in his hand. Stand-by he is at the front door. He is pointing the gun. He is pointing the gun.” Mireles saw Sandoval use a two-handed grip to point the firearm in the officers' direction. Mireles drew his duty weapon and pointed it at Sandoval. Mireles believed Sandoval was going to shoot them and he perceived his life was in immediate danger. Mireles did not fire his duty weapon because Norris was in front of him, armed with a rifle. Mireles thought that because Norris had a more effective position relative to Sandoval and was armed with a more accurate weapon, Norris was better able to stop the threat. Mireles feared that if he fired a shot as close as he was to Norris, he

would startle Norris. Instead of shooting, Mireles crouched on the ground behind Norris and did not see Norris fire.

### **Norris**

Norris was kneeling behind the hood of a red Ford truck across the street from Sandoval's house, aiming his rifle at the residence. When Sandoval reappeared at the front door, Norris' BWV recorded him saying, "Front door! Front door! He's back!" Mireles then yelled, "He's pointing a gun! He's pointing a gun!" Norris responded, "I don't see a gun." A pause ensued, after which Norris fired six rounds at Sandoval. Norris and Matzkin began discharging their weapons at approximately the same time. Due to the placement of Norris' BWV camera, it did not capture an image of Sandoval prior to the gunfire or what prompted Norris to shoot.

Following the incident, Norris told investigators [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

### **Matzkin**

Matzkin was armed with a rifle and crouched behind a burgundy Honda sedan, which was parked on the curb on the same side of the street as Sandoval's house, just south of his driveway. He was the closest officer to Sandoval. When Sandoval appeared in the doorway the first time, Matzkin announced that Sandoval was armed with a black semiautomatic handgun. When Sandoval reappeared, Matzkin's BWV captured him alerting the other officers that Sandoval was coming back out. His BWV recorded officers warning one another that Sandoval was in the doorway and that he was armed. The BWV audio recording shows that Matzkin held his fire for several seconds after the officers' announcements that Sandoval had returned. Matzkin's BWV was aimed northbound and downwards at the time of the shooting and did not capture Sandoval's actions prior to or during the shooting. After the incident, Matzkin told investigators

[REDACTED]  
[REDACTED] Matzkin fired 28 shots at Sandoval in rapid succession.<sup>2</sup>

### **Tulagan**

Tulagan was positioned behind a white Chevrolet pickup truck when the shooting started. The truck was parked on the same side of the street as Sandoval's residence, one house south. Ampe and Barbu were between him and Sandoval, so he moved a few feet north to get a clear shot and fired one round from his duty weapon at Sandoval.

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<sup>2</sup> The number of shots each officer fired is based upon discharged cartridge casings investigators recovered at the scene as well as the number of rounds in their duty weapons when they were taken by investigators following the shooting.

## **Carlos**

Carlos was positioned on the south side of the Chevrolet pickup truck when Sandoval reemerged from the house. His BWV shows that when his fellow officers began shooting, Carlos fired one round from his service weapon at Sandoval.

## **Barnett**

Barnett was crouched behind the bed of the red truck across the street from Sandoval's house. Barnett stated that when Sandoval came out to the front door the second time, Sandoval raised his right hand. Barnett said he saw at least one muzzle flash as Sandoval fired one or two rounds at the officers. Barnett did not have a clean shot, so he did not fire at Sandoval.

## **Brock**

When Brock arrived with his partner Vege, he heard two gunshots that sounded as if they came from behind the house. Vege parked the patrol car immediately north of Sandoval's residence in the middle of the street. Brock armed himself with a rifle and took a position behind the trunk of his patrol car. Over the radio he heard officers relaying that Sandoval was coming out of the house with a gun in his hand. From his viewpoint, Brock could not see the front door, but he saw two muzzle flashes near the front door before the officers began shooting.

## **Vege**

After he parked the patrol car, Vege unholstered his service weapon and positioned himself behind the trunk near his partner. Over the radio, he heard his fellow officers announce that Sandoval was coming out of the front door. Vege told investigators that although he was unable to see the front door from where he stood, he saw one or two muzzle flashes emanating from the area of the front door. Vege saw Matzkin respond to the gunshots by standing up and firing multiple rounds, joined by other officers. Shortly afterwards, Vege heard over the radio that Sandoval was down.

## **Other Witnesses**

The other officers on scene told investigators they were not able to see the front door of the residence or Sandoval's actions prior to the shooting. Investigators canvassed the area but did not locate any additional witnesses who observed the shooting.

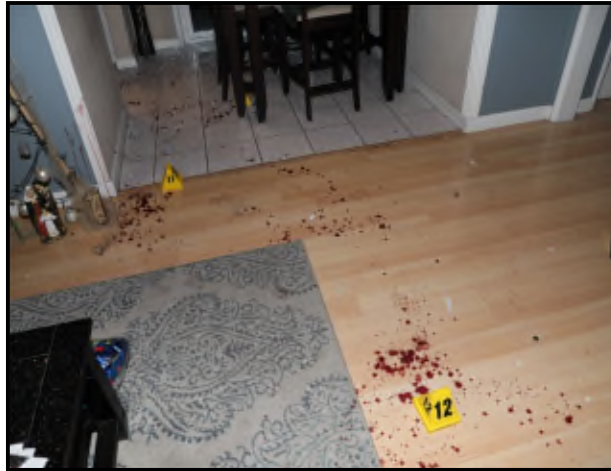
## **After the OIS**

When the gunfire stopped, Sandoval went back into his house. He stepped back out the front door momentarily. Eleven seconds after the gunshots cease, Matzkin's BWV captures an officer calling out, "Door's opening again!" Once Sandoval returned to the front porch he collapsed to the ground, lying on his back. After officers determined he was no longer a threat, LAFD paramedics contacted Sandoval at 8:21 p.m. and within minutes, Paramedic Michael Campana determined Sandoval was dead.

## Investigation

Following the shooting, investigators noted the following evidence.

A trail of blood led from the doorway to the dining room table.



*Figure 2 Trail of Blood Between Front Door and Dining Room Table*

A .357 Magnum six-shot revolver was laying on the table. The cylinder was closed and was loaded with one live round and five discharged cartridge cases. The live round was in position to be fired if the trigger were pulled.



*Figure 3 Revolver Found on the Dining Room Table*



*Figure 4 Revolver*

The glass in the sliding back door was shattered. An air-pellet rifle lay on the back patio a few feet from the smashed window. Inside the garage, there was an unintelligible note laying on a table near live rounds.



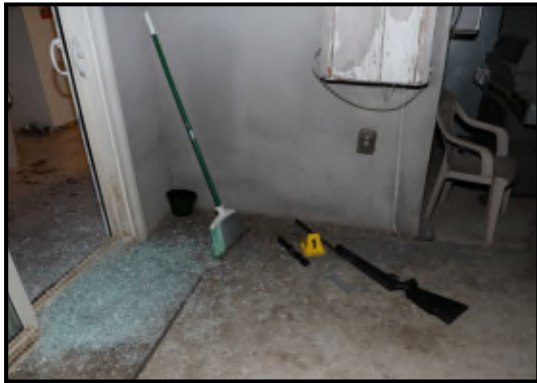


Figure 5 Air Rifle Located Near Smashed Sliding Back Door

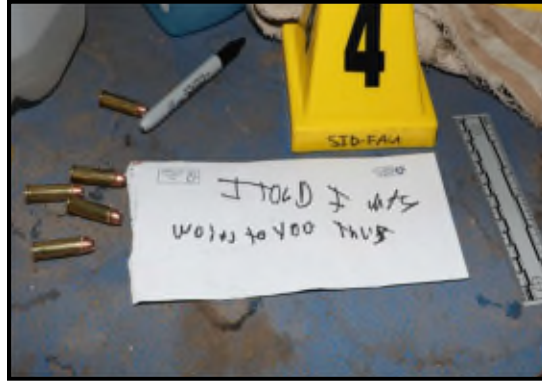


Figure 6 Note Discovered in the Garage Near Live Rounds

Investigators also found a projectile impact in the tailgate of the white truck Officers Ampe, Barnett, Davis, Tulagan and Carlos were using for cover. Jesus, Sandoval's brother, owned the white truck and told investigators that there was no hole in the rear tailgate prior to the shooting. The location of the strike mark is consistent with someone standing at Sandoval's door and shooting in the direction of the officers.



Figure 5 Projectile Impact in Tailgate

## **Autopsy**

On January 7, 2018, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor Ajay Panchal conducted an autopsy on Sandoval's body. He identified three gunshot wounds and determined the cause of death was multiple gunshot wounds. One of the projectiles entered the front of Sandoval's chest and passed through his lung. Another entered the front of his torso and penetrated his liver and stomach. Both of these gunshots were fatal. A third non-fatal gunshot wound struck his left arm and torso. Toxicology analysis found that Sandoval had a .296 g% vitreous and .247 g% femoral blood ethanol level. A gunshot residue analysis found that Sandoval had many consistent particles of gunshot residue on his right hand, indicating he had discharged a firearm or had been in the immediate area of a firearm when it was discharged.

## **LEGAL ANALYSIS**

In evaluating whether a police officer's use of 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 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.

According to the law in California, 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; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Toledo* (1948) 85 Cal.App.2d 577. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger the person perceived need not to have actually existed. *Id.* An officer is not constitutionally required to wait until he sets eyes upon a weapon before employing deadly force to protect himself against a fleeing suspect who turns and moves as though to draw a gun. *Thompson v. Hubbard* (2001) 257 F.3d 896, 899.

The evidence examined in this investigation shows officers responded to a radio call in which they were told that Sandoval was potentially armed and suicidal. As they arrived, CD advised them that a shooting had occurred. When Mireles arrived, he interviewed Sergio and confirmed that Sergio heard gunshots before the officers got there, that Sandoval was armed and that his mother was with him and may be in mortal danger. Matzkin was present during this interview and Mireles broadcast this information over the radio to alert responding officers. As the officers approached Sandoval's house, they heard Sandoval fire again, affirming that the officers' lives were in imminent peril. At that time, they did not know whether Sandoval had shot at them or shot Maria.

The first time the officers saw Sandoval is when he stepped out on the front doorstep holding a handgun. The officers held their fire. Mireles repeatedly ordered him to surrender by telling him to put his hands up. Sandoval disregarded Mireles' commands and returned into his house.

When Sandoval reappeared on his front porch with his gun in hand, the officers once again risked their lives by holding their fire. They did not shoot at Sandoval until he raised his firearm and pointed it at them. When the officers fired, each officer did so in the reasonable belief that Sandoval presented an imminent deadly threat to themselves or to their fellow officers.

## **CONCLUSION**

We find that Officers Alvaro Carlos, Mathew Matzkin, Steve Norris, and Peter Tulagan acted lawfully in self-defense and in defense of others when they used deadly force against Oscar Sandoval. We are closing our file and will take no further action in this matter.