

**Non-Fatal Officer Involved Shooting of Devon Miles  
Los Angeles County Sheriff's Department**

**Detective Jose Morales, #517784**

**Detective Juan Bonilla, #526912**

**J.S.I.D. File #19-0449**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**March 10, 2022**

**MEMORANDUM**

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

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

SUBJECT: Non-fatal Officer Involved Shooting of Devon Miles  
J.S.I.D. File #19-0449  
L.A.S.D. File #019-07023-0999-055

DATE: March 10, 2022

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the October 24, 2019, non-fatal shooting of Devon Miles by Los Angeles County Sheriff's Department (LASD) Detectives Jose Morales and Juan Bonilla. We have concluded the detectives acted in lawful self-defense and the defense of another.

The District Attorney's Command Center was initially notified of a non-injury shooting on October 24, 2019, at 9:04 a.m. The District Attorney Response Team (DART) did not respond to the location due to the fact that Miles was not struck by gunfire. At 5:19 p.m., the Command Center was notified there had been an injury.<sup>1</sup> Based upon this notification, this office conducted a review.

The following analysis is based on reports, recorded interviews, photographs and other evidence submitted to this office by the LASD Homicide Bureau Detective Maria Maciel.<sup>2</sup> Morales' and Bonilla's written reports regarding the incident are incorporated in this analysis. The deputies were not equipped with body worn cameras.

**FACTUAL ANALYSIS**

On October 24, 2019, at approximately 7:00 a.m., LASD West Hollywood Station Detectives served a Ramey Warrant for James D. at a residence located on Dona Teresa Drive in Studio City. The detectives were wearing marked green bullet-proof vests labelled "Sheriff," marked helmets, and weapons belts. The detectives knocked on the front door, announced their presence and informed the occupants of the warrant. James D. answered the front door and was taken into

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<sup>1</sup> As explained below, Miles was struck by splinters caused by gunfire.

<sup>2</sup> The initial investigation was conducted by LASD Operation Safe Streets (OSS) detectives. LASD Homicide assumed the investigation after it was determined that Miles had been injured. LASD Homicide Bureau did not respond to the location on the date of the incident.

custody. When James D. opened the front door, the detectives immediately smelled a strong odor of marijuana and chemicals consistent with marijuana cultivation. James D. asked the detectives to obtain clothing for him and informed them there were two other people inside. For their safety, the detectives conducted a protective sweep of the tri-level residence. The detectives located three people inside the residence and escorted them outside to the front yard.

During the protective sweep, Detectives Jose Morales and Juan Bonilla descended to the lower level at the rear of the location where they observed a closed exterior door. Bonilla verbally announced their presence stating, "Sheriff's Department. If you are in there, make yourself known." Bonilla checked the door handle, which was locked. Morales heard what he believed was a firearm being racked and loaded. Simultaneously, Devon Miles opened the door while holding a loaded semiautomatic handgun pointed in Bonilla's direction two to three feet from Miles. Morales yelled, "Gun!" Seeing Miles pointing a handgun and in fear for their lives, Morales and Bonilla each fired their duty weapons at Miles. Miles dropped the handgun on a shelf located inside the door, retreated to a rear bathroom and called 9-1-1 from his cell phone. Morales and Bonilla retreated and took cover. Miles later surrendered and was placed under arrest for assault with a deadly weapon on a peace officer, in violation of Penal Code section 245(D)(2).<sup>3</sup> Miles suffered superficial wounds to his left arm caused by splinters from the door being struck by gunfire. A loaded semiautomatic handgun was recovered from the shelf inside the doorway. Detectives discovered several marijuana cultivation rooms inside the residence and recovered several large bags containing marijuana and a loaded shotgun.

### **Miles' Statement**

Miles told investigators he had been living at the location in the downstairs bedroom for approximately two months. Miles was aware James D. kept a loaded handgun inside a locked safe in Miles' bedroom. James D. told Miles he could use the handgun for protection and gave Miles the key to the safe. Miles had personally unloaded and reloaded the weapon with eight live rounds and was aware the handgun did not have a safety. On the date of the incident, Miles was sleeping in his bedroom when he heard someone turning the door handle. Miles yelled, "Who is it?" but did not hear any response. Miles retrieved the handgun from the safe and "probably" chambered a round. Miles told investigators he did not hear any commands from the people outside the door. Miles opened the door while holding the handgun pointing down towards the ground. Miles said he was trying to show the handgun to whomever was standing outside because he wanted them to know he was armed. After he opened the door, Miles saw two people wearing Sheriff's vests and helmets and realized they were deputies. Miles heard one of the deputies yell, "Gun!" and believed they were about to fire at him. Miles dropped his handgun on the shelf and ran towards the back of the room as shots were fired. Miles called 9-1-1 and later surrendered. Miles removed splinters in his left arm caused by bullets hitting the wood door. Miles told investigators he did not fire the handgun at the deputies.

### **Morales' Report**

Morales wrote in his report that when he and Bonilla were conducting a protective sweep of the lower level of the residence, Morales positioned himself to the right of an exterior door while

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<sup>3</sup> The District Attorney's Office declined filing criminal charges against Miles.

Bonilla stood to its left. Bonilla announced, “Sheriff’s Department. If you are in there, make yourself known.” Morales heard the sound of what he recognized was a firearm being racked and loaded and informed Bonilla someone was inside. When the door partially opened, Miles stuck his head out while pointing a black, semiautomatic handgun towards Bonilla. Morales yelled, “Gun!” Believing Miles was going to shoot and kill Bonilla and Morales and in fear for his and his partner’s lives, Morales fired 18 rounds from his Smith and Wesson M&P 9mm duty weapon at Miles. After Morales fired, he felt something striking his legs and believed he was being fired upon. Morales continued firing his handgun as the door closed before retreating and taking cover.

### **Bonilla’s Report**

In his report, Bonilla wrote that he and Morales went to a lower porch level of the residence where he saw a closed door and announced the deputies’ presence. Bonilla checked the door handle, which was locked. A second later, the door opened and Bonilla saw Miles holding a dark object extended towards him. Bonilla heard Morales yell, “Gun!” Bonilla took a step to the left and saw Miles pointing a handgun at his stomach. Believing Miles was going to shoot Bonilla and Morales and fearing for his and his partner’s lives, Bonilla fired multiple rounds from his Smith and Wesson M&P 9mm duty weapon at Miles. As Bonilla fired his duty weapon, he believed Miles was firing at him because Bonilla’s face and upper body was struck by debris, so Bonilla continued firing his handgun.<sup>4</sup> Bonilla and Morales took cover behind a wall.

### **Detective John Gaudino’s Report**

In a supplemental report, Gaudino stated he was standing at the top of an exterior staircase when he observed Bonilla and Morales approach an exterior door on the lower level. Gaudino heard Bonilla announce the deputies’ presence before he observed the door partially open. Gaudino heard Morales yell something and observed Morales fire his weapon towards the door. Gaudino could not see Bonilla from where he was standing.

### **Evidence**

Twenty-four 9mm caliber cartridge casings and 20 fired bullets or bullet fragments were recovered from the scene. Criminalists recovered Morales’ duty weapon, which contained one round in the chamber and 16 rounds in the magazine. Criminalists recovered Bonilla’s duty weapon, which contained one round in the chamber and 17 rounds in the magazine. Criminalists recovered one empty magazine and one magazine containing seven rounds from the patio area outside the doorway.<sup>5</sup> The investigation determined that Morales fired 18 times. The investigation did not determine how many times Bonilla fired, due to the lack of information as to whether Bonilla’s handgun was loaded to capacity before the incident.

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<sup>4</sup> Bonilla did not state in his report how many rounds he fired or whether his weapon had been loaded to capacity before the incident.

<sup>5</sup> Each magazine has a capacity of 17 rounds.

Criminalists recovered a Springfield XD handgun, which was loaded with one 9mm Luger caliber cartridge in the chamber and six 9mm Luger caliber cartridges in the magazine. A gunshot residue sample was collected from Miles but was not tested.



Location where Miles' loaded handgun was recovered.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also* CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that the person did not act in lawful self-defense. *People v. Banks* (1976) 67 Cal.App.3d 379; *see also* CALCRIM No. 3470.

In evaluating whether a police officer's use of force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. The evaluation of reasonableness should look to "the facts and circumstances of each case, including the severity of the crime, the threat posed by the suspect, and whether the suspect is resisting or attempting to evade arrest." *Graham v. Connor* (1989) 490 U.S. 386, 396. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense,

uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Id.* at 396-397.

Morales and Bonilla were wearing clothing identifying them as Sheriff’s deputies and reported announcing their presence outside the room where Miles was located. Miles opened the door while holding a loaded handgun. Miles admitted to investigators that he purposefully displayed the handgun when he opened the door.<sup>6</sup> It was reasonable for Morales and Bonilla to believe they were in imminent danger of great bodily injury or death when they saw Miles open the door while holding a handgun. Based on the totality of the circumstances, we find Morales and Bonilla fired their handguns in lawful self-defense and the defense of another.

## **CONCLUSION**

We find that Detective Morales and Detective Bonilla acted in lawful self-defense and the defense of another when they fired their duty weapons.

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<sup>6</sup> Although Miles said he did not hear Morales and Bonilla give any commands, he immediately recognized they were deputies when he saw their Sheriff’s vests and helmets.