

**Non-fatal Officer Involved Shooting of
Miguel De Los Santos
Los Angeles County Sheriff's Department**

**Deputy Erasto Granados, #626568
Deputy Daniel Velasco, #525044**

J.S.I.D. File #21-0162



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

March 29, 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 Miguel De Los Santos
J.S.I.D. File #21-0162
L.A.S.D. File #021-05414-2170-056

DATE: March 29, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 23, 2021, non-fatal shooting of Miguel De Los Santos by Los Angeles County Sheriff's Department (LASD) Deputies Erasto Granados and Daniel Velasco. We have determined that Deputies Granados and Velasco acted in lawful self-defense and the defense of others when they fired their duty weapons.

The District Attorney's Command Center was notified of this shooting on April 23, 2021, at approximately 9:54 p.m. The District Attorney Response Team responded to the location, where they were provided a briefing and walk-through of the scene.

The following analysis is based on police reports, radio transmissions, 9-1-1 calls, recorded interviews, photographs, ballistic evidence, hospital records, ambulance transport records, body worn camera video (BWV), and other evidence submitted to this office by LASD Homicide Bureau Detectives John O'Brien and Daniel Gore, on February 28, 2022. Granados' and Velasco's voluntary statements were considered in this analysis.

FACTUAL ANALYSIS

On April 23, 2021, at 3:49 a.m., Miguel De Los Santos' (De Los Santos) girlfriend called 9-1-1 because De Los Santos was disoriented and having seizures. LASD Deputies Manual Castillo and Brock Betkey responded to the scene with Los Angeles Fire Department (LAFD) paramedics. After an evaluation by the paramedics, De Los Santos was transported to St. Francis Medical Center.

During transportation, the paramedics were forced to restrain De Los Santos in four-point restraints when he became combative. At the hospital, De Los Santos tested positive for the presence of amphetamine. While he was recovering, De Los Santos told the hospital staff he

wanted to leave. However, the treating physician held De Los Santos in the hospital until he was “clinically sober.” Once De Los Santos was deemed clinically sober, he was released from the hospital because he did not meet the requirement for a mental health hold. De Los Santos returned home and later that day, at 5:10 p.m., his girlfriend [REDACTED], called 9-1-1 again. She told the operator that her boyfriend had taken drugs and was trying to kill himself.

Deputies Erasto Granados (Granados) and Daniel Velasco (Velasco) responded to the home as paramedics [REDACTED], and [REDACTED], readied De Los Santos for transport to the hospital. De Los Santos voluntarily entered the ambulance and was on his way to the hospital when he became violent and began fighting with the paramedics. A 9-1-1 caller reported seeing a man [De Los Santos] fighting with paramedics at the back of an ambulance. After being physically assaulted, the paramedics feared for their safety and released De Los Santos from the ambulance.

De Los Santos returned home. At 6:10 p.m., his girlfriend called 9-1-1 again. Deputies, paramedics, and mental health clinicians from the Los Angeles County Department of Mental Health (DMH-MET) responded. The deputies contacted De Los Santos and observed that he was armed with a knife in each hand and was using a metal trashcan as a shield while he bled from self-inflicted knife wounds to his body (*Figure 1*).



Figure 1: LASD BWVC taken while the deputies stood outside the home. De Los Santos held a small metal trashcan while armed with a knife (circled in red) in his right hand.

DMH-MET mental health professionals, deputies, and Los Angeles County firefighters all attempted to de-escalate the situation. However, De Los Santos refused to drop both knives and comply with their requests. After three hours of talking, without provocation, De Los Santos ran out of the back door into the front yard, where paramedics and deputies were standing. De Los Santos was still holding the knives and the metal trashcan when he ran into the front yard. The deputies, who were armed with nonlethal weapons, ordered De Los Santos to drop the knives (*Figure 2*).

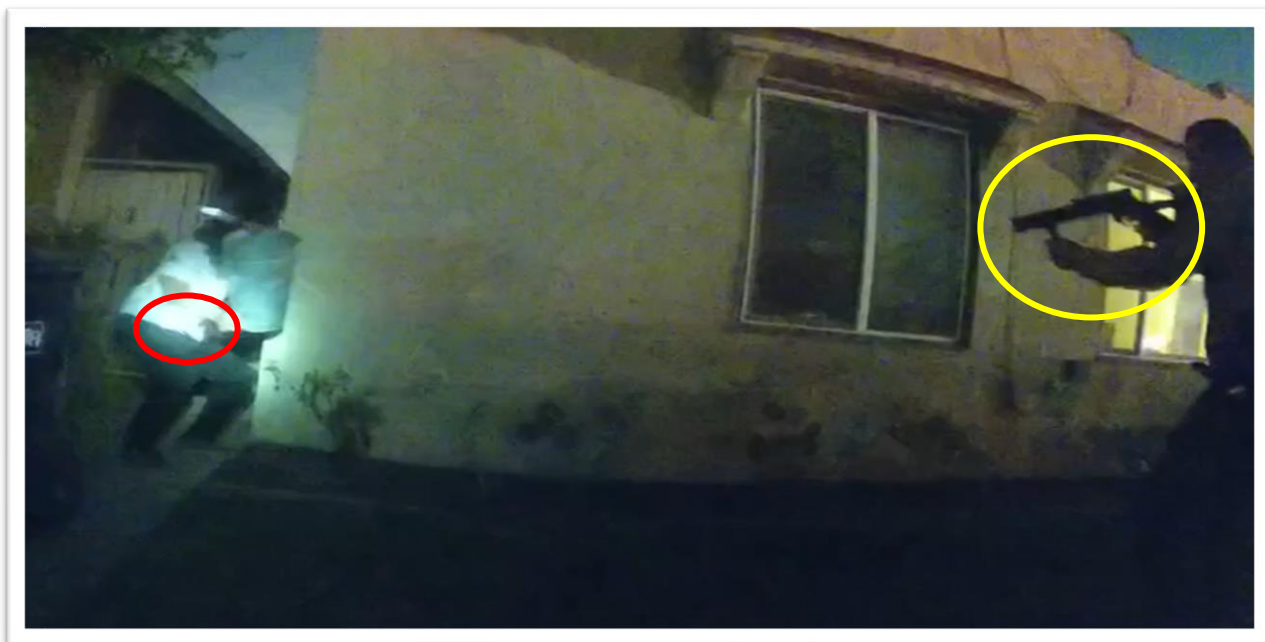


Figure 2: De Los Santos emerged from the side of the house holding the knives (circled in red) and the trashcan. Deputy Granados held a 40mm Less Lethal Launcher (circled in yellow).

While armed with both knives, De Los Santos charged at the deputies. He was tased twice and shot with a 40mm Less Lethal Launcher (“40mm”), but they were ineffective. De Los Santos jumped up and lunged again at the deputies while still holding the knives (*Figure 3*). De Los Santos came within three to four feet of the deputies before being shot multiple times.



Figure 3: After being hit with the Tasers, De Los Santos dropped the trashcan and ran towards the deputies (knife circled in red).

9-1-1 Calls

On April 23, 2021, at 3:49 a.m., ██████ made her first 9-1-1 call. She told the operator, “My boyfriend, he’s disoriented right now . . .and almost seizing [sic], and I need an ambulance here right now.” The operator wrote an incident details note which was relayed to the deputies. The note described the emergency as a possible “overdose.”

At 5:05 p.m., ██████ called 9-1-1 a second time. During the call, she tells [De Los Santos], “. . .I don’t want you to hurt yourself.” She told the operator that her fiancé had taken drugs and was discharged from the hospital [earlier that day]. She believed that De Los Santos should have been detained in the hospital on “suicide watch.” ██████ told the operator that she found De Los Santos “with a needle in him . . . he tried to kill himself with a pen . . . [and he keeps asking her] where the drugs are.” The operator included an incident details note that “[caller’s] boyfriend . . . is saying that he wants to kill himself . . .”

At 5:47 p.m., after De Los Santos entered to ambulance, a citizen called 9-1-1 to report that he observed “a person was fighting with two paramedics in the rear of what appears to be a private ambulance rig.” Investigators later determined it was De Los Santos who was fighting with paramedics while they attempted to transport him to the hospital.

The fourth call for 9-1-1 service was made at 6:05 p.m., by ██████, who told the operator, “I need the police. They were just here. [De Los Santos] has a knife in hand, and he won’t let it go, he’s trying to commit suicide . . . He tried to jump out of the ambulance . . . He’s in the kitchen.” She sobbed as she waited on the line for the first responders to arrive.

CIVILIAN WITNESS STATEMENTS

Los Angeles County Fire Department Captain Michael Ryan

Captain Michael Ryan told investigators that on April 23, 2021, firefighters from his station responded to three separate calls for service at De Los Santos’ residence. The first call at 3:00 a.m. was for a heroin overdose. De Los Santos’ fiancé (██████████) told them that his mental condition scared her. Ryan observed De Los Santos voluntarily enter the ambulance for transportation to the hospital.

That afternoon, Ryan returned with firefighters and paramedics to the residence for a second call. Ryan spoke to De Los Santos and described him as cooperative. After their conversation, De Los Santos agreed to be transported to Exodus Hospital. However, later that day Ryan learned that De Los Santos had attacked the paramedics and jumped out of the ambulance. Concerned for ██████ safety, one of Ryan’s partners called ██████ and informed her that De Los Santos could be on his way home.

At 5:11 p.m., Ryan received a third call to the location. When he arrived, he saw deputies on the porch, talking to De Los Santos (who was inside the home). Since Ryan had prior positive contact with De Los Santos, he asked to speak with De Los Santos. When Ryan stepped onto the porch to talk to De Los Santos, he saw that De Los Santos was holding two knives (“one large

butcher's knife and a smaller kitchen knife") and a trashcan as a shield. Ryan believed De Los Santos was in the middle of a drug crisis when ██████ told Ryan that De Los Santos had been using heroin, methamphetamine, and alcohol.

For approximately "two to three hours," Ryan waited around while the Mental Evaluation Team attempted to de-escalate the situation. He described the deputies' interactions with De Los Santos as "conversational" and "very non-confrontational." At approximately 6:00 p.m., De Los Santos "began acting pretty erratically." He was bleeding from self-inflicted cuts on his forearms and made multiple "fake runs" towards the deputies standing at the door.

Ryan was walking back to the fire engine when he heard the deputies shouting. Ryan was approximately 15 feet away when he heard a "giant crashing sound" and saw De Los Santos come out of the back door, holding both knives and the trashcan. Ryan observed De Los Santos "[make] several runs at the deputies." He watched as the deputies continued trying to help De Los Santos by not engaging him. When De Los Santos walked quickly toward the deputies, he heard them yell, "Stop! Stop! Stop!"



Figure 4: After being shot with the 40mm and tased multiple times, De Los Santos jumped up and ran towards the deputies with knives in each hand (circled in red).

De Los Santos kept moving towards the deputies when Ryan heard three Tasers deployed. He observed that De Los Santos "exploded in a rage" and became "more aggressive . . . he charged the closest officer . . . swinging the knives . . . he was slashing when gun shots were fired" (Figure 4). Ryan was standing approximately 10-15 feet away when he heard gunshots and saw De Los Santos fall to the ground. The firefighters and paramedics ran over immediately and began treating De Los Santos, who was still conscious.

Los Angeles County Fire Department Firefighter/Paramedic Eric Calderon

On April 23, 2021, at approximately 3:13 p.m., Firefighter Eric Calderon responded with Captain Ryan to the residence and saw De Los Santos voluntarily enter the ambulance. Ten minutes later, Calderon was contacted by the ambulance crew, who told him that De Los Santos became violent with the emergency medical technicians and had jumped out of the ambulance. Calderon called [REDACTED] to warn her, but De Los Santos was already back at the residence.

Fifteen minutes after Calderon called [REDACTED], he returned to De Los Santos' residence for another service call. When he arrived, he saw deputies standing on the porch of the home, speaking to De Los Santos. Calderon had spoken to De Los Santos earlier that day and attempted to assist the deputies by speaking directly to De Los Santos. He saw De Los Santos holding two knives, an "eight-inch chef's knife" and a "steak knife."

For over two hours, Calderon observed De Los Santos as he "charged" [towards] the deputies and mental health counselors standing at the front door, while deputies tried to convince him to drop the knives. Calderon saw De Los Santos drop one of the knives, but he held on to the other while using the trashcan as a shield.

As Calderon moved [REDACTED] away from the home for her safety, he heard a commotion. He saw De Los Santos come around the front yard holding "a trashcan as a shield" and a knife. He heard one of the deputies "call out for a 40" (40mm stun bag) and saw the 40mm deployed. Calderon described how the force from the 40mm knocked De Los Santos to the ground, but he "popped right back up."

Calderon saw De Los Santos get up and "charge" towards the deputies. Calderon heard "at least three Tasers being deployed," striking De Los Santos. De Los Santos fell to the ground but immediately "popped back up again" and ran towards the deputy who had deployed the Taser. After the Tasers were deployed De Los Santos lunged toward a deputy with the knife in his hand. Calderon told investigators that De Los Santos was approximately 10 feet away from deputies when he saw De Los Santos lunge towards them. That is when he heard "around eight" gunshots.

After the shooting stopped, firefighters immediately rushed in and began treating De Los Santos. Calderon counted a total of "four bullet holes and one graze" but was not sure whether they were exit or entry wounds. He saw wounds to De Los Santos' "left buttocks, right mid-axillary, lower right jaw, left tibia-fibula [shin] bone, and a (gunshot wound) graze."

Calderon told investigators he was unsure whether any of the deputies were injured with knife wounds because he saw De Los Santos come within "a couple of arms lengths away . . . three feet, three to four feet, like a lunge . . . when [De Los Santos] popped up he was moving fast and that's when he started lunging and moving fast that's when the lethal gun shots came out . . . when [De Los Santos] started chasing people that's when [the shooting] occurred."

Emergency Medical Technician [REDACTED]

On April 23, 2021, at approximately 3:52 a.m., Care Ambulance Service Emergency Medical Technicians (EMT), [REDACTED] and her partner were called to De Los Santos' residence for an "overdose/poisoning" emergency.

[REDACTED] described De Los Santos as exhibiting "both erratic behavior and serious physical signs" which led her to believe that De Los Santos was experiencing a possible drug overdose. [REDACTED] described De Los Santos' vital signs as "dangerously high . . . super hypertensive (i.e., his blood pressure was 206/127)," and "tachy."¹ He was placed in four-point restraints and transported to St. Francis Hospital.²

[REDACTED] recalled that "He was acting really erratic . . . and [REDACTED] daughter was really scared." [REDACTED] stated that [REDACTED] told [REDACTED] that "[De Los Santos] had a history of drug abuse and [REDACTED] thought that he might have started using heroin again," but De Los Santos would not admit to using drugs.

Emergency Medical Technician [REDACTED]

[REDACTED] and her partner were EMTs working for CARE ambulance company when they received a "psych call," at 5:13 p.m. She arrived at De Los Santos' residence and saw firefighters walking De Los Santos to the back of the fire engine. De Los Santos voluntarily hopped in the back of her ambulance and sat on the gurney. She drove while her partner sat in the back of the truck and monitored De Los Santos.

Although De Los Santos initially appeared cooperative, she "got a weird vibe" from him and she locked the ambulance doors because "people jump out of the ambulance all the time."

She heard "rustling in the back" and asked her partner, "You good back there?" Her partner responded, "No, he's trying to leave." Since De Los Santos was not on a mental health "hold," he was free to exit the ambulance and [REDACTED] offered to pull over to a safe spot to let him out.³ However, De Los Santos became violent in the back and "wrestled" with her partner. [REDACTED] came into the back of the ambulance to help her partner when De Los Santos kicked her in the knee.

While fighting with [REDACTED] and her partner, De Los Santos attempted to arm himself with a pair of cutting shears. [REDACTED] reached them first and threw the shears into the front seat. De Los Santos continued wrestling until he pushed the doors open and "bolt[ed]" out of the ambulance, leaving behind his wallet and a shoe.

¹ The National Institute of Health classifies normal blood pressure as less than 120/80 and tachycardia (i.e., "tachy") as a heart rate over 100 beats per minute (<https://www.nhlbi.nih.gov>).

² Four-point restraints restrain both arms and both legs. This type of restraint is usually reserved for violent patients who pose a danger to themselves or others. Cal. Code Regs. Tit. 22, § 72319 Nursing Service – Restraints.

³ Welfare and Institutions Code section 5150 provides for the involuntary detention and a 72-hour psychiatric hospitalization (i.e., "hold") of an adult who is experiencing a mental health crisis when they pose a danger to themselves or others.

Forty-five minutes to an hour later, [REDACTED] was writing a report documenting the incident when she got another call for service at De Los Santos' residence. When she arrived at the residence, she saw "a lot of law enforcement" and the fire department. She took out the gurney and was waiting for instructions when she heard that De Los Santos was "... inside the house, holding two knives."

Three hours after their arrival, she saw De Los Santos exit from the back of the residence. When De Los Santos ran in her direction, she saw him holding two knives. She saw "a couple of sergeants" standing with their Tasers drawn. She was approximately six to seven feet away from De Los Santos when she heard the deputies yell, "Get down! Stop where you are!"

When De Los Santos refused to comply, [REDACTED] saw the deputies tase De Los Santos "like three times." She believed that De Los Santos was under the influence of something since he "wouldn't go down." She observed De Los Santos get up and run. "That's when they shot him." [REDACTED] and her partner, along with a deputy escort and two firefighter paramedics, transported De Los Santos to St. Francis Hospital.

Mental Health Clinician [REDACTED]

On April 23, 2021, [REDACTED], a licensed marriage and family therapist, and a DMH-MET mental health clinician responded to a call regarding a mentally unstable person. When she arrived, she saw deputies standing outside the home, talking to De Los Santos through an open door, and she saw De Los Santos holding a knife in each hand while "hugging" a small metal trashcan. She heard De Los Santos question whether the deputies were "real people" and heard him say he would be "chopped up into little pieces."

[REDACTED] was there for a little over an hour when she attempted to talk to De Los Santos. She spoke to him for five to seven minutes when De Los Santos began walking towards the front door where she was standing. As De Los Santos closed the distance between them, [REDACTED] backed away. She heard the deputies give repeated commands for De Los Santos to drop the knife. However, she did not believe that he was going to comply.

She heard that De Los Santos ran out of the back of the house. As she moved away from the front of the house onto the lawn (closer to the street), she heard the deputies give verbal commands to De Los Santos to drop the knife. She saw De Los Santos come from around the back of the house, refusing to follow the deputies' orders. She told investigators De Los Santos was moving with a "purposeful walk" toward the deputies.

[REDACTED] saw the "red dots" from the Taser lights on De Los Santos' white t-shirt. She told the investigators it was "really dark out," and she could not see De Los Santos' hands. She heard Tasers deployed and saw De Los Santos stumble, but quickly get up. She heard the "click" noises again and believed that a second Taser had hit De Los Santos. She saw De Los Santos fall again and remain on the ground. She did not mention the gunshots.

Miguel De Los Santos

While he was recovering in the hospital, investigators attempted to interview Miguel De Los Santos regarding the shooting incident. However, he declined to provide a statement.⁴

██████ told detectives that she has been dating De Los Santos for four years. She stated that De Los Santos came to California to attend a heroin addiction rehabilitation program and was diagnosed with bipolar depression. She believed that he had stopped taking his prescribed medication “some time ago.”

On April 23, 2021, at approximately 3:30 a.m., she was at home with her young daughter and De Los Santos. ██████ woke up and saw De Los Santos on the floor, lying in a fetal position. She called 9-1-1 at 3:49 a.m. When the paramedics arrived, De Los Santos picked up a writing pen and tried to stab himself in the neck. The paramedics calmed De Los Santos, and he voluntarily agreed to go to the hospital in an ambulance.

At approximately 9:00 a.m., De Los Santos returned home, disoriented and without shoes. At 9:30 a.m. she called 9-1-1 again. According to ██████, De Los Santos was cooperative and left voluntarily with the paramedics. An hour later, he was back at the house telling her that people were trying to kill him.

She called 9-1-1 a third time. The fire department, an ambulance, mental health professionals, and LASD deputies responded. ██████ saw De Los Santos holding a kitchen knife in his right hand and bleeding from his wrists on his left arm from new self-inflicted wounds. Deputies attempted to de-escalate the situation for three hours.

She stated that De Los Santos attempted suicide “years ago” by “cutting [himself]” and made prior threats to kill himself. She was across the street when she heard deputies say, “Stop! Stop!” and then she heard gun shots.

DEPUTY WITNESS STATEMENTS

Deputy Erasto Granados

On April 23, 2021, Deputy Erasto Granados (“Granados”) and his partner Deputy Daniel Velasco responded to a 9-1-1 call for assistance at De Los Santos’ residence. The caller stated that her boyfriend wanted to kill himself. When they arrived at the location, De Los Santos was strapped down onto a gurney and placed onto an ambulance. Granados told investigators that while he spoke to De Los Santos’ girlfriend to get his information, De Los Santos was quiet and cooperative.

⁴ On April 28, 2022, Miguel De Los Santos and ██████ filed a civil lawsuit arising from this incident. Miguel De Los Santos et al., v. Los Angeles County Sheriff’s Department LA 2:22-cv-04302-SVW-JEM. On November 23, 2022, the Plaintiff filed a Notice of Settlement, and the case was moved to the inactive calendar on November 29, 2022.

After Granados and Velasco left the location, he heard another 9-1-1 call for service regarding an unknown male fighting with ambulance employees. Granados was unaware at the time, that the man fighting with ambulance employees was De Los Santos.

Later that day, Granados and Velasco were sent back to De Los Santos' residence. Dispatch advised Granados that De Los Santos was back at the residence, was armed with knives, and attempting suicide. At the scene, they requested a sergeant and DMH-MET. Sergeants Jessica Lindsay and Brian Anderson responded quickly to the location and the DMH-MET team arrived approximately 30-40 minutes later.

Granados verified that [REDACTED] was safely out of the house before he contacted De Los Santos inside the home. From his position on the porch, Granados was approximately 30 feet away and De Los Santos was inside the home. Granados could see De Los Santos bleeding from two cuts on his left forearm and holding a knife in each hand and a small metal trashcan.

Granados held a less lethal beanbag shotgun and deputies from the assisting unit had Tasers. While Granados stood at the door, [REDACTED] pleaded with De Los Santos to put the knives down. De Los Santos told her that she was "not real" and that they wanted to "chop him up."

Sergeant Brian Anderson told Granados to switch from the bean-bag shotgun to the 40mm Less Lethal Launcher (40mm). The deputies planned to contain De Los Santos inside the house using the metal screen door, if necessary, to avoid using force against him. They talked to De Los Santos for approximately two hours before De Los Santos picked up the second knife and made aggressive lunging motions towards the deputies from 12-15 feet away while they stood (outside) the front door of the home.

Suddenly, De Los Santos ran to the back of the home, out of view, and exited out the back door. Deputies standing on the porch quickly moved to the front of the home while Granados was told to "hold the [front] door." He heard his partner radio that De Los Santos was on the side of the house, so Granados ran to their location.

Granados heard "40, 40 over here!" understanding that someone was calling for the less lethal weapon he was holding. He saw Velasco to his left and heard him yell, "He's here! He's here!" Granados saw De Los Santos hiding in the corner by the side of the house, holding the metal trashcan and a "shiny" bladed knife in his right hand.

De Los Santos ran in Granados's direction. At that moment, Granados felt that De Los Santos was going to "rush me or my partner . . . with the intent to hurt someone" and De Los Santos was an "immediate threat." Granados fired his 40mm at De Los Santos from approximately 12-15 feet away. De Los Santos fell to the ground and immediately got back up. The 40mm is a single shot weapon and Granados needed to reload, so he took a few steps backwards to reload. Granados told investigators that under optimal conditions it would take approximately five-seconds to reload, but when he saw De Los Santos stand up, Granados knew he would not have enough time to reload the 40mm.

De Los Santos moved in his direction, so Granados stepped backwards, dropped the 40mm, and armed himself with his service weapon. He saw red dots on Santos and heard someone yell, "Taser, Taser, Taser!" Granados heard a Taser fired at least one time, but it was ineffective, and De Los Santos was still holding the knife in his right hand in an overhead stabbing motion as he ran towards the deputy who deployed the Taser.

Granados told investigators that he believed De Los Santos was "intent on hurting" others [deputies]. When De Los Santos came within eight feet of the deputies standing on the front yard, Granados feared for his and his partners safety and fired his service weapon at De Los Santos. De Los Santos fell to the ground and Granados stopped firing. On the ground, De Los Santos turned from his side to his back and Granados could see that he was still holding a knife in his left hand. Granados was unsure how many times he fired his service weapon.

Sergeant Brian Anderson

Deputies at De Los Santos' residence requested the presence of a supervisor. Sergeant Brian Anderson (Anderson) responded to the location. The deputies had a tactical plan and were armed with a combination of lethal and less lethal weapons. Deputy John Vega had a shield, Mark Dayrit and Anderson had Tasers, and Granados had a 40mm.

While deputies were still attempting to de-escalate the situation, Anderson observed De Los Santos inside the home holding a large knife and a metal trashcan. However, since De Los Santos was the only one in the home and not an immediate threat to anyone, the deputies did not enter the residence. Anderson told the investigators that the plan was to keep De Los Santos talking. He heard De Los Santos say, "You're not real police . . . Those aren't real firemen . . . That's not my girlfriend, she's gone."

While he stood outside the home, Anderson saw De Los Santos charge (towards) the deputies on the porch, approximately "half a dozen times." De Los Santos ran from the kitchen area towards the deputies and came as close as six to eight feet away, before retreating towards the kitchen. He heard the deputies immediately respond, "No! No!" as De Los Santos charged towards them.

According to their policy, Anderson felt they could not disengage from the location and leave De Los Santos because he was a danger to himself [and others]. Since De Los Santos had expressed a desire to kill himself, was bleeding from self-inflicted wounds, and was still holding both knives, Anderson believed De Los Santos should be committed under a "5150 hold" and "leaving [De Los Santos] was not an option."

After three hours, without provocation De Los Santos ran out the back door. Anderson was holding a Taser when De Los Santos came out the back door. Anderson called for Granados who had the 40mm to come to where Anderson was located. De Los Santos ran away from Anderson, towards the house. Anderson heard Vega say, "He's coming this way!" Anderson then heard, "Can't see him!" The next thing he heard was the sound from the 40mm discharge.

Anderson saw De Los Santos emerging from the side of the house. Anderson described the scene as "very dark." Anderson saw the "flash" of either the knife or the wastebasket and then

heard a Taser deployed by Dayrit. However, De Los Santos was still standing up. Anderson discharged his Taser at De Los Santos, but it had no effect. De Los Santos ran towards the deputies before Anderson had a chance to transition to his service weapon for protection.

Anderson said De Los Santos was approximately 10-15 feet from him and five feet away from Granados. Anderson discharged his Taser and within a second he heard gunshots. After being shot, De Los Santos fell to the ground 10 feet away from Anderson. BWV shows Anderson firing his Taser which stopped De Los Santos momentarily before De Los Santos ran towards the deputies with knives in both hands.

Deputy Daniel Velasco

Deputy Daniel Velasco (Velasco) responded with his partner, Granados. While standing on the porch, Velasco could clearly see De Los Santos holding two knives. Velasco described them as a “Ten-inch” knife and a “Five-inch” knife, both with points on the blades.

Deputy Velasco asked Captain Ryan to try to connect with De Los Santos. However, De Los Santos refused to listen to Captain Ryan and put the knives down. De Los Santos held the larger 10-inch knife with the blade facing towards deputies and the smaller 5-inch knife in his left hand, under the metal trashcan he was using as a shield.

Velasco was approximately 10 feet away from De Los Santos when he ran onto the lawn and the 40mm was deployed. The 40mm hit De Los Santos and the impact caused him to drop the metal trashcan. De Los Santos got up and ran towards Anderson with his arm extended holding a knife when Velasco heard deputies deploy two or three Tasers.

The Tasers had no effect on De Los Santos. Velasco did not think that Anderson would have enough time to transition from the Taser to his service weapon and Velasco believed that De Los Santos was going to stab Anderson. Deputy Velasco believed the lives of other deputies were in danger and fired his service weapon one time at De Los Santos. De Los Santos fell to the ground and Velasco saw that De Los Santos was still holding the knives as he tried to get up.

Velasco’s BWV captured the moment Granados fired one round from the 40mm he was holding. The 40mm round struck the trashcan that De Los Santos was holding, causing De Los Santos to yell and fall to the ground. De Los Santos dropped the trashcan, stood up, and ran toward Granados.

PHYSICAL EVIDENCE

Deputy Velasco fired his service weapon one time. Deputy Granados was unsure how many times he fired his weapon. The deputies were using the same type of ammunition and type of weapon, 9mm handguns. Granados’ service weapon holds 18 live rounds when fully loaded. When he rendered his service weapon safe for the investigators, they counted 9 live rounds in the magazine and one live round in the chamber. It is unclear which deputy shot De Los Santos and the number of times he was shot since De Los Santos immediately went into surgery when he

arrived at the hospital and the ballistics evidence was not preserved. Paramedic Calderon who was the first to treat De Los Santos identified four bullet wounds.



Figure 5: One of the knives held by De Los Santos.



Figure 6: The second knife that De Los Santos was holding.

LASD Forensic Specialist Nakia Berry documented and collected, two Taser guns with expended cartridges and wiring; seven FC 9mm Luger cartridge cases; a fired 40mm casing and an unfired 40mm round; an LASD ballistics shield; a WIN 9mm Luger cartridge case; a cell phone; two black handled knives (*Figures 5 and 6*); an Arwen 40mm rifle; and a metal trashcan (with connected Taser prongs). The location of those items were photographed at the scene and later collected (*Figures 7 and 8*).

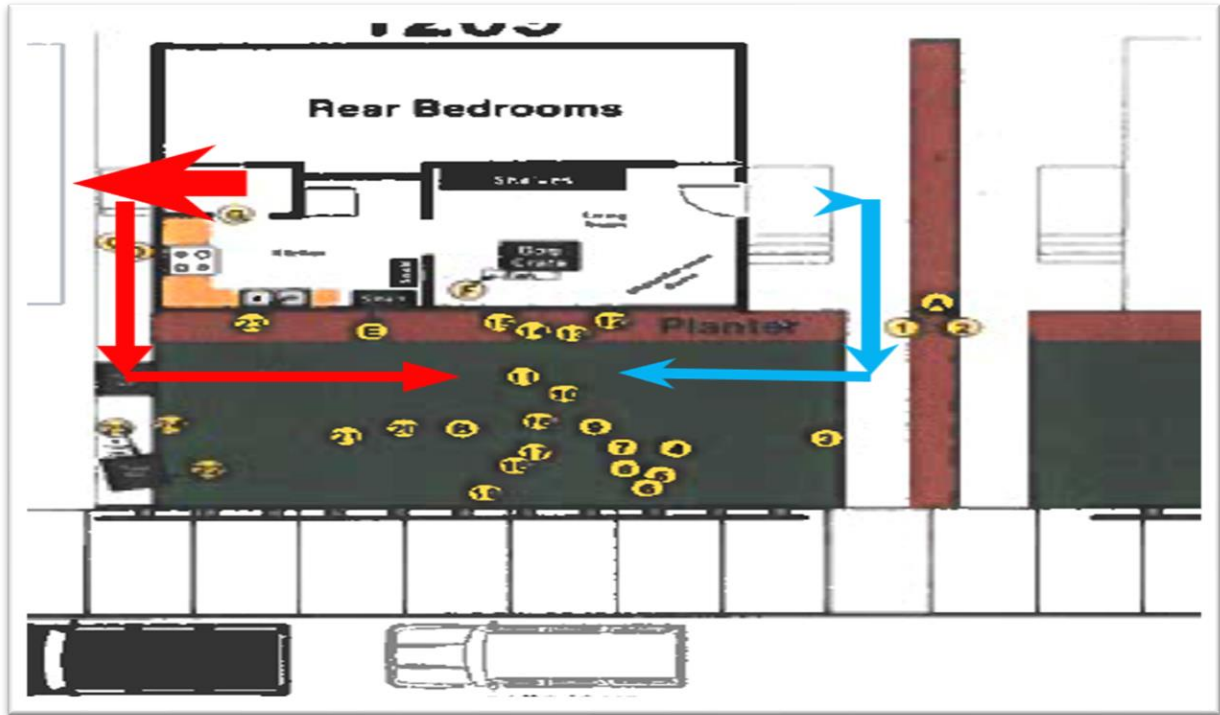


Figure 7: De Los Santos ran out the house (red). Deputies (blue) were on the lawn and porch. Evidence (i.e., Taser cartridges, shield, knives, etc.) were identified by yellow cones and later collected as evidence.

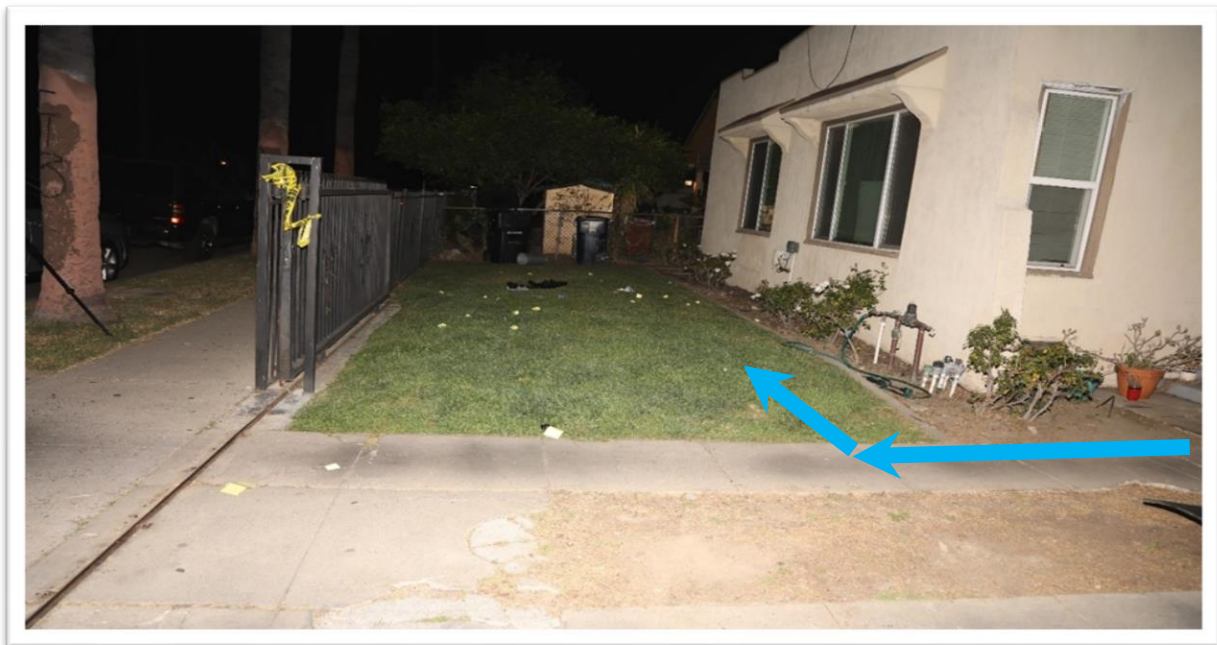


Figure 8: Front yard after the shooting. The Tasers, 40mm, and the metal trashcan De Los Santos was holding are visible in the photos. Blue lines indicate the direction of travel by the deputies from the front porch to the lawn.

MEDICAL RECORDS

After being shot, De Los Santos was immediately transported and admitted to St. Francis Medical Center on April 23, 2021, at 11:32 p.m. Treating physicians identified three gunshot wounds, including one to his right chest, right buttocks, and lower left leg (*Figure 9*).⁵

The physician also noted three self-inflicted lacerations (“self-stab lacerations x3”) to De Los Santos left face under his jaw (“submandibular 5cm stellate laceration”), right side of his chest (“right anterior lateral chest”), and left wrist.

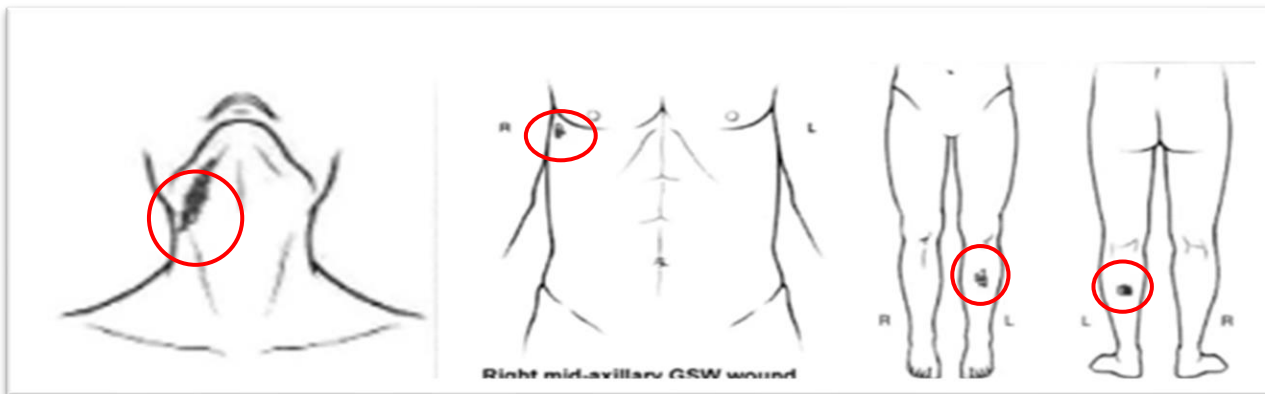


Figure 9: Diagram of De Los Santos' self-inflicted stab wound under his right jaw (5cm submandibular), and gunshot wounds to his right chest (mid-axillary), and left shin and calf.

TOXICOLOGY

De Los Santos arrived at St. Francis Hospital for the first time on April 23, 2021, at 4:30 a.m. Hospital records state that De Los Santos was “agitated and altered . . . [upon] arrival . . . combative and attempting to stab himself in the neck . . . placed in 4-point restraints during transport.”

De Los Santos told Dr. Randy Woo that he had used multiple drugs, including methamphetamine. Dr. Woo described De Los Santos as “mildly altered [with] an impaired sense of self-awareness.” De Los Santos told Dr. Ferrell that he stopped using his prescribed medications of lithium and bupropion in the past year and had [recently] used methamphetamine.

Blood toxicology results indicated that De Los Santos had been drinking alcohol and tested positive for the presence of amphetamine. Dr. Woo also observed that De Los Santos had (heroin) track marks on both arms and was “lethargic from drug intoxication.” De Los Santos was held in the hospital until he was “clinically sober.” However, since De Los Santos did not meet the criteria for a mental health hold, he was released.

⁵ Initial reports and a statement by LACoFD Paramedic Calderon, describes a gunshot “wound to the face.” However, radiographs and physician’s notes describe the injury as a “laceration” (i.e., [requiring] “repair of the 6cm complex facial/submandibular laceration”).

LEGAL ANALYSIS

The Law

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, 4E-1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505. A prior threat or harm to the person or others can be considered when determining whether a person's conduct and beliefs were reasonable. CALCRIM No. 3470. A person is not required to retreat. He is entitled to stand his ground and defend himself and, if reasonably necessary, to pursue an assailant until the danger of death or bodily injury has passed. This is so even if safety could have been achieved by retreating. The People have the burden of proving beyond a reasonable doubt that the person did not act in lawful self-defense or the defense of another. *Id.*

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 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).

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 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) & (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 sufficient evidence to show that both deputies, Granados and Velasco reasonably believed, based on the circumstances, that the deadly force used was necessary to defend themselves and others against an imminent and deadly threat of death or serious bodily injury.

Earlier that day, De Los Santos had been violent with non-law enforcement personnel. Both times he voluntarily agreed to get into an ambulance to be transported to the hospital. During the first trip, the ambulance team was able to restrain him with four-point restraints. However, on the second trip, he began physically fighting with the EMT who was monitoring him. De Los

Santos attempted to arm himself with a deadly weapon while he was fighting with one EMT and kicked the other EMT who trying to help him.

Captain Ryan and Paramedic Calderon both attempted to help de-escalate the situation and for three hours they observed trained professionals plead with De Los Santos to drop the knives. They became concerned when De Los Santos began aggressively lunging at deputies with the knives, from inside his home. It was not until De Los Santos ran out of the home while armed with the knives and the metal trashcan, that the deputies were forced to confront De Los Santos.

Even after using numerous non-lethal weapons, which knocked De Los Santos to the ground, De Los Santos was not deterred and he immediately “popped up” after being tased and shot with the 40mm. Captain Ryan described De Los Santos as “exploding in a rage” after being tased and lunging for the deputies, getting closer to them each time while making “slashing motions” at them.

The scene was so chaotic, even after De Los Santos was shot, Paramedic Calderon was unsure whether De Los Santos had injured any of the deputies because he observed De Los Santos slash the knives within “three to four feet (“lunging” distance)” of the deputies while they were trying to subdue De Los Santos with non-lethal weapons.

A review of all the evidence presented suggest both Granados and Valencia reasonably believed, after using the non-lethal weapons, that De Los Santos still had the present ability, opportunity, and apparent intent to immediately cause serious bodily injury to them and others and believed that deadly force was necessary to defend against an imminent deadly threat.

CONCLUSION

We have determined that based on the totality of the circumstances, Deputies Granados and Valencia acted in lawful self-defense and the defense of others when they used deadly force.