

**Non-Fatal Officer Involved Shooting of
Jesse Allan Santo**

Los Angeles County Sheriff's Department

**Deputy Matthew Bistline, #606065
Deputy David Chavez-Cruz, #630174
Deputy Andrew De La Rosa, #618171
Deputy Jonathon Livingston, #527888
Deputy Collin Reddy, #510900
Deputy Ryan Thompson, #600320**

J.S.I.D. File #20-0083



GEORGE GASCÓN
District Attorney

**Justice System Integrity Division
April 16, 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 Jesse Allan Janto
J.S.I.D. File #20-0083
L.A.S.D. File #020-03610-2603-055

DATE: April 16, 2024

The Los Angeles County District Attorney's Office Justice System Integrity Division has completed its review of the March 5, 2020, non-fatal shooting at Jesse Allan Janto by Los Angeles County Sheriff's Department (LASD) Deputies Matthew Bistline, David Chavez-Cruz, Andrew De La Rosa, Jonathon Livingston, Collin Reddy, and Ryan Thompson. We have concluded that the shooting was not unlawful.

The District Attorney's Command Center was notified at 11:44 p.m. on March 5, 2020, of the shooting. The District Attorney's Response Team responded and was briefed at the scene by Los Angeles County Sheriff's Department Lieutenant Bob Westfall.

The following analyses are based upon investigative reports; recordings of interviews of non-Department witnesses; communications by LASD dispatchers; news broadcasts; security videos of businesses on the route of the pursuit; photographs taken by investigators; and the interviews of those deputies who provided voluntary statements received on April 19, 2021. One body worn camera recording was reviewed. It recorded an interview of a civilian witness.

No compelled statements were reviewed.

FACTUAL ANALYSIS

Summary

The deputy involved shooting took place at the terminus of a 46-mile-high speed pursuit, on and off of freeways, which started in Palmdale at 9:22 p.m. on March 5, 2020, and ended 58 minutes later at 10:20 p.m. in Saugus.

Pursuit

According to Deputy Matthew Bistline, at about 9:22 p.m., March 5, 2020, he and Deputy Andrew De La Rosa conducted a traffic stop of a 2014 Audi, driven by Jesse Allan Janto, in a parking lot at the northeast corner of 25th Street East and Avenue S in Palmdale. [REDACTED] was seated in the Audi's front passenger seat. The deputies were in a clearly marked black and white patrol vehicle.

Deputy Bistline stated that after the deputies exited their patrol unit, Mr. Janto sped out of the parking lot and turned right (west) on Avenue S, then quickly left (south) against the red light onto 25th Street East. The deputies followed, with Deputy Bistline driving. Just south of 25th Street East and Spanish Bloom Drive, Mr. Janto made a U-turn and sped north on 25th Street East. Deputy Bistline then began the pursuit of Mr. Janto. It was 9:30 p.m.

The following description of the pursuit is based on the spontaneous statements made by Los Angeles County Sheriff's Department personnel to dispatch during the 49 minutes of recorded radio traffic, the 33 video recordings of the pursuit captured by security cameras of businesses along the route, a video recording of the live broadcast of the pursuit by KTLA television, and the investigative reports and evidence collected by Sheriff's Homicide Bureau detectives.

Mr. Janto continued driving north on 25th Street East, not stopping for traffic lights. At 9:33 p.m. the Sheriff's Department helicopter joined the pursuit.

Within seconds of the helicopter joining, because of the increasing danger posed by Mr. Janto's driving, pursuant to Sheriff's Department policy the pursuit was suspended, and patrol units backed off into surveillance mode.

As the deputies terminated the pursuit, Mr. Janto continued north on 25th Street East past Avenue P. There he turned right (east) into the Federal Aviation Administration's Los Angeles Air Traffic Control Center and continued north through the parking lot. He drove through the chain link perimeter security fence into the FFA's secure area which housed radar and communications antennae.

Photograph 1 - Point of entry to FAA secure area.



Mr. Janto continued north across the grass in the secure area before exiting onto 25th Street East by driving again through the chain link perimeter security fence.

Photograph 2 - Point of exit from FAA secure area.



As Mr. Janto approached the security gate to the United States Air Force Plant 42 facility on 25th Street East, he veered off the road to the left (west) and drove his car through the chain-link security perimeter fence onto the Palmdale Regional Airport airfield.

Photograph 3 - Point of entry into Palmdale Regional Airport airfield secure area.



Mr. Janto drove in a westwardly arcing direction across the airfield and exited by driving through a chain-link security perimeter fence which separated the airfield from Blackbird Aviation facilities. At 9:34 p.m., while Mr. Janto was driving through the airfield and Blackbird Aviation secure areas, deputies reported hearing a single gunshot.

Photograph 4 - Point of exit from Palmdale Regional Airport airfield secure area into Blackbird Aviation secure area.

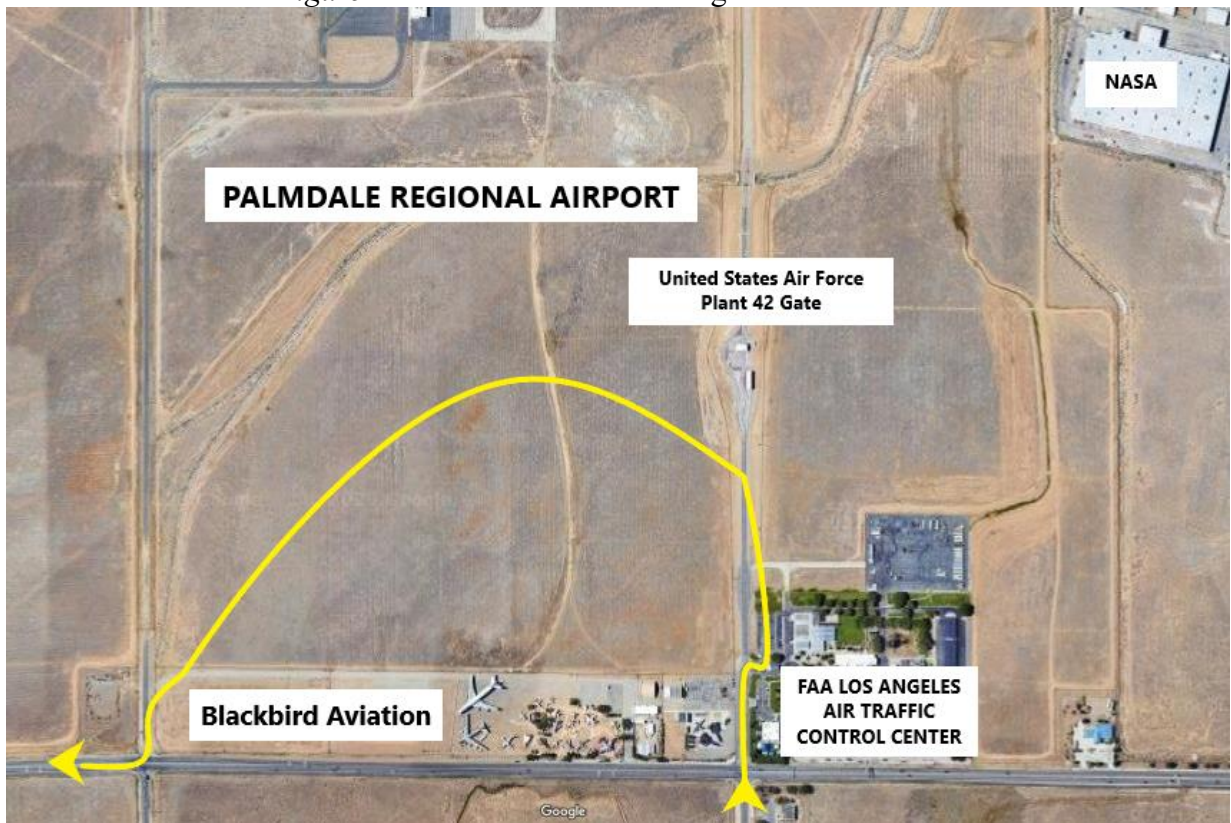


Mr. Janto drove west across the northwest corner of the Blackbird Aviation facilities and through the chain link security perimeter fence onto 20th Street East.

Photograph 5- Point of exit from Blackbird Aviation secure area onto 20th Street East.



Figure 1 – Mr. Janto’s route through secure facilities.



The collision with the chain-link fence as Mr. Janto exited onto 20th Street East caused the hood of the Audi to bend back flat against the Audi’s windshield.

Photograph 6 - Audi (at terminus of pursuit) with hood bent back flat against windshield.



Mr. Janto turned left (south) on 20th Street East and turned immediately right (west) onto Avenue P. While traveling west on Avenue P, Mr. Janto fired a gun out of the driver's side window several times. Because of this, at 9:38 p.m., deputies were authorized, pursuant to policy, to resume the pursuit. Deputies Bistline and De La Rosa picked up the lead and were joined by other deputies.

What ensued was a 41.9-mile pursuit during which Mr. Janto had no forward vision through the windshield. During this segment of the pursuit, between Palmdale and the interchange of Interstate 5 south with Interstate 210 east:

- Mr. Janto fired multiple shots into the air while driving west on Avenue P between 20th Street East and 10th Street East.
- Mr. Janto fired shots into the air as he traversed the onramp to the southbound State Highway 14.
- Mr. Janto exited onto West Palmdale Boulevard traveling west.
- Mr. Janto reversed direction by driving through the patronized Chevron gas station at West Palmdale Boulevard and 5th Street West.
- Mr. Janto entered State Highway 14 traveling south.
- ██████████ shot a handgun in the direction of the helicopter, causing the helicopter to make evasive maneuvers.
- Mr. Janto drove 7.8 miles in the northbound lanes of Sierra Highway between Angeles Forest Highway and Ward Road against opposing traffic, forcing numerous motorists off the pavement to avoid death or serious injury.
- Mr. Janto drove 27.2 miles on tires flattened by a spike strip deployed between Santiago Road and McEnnery Canyon Road.
- Mr. Janto brandished a firearm out the driver's side window multiple times.

As Mr. Janto approached the eastbound Interstate 210 exit while driving south in the automobile lanes of Interstate 5 from State Highway 14, it appeared as though the left side rims had entirely worn away and the car was being driven on its rotors.

Image Capture # 1 - Audi being driven on rotors at S I5/E I210 interchange.



After Mr. Janto drove onto the eastbound Interstate 210 on ramp, the rotors ceased and the Audi came to a stop, 46.3 miles from where Mr. Janto was first stopped. Deputy Bistline stopped approximately sixty feet behind the Audi. Deputy Bistline and the other deputies immediately got out of their patrol units. The time was 10:19 p.m.

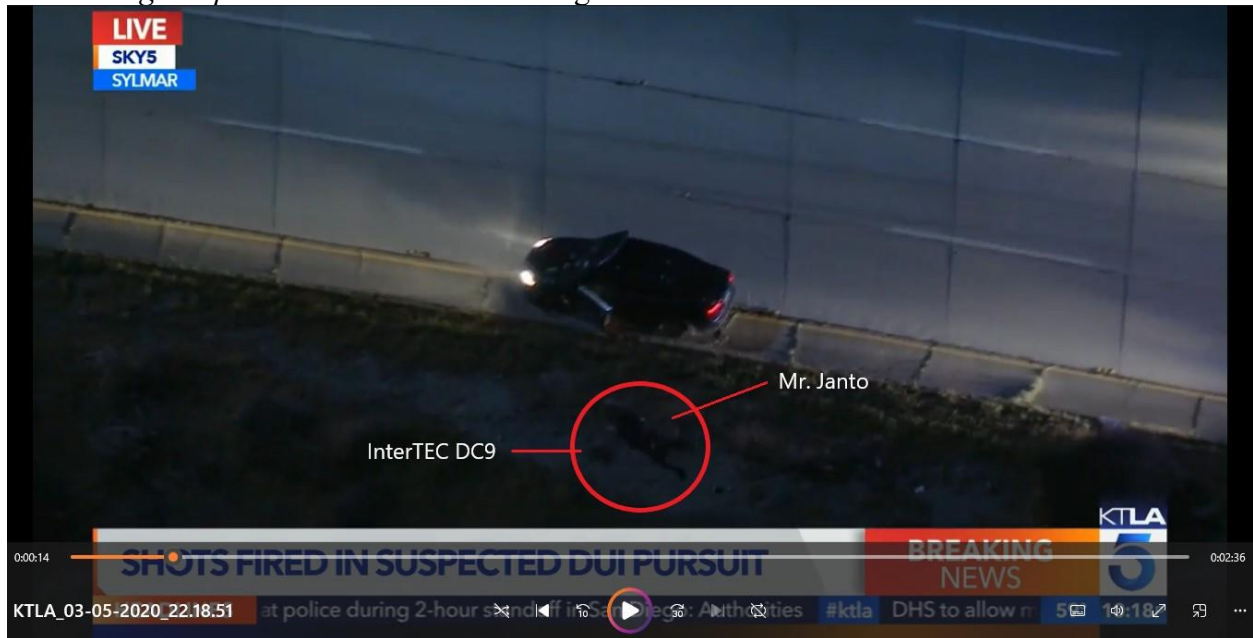
Photograph 7 - View of stopped Audi from Deputy Bistline's stopping position.



The Shooting of Mr. Janto

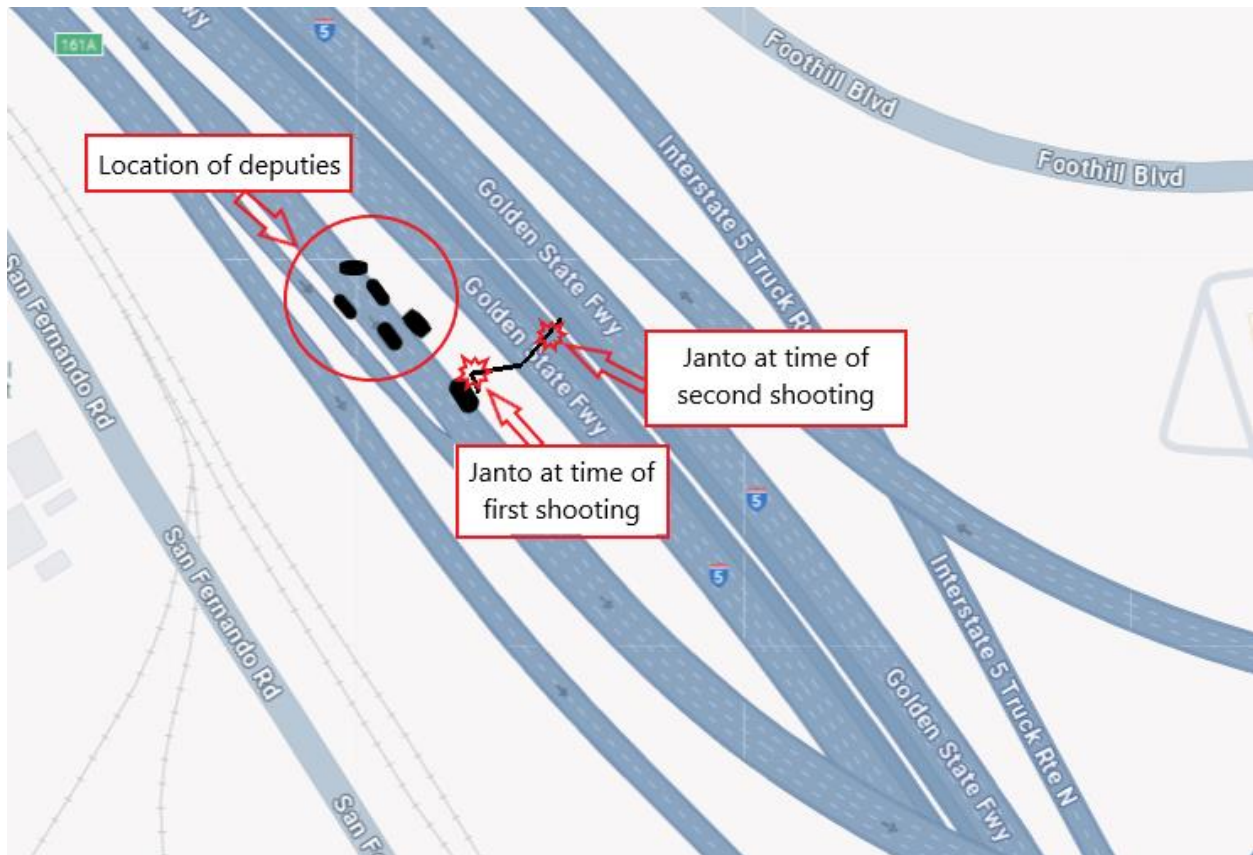
Immediately upon stopping, Mr. Janto jumped out of the car with an IntraTEC-DC9 firearm. He started in the direction of the deputies while holding the gun. The deputies shot at Mr. Janto. Deputy Bistline shot 1 to 5 shots, Deputy De La Rosa fired 8 shots, Deputy Jonathon Livingston fired 1 to 8 shots and Deputy Ryan Thompson fired 1 to 6 shots at Mr. Janto. Mr. Janto dove to the ground and down the embankment. Deputies were prevented from immediately pursuing him by what appeared to be gunfire coming out of Mr. Janto's vehicle, which [REDACTED] had not yet exited.

Image Capture 2 - Mr. Janto stumbling with IntraTEC Tec-DC9 firearm in left hand.



Mr. Janto immediately rolled, got up, and ran down the embankment toward the southbound automobile lanes of Interstate 5. As he ran east across the southbound lanes toward the heavy traffic in the northbound automobile lanes of Interstate 5, Deputy David Chavez-Cruz shot once at Mr. Janto using his pistol and Deputy Collin Reddy shot once at Mr. Janto using an AR15 .223 caliber rifle. Each stopped shooting when Mr. Janto reached the center barrier of the freeway.

Figure 2 - Location of Mr. Janto shootings at end of pursuit.



Mr. Janto jumped over the barrier into the northbound automobile traffic. He was struck by one vehicle and tried to enter another car that had swerved and slowed to avoid hitting him. The driver drove away and Mr. Janto was tackled by deputies. Mr. Janto did not submit to detention and the deputies were required to use force to capture him.

After he was subdued, handcuffed, and hobbled, Mr. Janto was carried by deputies to a rescue ambulance. Deputies Cory Mattice and Aldo Alvarez escorted the rescue ambulance to Providence Holy Cross Hospital. There the deputies observed two wounds approximately two inches in diameter on each of Mr. Janto's legs. Mr. Janto reported these to be gunshot wounds. No other documentation of injuries was provided or reviewed.

Deputies Bistline, Livingston, De La Rosa, and Thompson told investigators that each saw Mr. Janto jump out of the car facing their direction wielding a gun. Deputy Thompson stated that Mr. Janto fired one shot after exiting.

The Non-Hit Shooting of Mr. ██████████

██████████ remained in the car. However, as deputies engaged with Mr. Janto, they observed the back windshield of the car shatter outwards. According to deputies Bistline, Livingston,

Reddy and Jason Howell, believing that [REDACTED] was shooting at them, they shot at the Audi. [REDACTED] was not struck by any bullet and surrendered without further incident.

Investigation and Criminal Prosecution of Mr. Janto and [REDACTED]

Mr. Janto and [REDACTED] were each found to be under the influence of amphetamines. Recovered, among other items from the Audi, were 1047.6 grams of a substance containing heroin, 1119.0 grams of a substance containing Fentanyl, 48.68 grams of methamphetamine and a Taurus .357 magnum revolver with all chambers fired.

Both were charged in felony complaint [REDACTED] with 32 felony counts covering their conduct during and after the pursuit. The preliminary hearing has not yet been set and no information has been filed. The next scheduled court date is May 8, 2024, for preliminary hearing setting.

LEGAL ANALYSIS

California law provides the use of deadly force by a peace officer to make an arrest is not unlawful when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person. (Penal Code sections 196 and 835a(c)(1)(A) and 197).

(B) 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 sections 196 and 835a(c)(1)(B)).

In a criminal prosecution of a peace officer for the use of deadly force, the People have the burden of proving beyond a reasonable doubt that the force was unlawful. (1 CalCrim 507 (2021))

The Shooting of Mr. Janto

It is not known whether Mr. Janto was hit by any of the gunshots fired by deputies, or if so, which of the deputies' gunshots were those that injured Mr. Janto. The following analyses apply to all of the deputies who shot at Mr. Janto.

The First Shooting

At the end of the pursuit Mr. Janto showed no signs of surrender. He quickly exited the car, facing the deputies, holding an IntraTEC DC9 handgun. Given this conduct, and in consideration of his conduct throughout the pursuit, the use of deadly force at this point was justified, whether or not Mr. Janto actually fired his gun at the deputies.

In a prosecution of deputies Bistline, De La Rosa, Livingston and Thompson for this shooting, the prosecution would be required to prove beyond a reasonable doubt that, based on the totality of the circumstances, no reasonable officer in the same situation would believe that Mr. Janto

posed an immediate threat to the safety of each deputy or others. Mr. Janto had the present ability, opportunity, and, given his conduct throughout the pursuit, apparent intent to immediately cause death or serious bodily injury to the deputies or another person.

There is no evidence in this case from which an inference can be drawn that the deputies' belief Mr. Janto posed an imminent threat of death or serious bodily injury to the deputies, or another was unreasonable.

The Second Shooting

After Mr. Janto rolled, got up, and ran down the embankment, he displayed no behavior consistent with surrender. Instead, he ran toward the civilian automobile traffic traveling in the northbound automobile lanes of Interstate 5 in an apparent attempt to escape.

In a prosecution of deputies Chavez-Cruz and Reddy for this shooting, the prosecution would be required to prove beyond a reasonable doubt that, based on the totality of the circumstances, no reasonable officer in the same situation could have believed that Mr. Janto posed a risk of serious bodily injury or death to others unless he was immediately captured. See Penal Code sections 196 and 835a(c)(1)(B).

There is no evidence in this case from upon which such an argument can be made in good faith. Mr. Janto had been, and to the deputies' knowledge may still have been, armed with a firearm. Throughout the pursuit he had demonstrated a willingness to use the gun to make his escape. Throughout the pursuit he demonstrated that he was willing to risk death or serious injury to other motor vehicle occupants to make his escape.

The Shooting at [REDACTED]

There is no evidence that [REDACTED] was struck by the deputies' gunfire. However, deputies only shot at [REDACTED] after the rear wind screen of the Audi exploded outward from what appeared to the deputies to be a gunshot.

In the prosecution of deputies Bistline, Livingston, Reddy and Jason Howell for shooting at [REDACTED], the prosecution would be required to prove beyond a reasonable doubt that, based on the totality of the circumstances, no reasonable officer in the same situation would believe that [REDACTED] posed an immediate threat to the safety of each deputy or others.

There is no evidence in this case from which an inference can be drawn that the deputies' belief [REDACTED] posed an imminent threat of death or serious bodily injury to the deputies, or another was unreasonable.

Necessity for Use of Deadly Force

California requires that the use of deadly force be “necessary,” and mandates that an officer “shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Cal. Pen. Code sec. 835a(2)).

Under the circumstances of this case, there were no reasonably safe alternatives available to the deputies in either the shooting of Mr. Janto or the shooting at [REDACTED]

Other Use of Force in Capturing Mr. Janto

No investigation was submitted as to the uses of force by deputies while subduing Mr. Janto in the northbound lanes of Interstate 5. Given the circumstances of the arrest and the strength of Mr. Janto’s manifest desire to not be arrested, the uses of force depicted in the news video recordings do not establish a prima facie case of excessive use of force. Because there was no additional evidence submitted on this issue, no determination is reached on this issue.

CONCLUSION

The direct and the circumstantial evidence here and the inferences which can be drawn from that evidence establish that the use of deadly force by deputies Matthew Bistline, David Chavez-Cruz, Andrew De La Rosa, Jonathon Livingston, Collin Reddy, and Ryan Thompson was not unlawful.