

**Non-Fatal Officer Involved Shooting of Michael Wise**

**Los Angeles Police Department**

**Detective Michael Johnson #34786**

**J.S.I.D. File #19-0086**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**April 21, 2022**

**MEMORANDUM**

TO: CAPTAIN RICH GABALDON  
Los Angeles Police Department  
Force Investigation Division  
100 West First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT: Non-Fatal Officer Involved Shooting of Michael Wise  
J.S.I.D. File #19-0086  
F.I.D. File #F004-19

DATE: April 21, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office (LADA) has completed its review of the February 14, 2019, non-fatal off-duty shooting of Michael Wise by Los Angeles Police Department (LAPD) Detective Michael Johnson. For the reasons set forth below, this office declines to initiate criminal proceedings in this matter.

The District Attorney's Command Center was notified of this shooting on February 14, 2019, at approximately 12:45 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Los Angeles Police Department (LAPD) Lieutenant Damian Gutierrez.

The following analysis is based on reports, recorded interviews, DVD recordings, and photographs submitted to this office by the Los Angeles Police Department.

**FACTUAL ANALYSIS**

**Prior to Incident**

On February 13, 2019, Detective Michael Johnson and Detective N [REDACTED] were off-duty and planning to attend a promotional party. They met in front of a bar on West 7<sup>th</sup> Street in Los Angeles. While waiting for their co-workers, Johnson and [REDACTED] spent approximately 30 to 40 minutes at an adjacent bar. At approximately 8:00 p.m., Johnson and [REDACTED] returned to the first bar and stayed there until the party ended at midnight.

Johnson, [REDACTED], and Detective [REDACTED] [REDACTED] then walked to another bar on West 8<sup>th</sup> Street. [REDACTED] called Officer [REDACTED] [REDACTED] who lived nearby and asked her to give the detectives a ride home. [REDACTED] joined the others at the bar from approximately 12:45 a.m. to 1:00 a.m. At approximately 2:00 a.m. on February 14, 2019, the four officers walked towards the exit of the bar. As they walked towards the door, Johnson trailed behind the others. [REDACTED], [REDACTED]

█████ and ██████ exited and walked east, away from the bar to take cover under an awning. They did not realize that Johnson had turned around and walked back into the bar. When they discovered Johnson was no longer with them, ██████ attempted to reenter the bar but was refused entry because the bar was closing. ██████ called out for Johnson and looked through the door, but Johnson did not respond. ██████ attempted to call Johnson on the phone, but Johnson did not answer. ██████, ██████ and ██████ got into ██████'s car and drove away while continuing to look for Johnson. Even though Johnson was intoxicated, ██████, ██████, and ██████ believed Johnson was coherent, able to converse, and capable of caring for himself. Therefore, they concluded Johnson must have used public transportation or a ridesharing service to return to the nearby condominium he had rented for the night.

Johnson had rented a condominium at the intersection of 2<sup>nd</sup> Street and South San Pedro Street because he planned to attend the promotion party on the night of February 13<sup>th</sup> and he was scheduled to attend training in nearby Elysian Park the next morning. The condominium was 1.25 miles from the last bar he went to with the other three officers.

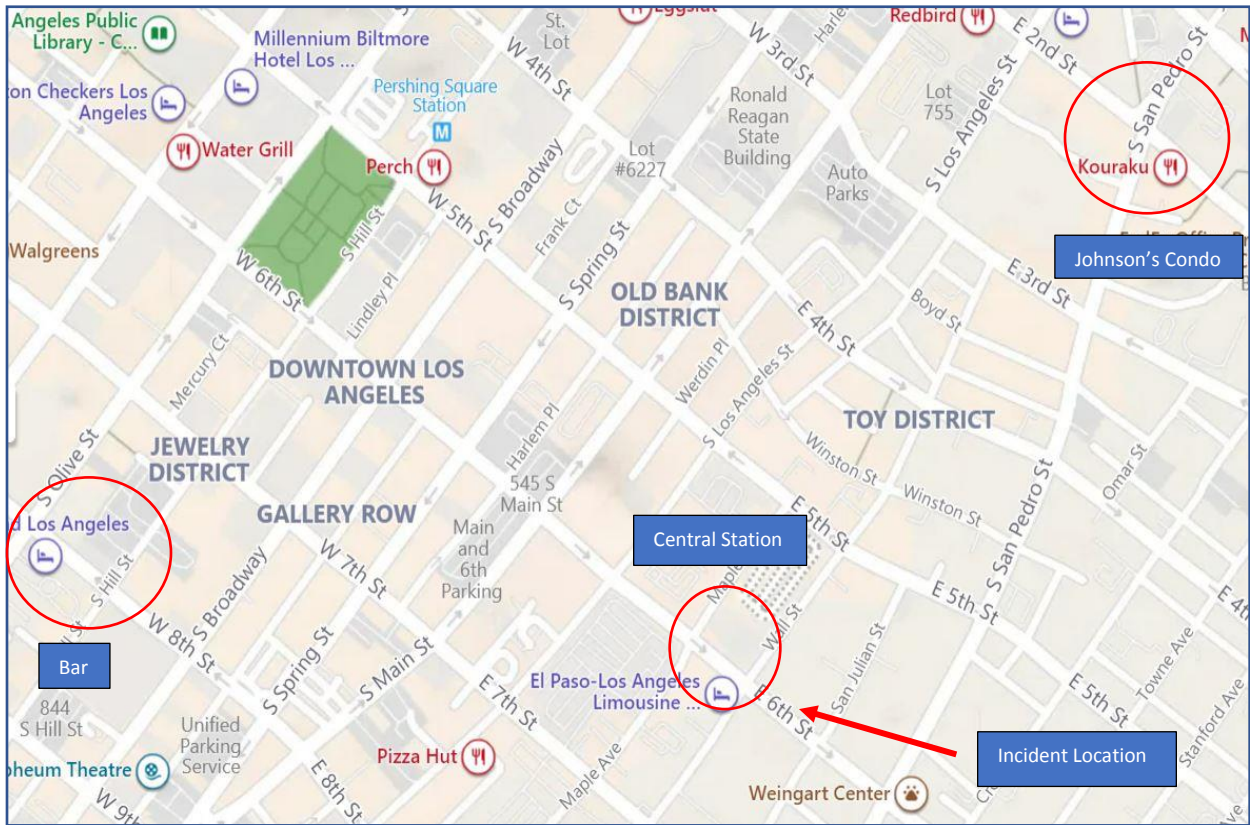


Figure 1. This map indicates the location of landmarks referred to in this memorandum.

Johnson exited the bar approximately eight minutes after the other three officers walked out. As shown on a surveillance video, he walked a short distance west before turning and walking east on 8<sup>th</sup> Street. Officer Antonio Gil was assigned to the rear gate in the Central Station parking garage, located on Wall Street north of 6<sup>th</sup> Street. At approximately 2:49 a.m., Gil saw Johnson

walking from 6<sup>th</sup> Street and confronted him. Recognizing that Johnson was intoxicated, Gil advised Johnson to get a ride home, either through the watch commander or a ridesharing service. Johnson said he was “ok” and walked into the garage toward the station’s rear door. Johnson entered the station and walked down a hallway towards the men’s restroom at approximately 2:51 a.m. Approximately four minutes later, Johnson exited onto Wall Street and walked south toward 6<sup>th</sup> Street. Gil called out to Johnson to come back, but Johnson walked away.

Johnson walked to the front of Central station, where he lingered for approximately 15 minutes. Then, he walked east on 6<sup>th</sup> Street by himself and crossed Wall Street at approximately 3:27 a.m. Johnson continued east on 6<sup>th</sup> Street from Wall Street adjacent to tents along the north sidewalk. No one was near him.

### **Incident**

Shortly afterwards, a surveillance camera showed Johnson engage a woman,<sup>1</sup> later identified as ██████, who was holding a pink umbrella near the north sidewalk.<sup>2</sup> The two were half a block east of Central Station. Johnson and ██████ were in the street near a red tent. Wise emerged from the tent approximately four minutes later and approached Johnson.

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<sup>1</sup> It was raining at the time of the incident. Raindrops covered the lens of the surveillance camera and obscured the camera’s view, making it difficult to discern the events that occurred during the incident.

<sup>2</sup> ██████ identified herself in a still photograph of the incident taken from a surveillance camera, but denied witnessing the incident.



*Figure 2. This still photograph was taken from a surveillance camera facing westbound from the southeast corner of 6<sup>th</sup> Street and San Julian Street. It depicts Johnson walking eastbound on 6<sup>th</sup> Street, approaching [REDACTED], who is near a red tent in the middle of the block on the north sidewalk.*

Approximately 11 seconds later, Johnson took a step backward and extended his left arm out toward Wise.



*Figure 3. This still photograph from the security camera mounted on the southeast corner of 6<sup>th</sup> Street and San Julian Street shows Johnson extending his left arm moments before Wise wrestled him to the ground.*

Johnson and Wise closed distance and Wise wrestled Johnson to the ground.

Although the subsequent events are difficult to perceive due to rain drops on the camera lens, the surveillance video is consistent with Wise straddling Johnson's motionless body and punching Johnson repeatedly in the face for nearly a minute and a half. Wise then got to his feet while Johnson remained motionless and defenseless on his back. Wise picked up a nearby trash can, lifted it, and dropped it on Johnson's face. Wise picked up the trash can again and dropped it on Johnson's head a second time.

██████████.

██████████ was sleeping in his truck that was parked along the curb on 6<sup>th</sup> Street east of Wall Street. He awoke to see Johnson and Wise fighting in the street, though he did not know either of the men. ██████████ disregarded the struggle and closed his eyes. Hearing a single gunshot, he looked back. The two men were still fighting, so ██████████ assumed neither of them fired the gunshot. ██████████ continued to watch the fight until he heard a second gunshot and saw a muzzle flash between Johnson and Wise. He did not see who was holding the pistol, who had fired, or the direction the round was fired. At some point, the men were on the ground. ██████████ believed the shots were fired before the men fell to the ground, but he was unsure.



Johnson lay on the ground on his back motionless and [REDACTED] believed he was dead. Wise picked up a green metal trash can that [REDACTED] described as so heavy, "I don't even know how you pick (it) up." Wise stood over Johnson and "smashed" the trash can into Johnson's head. Wise picked the trash can up and struck Johnson in the head with it a second time.

Wise then walked to the Midnight Mission, a block east of the scene of the incident, and sat down in front of the building. Johnson remained motionless on the ground.

[REDACTED].

On February 14, 2019, detectives at LAPD Central Division interviewed [REDACTED].

At the time of the incident, [REDACTED] was inside his tent on 6<sup>th</sup> Street west of San Julian Street. [REDACTED]'s tent was near the tent where Wise was staying. [REDACTED] heard a verbal dispute outside his tent between Wise and a man he did not know (Johnson). [REDACTED] believed Johnson was walking through the area and not causing any problems. Wise told Johnson that Johnson was not allowed to be in the area. Wise stated to Johnson, "I'll fuck you up if you don't get out of here." [REDACTED] then heard scuffling and two gunshots.

[REDACTED] exited his tent and saw Wise walking away holding his left side. Johnson was lying on the ground bleeding from his head.

[REDACTED] walked eastbound on 6<sup>th</sup> Street. Two blocks east, at Crocker Street, he found a wallet on the ground. Inside, he saw a blue police identification card, a Costco card, and a credit card. [REDACTED] removed the Costco card and the credit card and then discarded the wallet. He later gave the cards to police officers who responded to the scene. Police searched for the wallet, but it was never found.

### Michael Wise

At 3:26 a.m., an unidentified security guard called 9-1-1 and reported that he discovered Wise outside the Midnight Mission on South San Pedro Street with a single gunshot wound to his abdomen.

Responding Officers Martin Garcia and Joaquin Serrato made contact with Wise shortly after the call as Wise sat in front of the Midnight Mission. When the officers approached him, they saw Wise had taken off his shirt and wrapped it around his torso to stanch the bleeding from his bullet wound. The officers tried to find out how he was injured, but Wise told the officers he did not know what happened. He insisted he needed an ambulance and a bystander told the officers Wise had been shot. Wise pulled down his shirt which was still wrapped around his torso and showed Serrato a bullet wound on the left side of his abdomen. An ambulance transported Wise to Los Angeles County+USC Medical Center (LAC-USC) for treatment.

On February 18, 2019, detectives went to LAC-USC and attempted to interview Wise about the incident. Wise declined to speak to them.

Wise provided an interview to ABC 7 News (ABC) that was broadcast on April 4, 2019. In the interview, Wise stated that he was with his friend [REDACTED]. An unknown man (Johnson) grabbed [REDACTED]'s arm and told her to come with him. Wise intervened and told Johnson to "Get the fuck out of here." Johnson never identified himself as an officer. Wise was on top of Johnson wrestling with him and heard someone say, "He has a gun." Per Wise, Johnson shot him twice. Wise grabbed the gun and Johnson fired again. Wise "put (the gun) to the side." Wise "hit him in the face as hard as he ... could until he could feel his bones breaking."

On September 25, 2019, investigators again attempted to interview Wise about the incident. Wise said he remembered little about what happened. He remembered "fighting with a guy" and then, "I got shot." Wise said he and Johnson were wrestling on the ground and Wise pinned Johnson's hand to the ground. Wise did not remember whether he was standing up or wrestling on the ground when he was shot. Wise first said he was shot twice, and then said he was shot once. He was unwilling to say anything more about the incident, reiterating that he did not remember the incident well and did not care about it either. He added that he hoped the officer was dead.

Wise was unaware of what happened to the firearm after the incident. He also stated he did not remember what he said to ABC and did not know whether the information he provided to the reporter was accurate because he had been drinking before he spoke to her.

### **Post Incident**

At 3:26 a.m., [REDACTED] and [REDACTED] were walking eastbound on 6<sup>th</sup> Street when they came across Johnson lying unconscious in the street. They called 9-1-1 and requested medical assistance for a man they believed might be dead.

At approximately 3:27 a.m., Officer Luis Nunez and Officer Michael Tarango were assigned to the two radio calls regarding two gunshot victims. Upon their arrival, the officers were flagged down by citizens who directed the officers to an unconscious Johnson. Johnson was lying along the north curb bleeding from the head. Nunez believed Johnson had sustained a gunshot wound to the head and requested an ambulance.

At 3:28 a.m., the Los Angeles Fire Department (LAFD) received the alarm to respond. A rescue ambulance arrived and treated Johnson. At that time, Nunez noticed an empty holster on the right side of Johnson's belt. Nunez searched Johnson and the immediate area but did not find a gun. The officers could not find any form of identification, so Johnson was identified as John Doe and transported to the LAC-USC for treatment.

At approximately 9:00 a.m., Captain Rafael Ramirez was notified a detective may have been involved in a shooting. Ramirez confirmed Johnson's identity while Johnson was in an induced coma.



## **Injuries**

Johnson suffered multiple blunt force injuries to his face and head. The injuries caused internal bleeding in the head, facial fractures including orbital and nasal fractures, and extensive damage to the soft tissue and muscles surrounding his eyes. Johnson was placed in an induced coma for the swelling to his brain. His blood alcohol content measured .329. He remained hospitalized until February 19, 2019.

Wise was shot on the left side of his abdomen. The round passed through his body and lodged in his right hip. Doctors were unable to remove the projectile from his hip. He also had cuts and bruises to his knuckles.

In his interview with ABC and his interview with detectives, Wise stated his treating doctor informed him that a bruise between his stomach and chest was a rubber bullet wound. However, there is no evidence that corroborates Johnson firing a rubber bullet. Rubber bullets are incompatible with the gun Johnson fired. Dr. Elias Beech at LAC-USCMC told detectives he believed Wise had been shot twice.

## **Crime Scene Investigation**

At the scene, police recovered two discharged 9mm cartridge cases, consistent with Johnson firing two rounds from his pistol. One cartridge case was in the gutter and another in an empty shoe on the sidewalk near where Johnson was found. An airsoft, or BB, pistol was recovered at a nearby construction site at 401 East 7<sup>th</sup> Street. Investigators attempted a DNA analysis on the airsoft pistol, but the results of the test were unsuitable for interpretation.

Johnson's pistol was stolen during the incident. Four days later, Johnson's firearm was recovered during a robbery investigation in Castaic. The gun was found in a car occupied by two men who declined to provide any information as to how they obtained the firearm. There is no evidence either man was at the scene on February 14, 2019. When the pistol was recovered, the chamber was empty, and the magazine was loaded with thirteen rounds of 9mm ammunition. Fully loaded, the pistol carries fifteen cartridges in the magazine and one cartridge in the chamber.

## **Declination**

LAPD detectives presented the case to LADA to consider whether to charge Wise with assaulting Johnson. LADA declined to file charges against Wise. On the District Attorney's Office Charge Evaluation Worksheet, the reviewing deputy explained: "There appear to be significant inconsistencies between (Johnson's) and witness statements, and the surveillance footage. Due to these inconsistencies the charges cannot be proven beyond a reasonable doubt." Because Johnson's statement to investigators was compelled, JSID did not review the statement and did not consider it in the present analysis.

## **LEGAL ANALYSIS**

### **The Law**

Pursuant to CALCRIM No. 600, the elements of attempted murder are as follows:

1. The defendant took at least one direct but ineffective step toward killing another person;  
and
2. The defendant intended to kill that person.

Under Penal Code §245(b), assault with a semiautomatic firearm is any willful and unlawful use of a semiautomatic firearm that is likely to cause great bodily injury to another person.

A right to self-defense exists when someone reasonably believes he is in imminent danger of suffering bodily injury, reasonably believes the use of force was necessary, and used no more force than was reasonably necessary. CALCRIM No. 3470. The burden falls on the People to prove beyond a reasonable doubt that the defendant did not act in lawful self-defense in order to convict the accused. *Id.*

### **Legal Analysis**

The evidence shows that there was a struggle between Johnson and Wise. At some point in the struggle, Johnson fired two shots, one of which struck Wise in the torso. The evidence is inconclusive as to when Johnson fired his pistol during the fight. Wise overwhelmed Johnson and brutally beat him, causing great bodily injury.

Wise claimed to ABC that he acted in defense of █████ when he initiated the confrontation with Johnson. Wise's account was not corroborated by █████ and was contradicted by █████. Wise himself claimed not to remember the incident and, in his subsequent interview with LAPD investigators, said what he told ABC might have been untrue

The evidence is consistent with Wise approaching Johnson aggressively and initiating the physical struggle. Wise wrestled Johnson to the ground and overwhelmed him. At some point thereafter, it appears Johnson fired his weapon twice, wounding Wise. Johnson himself was severely injured. The evidence presented does not definitively show whether the gun was fired before or after Wise struck Johnson. There is insufficient evidence to prove beyond a reasonable doubt that Johnson did not act in self-defense.

Based on the evidence presented, the People would not be able to prove beyond a reasonable doubt that Johnson did not act in lawful self-defense at the time he likely fired his weapon.

## **CONCLUSION**

There is insufficient evidence to prove beyond a reasonable doubt that Detective Johnson did not act in lawful self-defense.