

Fatal Officer Involved Shooting of Nathaniel Pinnock
Los Angeles Police Department

Officer Youssef Brady, #42330

Officer Nicolas Padilla, #40918

J.S.I.D. File #19-0488



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

May 7, 2021

MEMORANDUM

TO: COMMANDER AL PASOS
Los Angeles Police Department
Force Investigation Division
100 W. First Street, Suite 431
Los Angeles, California 90012

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

SUBJECT: Fatal Officer Involved Shooting of Nathaniel Pinnock
J.S.I.D. File #19-0488
L.A.P.D. File #F054-19

DATE: May 7, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 25, 2019, fatal shooting of Nathaniel Pinnock by Los Angeles Police Department (LAPD) Officers Youssef Brady and Nicolas Padilla. It is our conclusion that Brady acted in lawful self-defense and Padilla acted in lawful defense of another.

The District Attorney's Command Center was notified of the shooting on November 25, 2019, at 12:05 p.m. The District Attorney Response Team responded and was given a briefing, conducted a walk-through of the scene, interviewed a civilian witness and reviewed cellphone video that captured the officer involved shooting.

The following analysis is based on police reports, witness interviews, body worn video (BWV), digital in-car video, cellphone video, surveillance video, dispatch recordings, crime scene photographs, the autopsy report and firearm analysis submitted to this office by the LAPD Force Investigation Division. Brady and Padilla provided compelled statements which were not considered as part of this analysis.

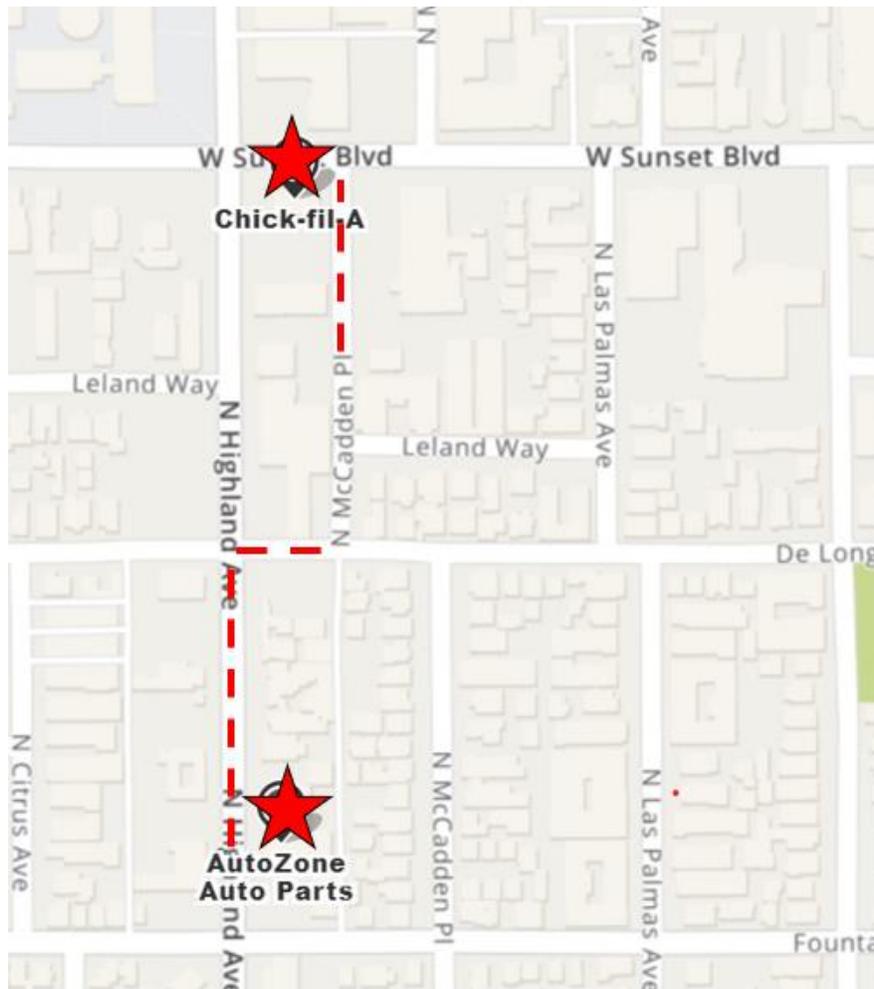
FACTUAL ANALYSIS

On November 25, 2019, at 11:25 a.m., uniformed LAPD officers responded to a "211 suspect there now" radio call at the AutoZone Auto Parts store located at 1306 North Highland Avenue in the City of Los Angeles. The call indicated that the suspect was armed with a machete and stole a car battery and jumper cables. Officers Cuitlahuac Dominguez and Chris Choi located Nathaniel Pinnock on the west sidewalk of McCadden Place, north of De Longpre Avenue. Pinnock matched the robbery suspect's clothing and physical description and was armed with a machete and carrying a car battery.¹ Dominguez ordered Pinnock to drop the machete over the police unit's public

¹ Surveillance video from AutoZone captured Pinnock committing the armed robbery with a machete.

address system. Instead, Pinnock turned toward the officers and raised the machete. Dominguez advised responding units of their observations and location.

Officers Heriberto Coronado and Destini Anderson arrived and stopped next to Dominguez and Choi.² Pinnock walked north on the sidewalk toward the Chick-fil-A restaurant located at the southwest corner of McCadden Place and Sunset Boulevard. Officers Jose Frias and Taylor Smyth stopped their vehicle north of Pinnock in an attempt to contain him. Frias armed himself with a bean bag shotgun while Smyth unholstered his service weapon and ordered Pinnock multiple times to drop the machete. Pinnock ignored the orders and said something similar to, “You will have to shoot me.” Pinnock walked back toward the officers to the south, at times raising the machete, as additional officers arrived to the scene. Officer David Anaya armed himself with a 40mm less lethal launcher (40mm) which launches foam rubber projectiles.



Path taken by Pinnock from the AutoZone to the Chick-fil-A.

Pinnock walked into the Chick-fil-A parking lot with the machete and opened the passenger door of a Lexus stopped at the drive-thru window. Multiple officers followed Pinnock. Anaya handed his

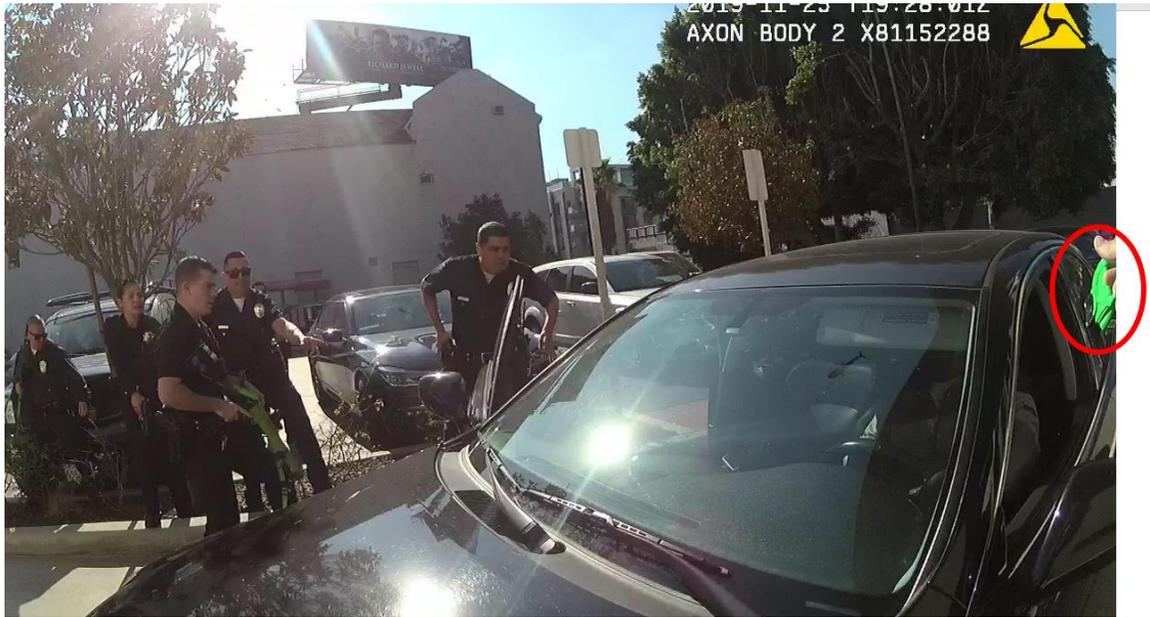
² Dominguez, Coronado and Anderson observed the machete in Pinnock’s right hand and a smaller knife in his left hand while on the sidewalk. A knife was not located, however, a seven-and-a-half-inch plastic knife sheath was recovered on the sidewalk.

40mm to Officer Youssef Brady, approached the passenger side of the Lexus and pointed his service weapon at Pinnock. Anaya ordered Pinnock to “Stop!” “Get down!” and “Drop the machete!” Pinnock replied, “Just shoot me!”³ Pinnock entered the vehicle as the Lexus’ driver exited the driver’s door. Smyth approached the driver’s side of the Lexus as Pinnock moved to the driver’s seat. Smyth fired his Taser through the open driver’s door to stop Pinnock from gaining control of the Lexus. The Taser was ineffective.



Anaya pointing his service weapon at Pinnock as he enters the Lexus with the machete. (Anaya BWV.)

³ Multiple officers activated their BWVs which captured the entire incident.



Smyth pointing his Taser toward Pinnock seated in the driver's seat. (Smyth BWV.)

Pinnock accelerated forward at a high rate of speed and drove north onto McCadden Place, striking several police vehicles. The Lexus became disabled and stopped at the west curb. Multiple officers followed the Lexus from the lot and took positions around the driver's side of the Lexus when it came to a stop. Pinnock was ordered to get out of the car and get on the ground. Pinnock exited the Lexus with the machete and ran to the rear. Frias discharged one round from the beanbag shotgun, striking Pinnock in the right shoulder. Simultaneously, Brady discharged one round from the 40mm at Pinnock.



Pinnock exiting the disabled Lexus with the machete. (Smyth BWV.)

Pinnock ran east on the south sidewalk of Sunset Boulevard. Brady chased Pinnock on foot as Pinnock fled across Sunset Boulevard to the north sidewalk. Officers Nicolas Padilla and Anna Welch followed behind Brady.

Pinnock had slowed to a walk, approximately 55 feet in front of Brady, when he suddenly turned toward and faced the officer. Brady transitioned from the 40mm to his service weapon while yelling, “Drop the machete!” and “Don’t come close!” Pinnock ignored the commands and charged toward Brady at a full sprint. Brady pointed his service weapon at Pinnock while walking backward and yelling, “Stop!”



Pinnock as he began to charge toward Brady. (Brady BWV.)



Pinnock closing the distance to Brady. (Brady BWV.)

Brady began firing his service weapon at Pinnock when he was within thirty feet. Brady fired six times while backpedaling, but it did not stop Pinnock who closed the distance to within five feet with the machete still in his right hand.



The distance between Brady and Pinnock as Brady is about to fire his fifth round.

Brady continued to order Pinnock to stop as Brady moved toward the street and stumbled from the curb, firing an additional two rounds at the charging Pinnock. Brady lost his balance and fell to the street. Brady rolled to his back as Pinnock ran to him and raised the machete over his head. While lying on the street, Brady fired four more rounds at Pinnock as he stood above the officer with the machete ready to strike.

Meanwhile, Padilla unholstered his service weapon as Brady began firing at Pinnock. Padilla's BWV captured Brady stumble and fall to the street as Pinnock ran to him. Padilla fired two rounds at Pinnock as Pinnock stood over Brady with the machete.



Pinnock running toward Brady as the officer falls to the street. (Padilla BWV.)



Pinnock standing over Brady with the machete.
Padilla is in the background. (Brady BWV.)



Pinnock raising the machete while standing over Brady. (Padilla BWV.)



Moments before Padilla fired his service weapon and Brady fired his final volley. (Brady BWV.)

Pinnock collapsed to the street with the machete beneath him. Brady got to his feet and held Pinnock at gunpoint with Padilla until additional officers arrived and took him into custody. Officers began administering cardiopulmonary resuscitation (CPR) until personnel from the Los Angeles Fire Department (LAFD) arrived to the scene. LAFD continued to provide CPR before transporting Pinnock to Cedars-Sinai Medical Center. Pinnock was declared deceased by the emergency room physician at 12:17 p.m.

Recovered Weapon



Pinnock's machete measured 24 inches in length.

Autopsy Report

Los Angeles County Deputy Medical Examiner Matthew Miller, M.D., performed a postmortem examination of Pinnock on November 27, 2019. Pinnock's death was ascribed to gunshot wounds. Pinnock sustained eight gunshot wounds and a grazing wound to the left forearm. One gunshot wound to the head was determined to be rapidly fatal and a second wound to the posterior neck was determined to be potentially rapidly fatal.

THE LAW

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger. See, CALCRIM No. 505.

When deciding whether the defendant's beliefs were reasonable, consider all the circumstance as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant's beliefs were reasonable, the danger does not need to have actually exist. See, CALCRIM No. 505.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

In evaluating whether a police officer's use of deadly 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 '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.” *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this case shows that Pinnock was armed with a 24-inch machete that he used to commit a robbery at an auto parts store. When officers made contact with him, Pinnock ignored multiple commands to drop the machete and carjacked an innocent motorist in an effort to escape. Pinnock crashed the vehicle into parked police units and fled on foot, still armed with the machete. Officers used verbal commands and less than lethal weapons in an attempt to stop Pinnock, without success.

Pinnock charged at Brady with the machete as the officer pursued Pinnock on foot. Pinnock closed the distance to within thirty feet when Brady fired his service weapon six times at Pinnock. Pinnock continued to advance toward Brady with the machete, closing the distance to within five feet. Brady fired two more rounds at Pinnock as he lost his balance and fell to the street. Pinnock approached Brady and raised the machete over his head. Brady and Padilla fired additional rounds at Pinnock as he was about to swing the deadly weapon down upon the fallen officer. Pinnock’s actions placed Brady in reasonable fear for his life, and placed Padilla in reasonable fear for his fellow officer’s life, and they responded with reasonable deadly force.

We conclude that Brady acted in lawful self-defense and Padilla acted in lawful defense of another when they used deadly force against Pinnock. We are therefore closing our file and will take no further action in this matter.