

**Non-Fatal Officer Involved Shooting of
Brandon Camorlinga**

Los Angeles Police Department

Officer Alexander Estrada, #39545

J.S.I.D. File #21-0548



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

May 8, 2023

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 Brandon Camorlinga
J.S.I.D. File #21-0548
F.I.D. File #F066-21

DATE: May 8, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 24, 2021, non-fatal shooting of Brandon Camorlinga by Los Angeles Police Department (LAPD) Officer Alexander Estrada. We have concluded Officer Estrada acted in lawful self-defense at the time he fired his weapon, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this shooting on December 24, 2021, at approximately 12:12 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through by LAPD personnel.

The following analysis is based on body worn camera video (BWV), dash camera video, surveillance video, recorded witness statements, photos, and reports. Estrada did not provide a voluntary statement and any compelled statement was not considered. These materials were submitted to this office by the LAPD Force Investigation Division.

INTRODUCTION

On December 24, 2021, at approximately 10:30 a.m., 9-1-1 dispatchers received multiple calls of a man, later identified as Brandon Camorlinga, shooting a gun near Sherman Way and Vanalden Avenue. Officers Alexander Estrada and William Chacon responded to the location, along with several other LAPD units. They were in full uniform, driving a marked police car. According to BWV and dash camera footage, Estrada drove east on Sherman Way toward Vanalden Avenue. He abruptly stopped the car, exited, and fired two pistol rounds from behind his open driver door. Dash camera footage shows Camorlinga walk into the roadway as the patrol car stops. He takes a shooting stance toward Estrada, raising both arms as though pointing a firearm. Estrada's first shot appears to miss. Camorlinga runs to the sidewalk of Sherman Way and falls to the ground, apparently struck by Estrada's second shot.

Chacon did not fire his weapon, stating that he could not see Camorlinga at the time Estrada fired. An airship officer, and two patrol officers who were driving west (opposite Estrada) on Sherman Way at the time of the shooting, stated that Camorlinga pointed a gun in Estrada and Chacon's direction at the approximate time of the shooting.

Investigators recovered a loaded 9 mm pistol where Camorlinga fell. Minutes before the incident, surveillance footage from a nearby apartment building shows Camorlinga twice point the same gun in the air and appear to fire it on the second occasion.

Camorlinga suffered one non-fatal gunshot wound to the front left side of his head.

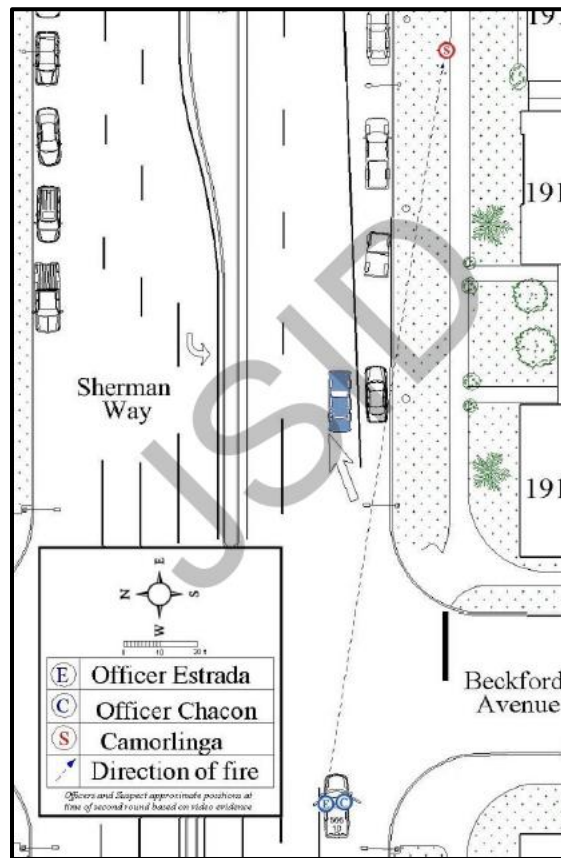


Figure 1: Scene diagram; Estrada's second shot.

FACTUAL ANALYSIS

9-1-1 Calls

Between 10:27 and 10:31 a.m., three different community members called 9-1-1 to report gunshots. The first caller, a female, identified Camorlinga by name and said that he was the caller's sister's ex-boyfriend, against whom her sister had a restraining order. She reported that she heard a gunshot and saw Camorlinga walking outside her house (near Sherman Way and Vanalden Avenue). She saw him "point" in the air and believed he had a gun but did not see it.

Shortly after, two other people, who did not know Camorlinga or the first caller, reported seeing a man in the same area shoot a gun in the air.

Video Evidence

Apartment cameras

Minutes before the incident, three cameras located in an apartment building on Sherman Way captured Camorlinga. First, he is seen holding and pointing a pistol in the air. A second camera shows him walk through a carport, holding the gun and appear to manipulate its slide. Moments later, walking toward Sherman Way, where the incident occurred, a third camera shows him point the gun in the air a second time and apparently fire it: a casing appears to eject from the chamber. (Investigators did not locate the casing.)



Figure 2: Apartment camera still; Camorlinga points gun first time.



Figure 3: Camorlinga manipulates gun slide.



Figure 4: Camorlinga appears to fire into the air, ejecting a casing (circled).

Dashboard camera

As Estrada and Chacon drove east on Sherman Way, their patrol car's dashboard camera captured Camorlinga walk into the roadway from behind a row of parked cars. Camorlinga walks in the roadway toward Estrada's car for several seconds. Grainy footage appears to show Camorlinga, facing the officers, raise both hands outward at chest level as though aiming a gun and take a shooting stance. The police car abruptly stops. Camorlinga drops his arms to his sides and suddenly runs back between the row of parked cars, to the south sidewalk of Sherman Way. Officers yell, "Put down the gun!" After Camorlinga reaches the sidewalk, he is partially blocked from view by a palm tree. He appears to make indistinct movements for several seconds then falls to the ground. Approximately 17 seconds elapse between the time Camorlinga walks into the roadway, toward the officers, and the time he falls to the ground, on the sidewalk. The audio in the footage is poor. The only thing distinctly audible is when officers yell, "Put down the gun!" There is also the sound of sirens and an intermittent crackling noise. Gunshots are not apparent.



Figure 5: Dashboard camera still (zoomed); Grainy footage of Camorlinga in roadway.



Figure 6: Camorlinga standing on sidewalk just before falling to the ground.

BWV



Figure 7: BWV still; Estrada pointing weapon at Camorlinga (circled) seconds before his first shot.

Estrada activated his BWV after the shooting. Prior to activation, the camera captured video but no audio (pursuant to the way the camera operates). In the footage, Estrada is seen driving the patrol car. Chacon points ahead through the windshield (likely toward Camorlinga's location).

About ten seconds later, Estrada abruptly stops and exits with his duty pistol drawn. A second or two later (approximately 10:38 a.m., based on the BWV times stamp) he appears to fire two rounds from behind the open driver door (there is no audio, but his BWV appears to shake from firearm recoil). Camorlinga cannot be seen at the time Estrada fires.

Chacon appears to activate his BWV between Estrada's two shots. Chacon's video does not depict Camorlinga. In the footage, Chacon is seen exiting the passenger side of the patrol car with his weapon drawn. A gunshot is heard. He yells, "Drop the gun!" Somebody in the background asks Chacon, "Did you fire?" Chacon answers, "No."

Minutes after the shooting, BWV shows several other officers approach Camorlinga as he is lying on the sidewalk near a pistol.



Figure 8: Gun (circled) lying near Camorlinga.

Witness Statements

A man who lived in a residence facing Sherman Way stated that he saw portions of the incident through his window. First, he saw Camorlinga holding a gun "to the ground," standing in the roadway facing west (toward Estrada's patrol car). The man got "scared" and looked away for two to three seconds. When he looked back, Camorlinga had moved from the roadway to the sidewalk. The man heard one gunshot, "and that's when he just fell back. ... He didn't pick up the gun. He just fell straight back." The man believed that the police had fired the shot because "he [Camorlinga] didn't pick up the gun or anything like that. He just fell straight back." Asked if he saw Camorlinga holding the gun while he was standing on the sidewalk, the man responded, "I just saw the gun laying on the – on the – on the grass after when he was on the ground." (By "pick up the gun," the man appeared to mean *raise* or *point* the gun.)

Officer-Witness Statements

According to Chacon, he and Estrada were on patrol in uniform and driving a marked patrol car when they received multiple “shots fired” radio calls (pertaining to the same incident). Estrada was driving, and Chacon was in the passenger seat. As they drove to the call, an LAPD airship updated Camorlinga’s location over the radio, provided a description, and confirmed he had a gun. As the officers drove east on Sherman Way, Chacon saw Camorlinga walking toward them in the roadway holding a gun at his side. Chacon told Estrada, “He’s got the gun.” Estrada stopped the car, and both exited. Chacon’s line of sight was blocked by parked cars. Chacon heard two shots spaced out by a few seconds. He did not see what Camorlinga was doing when the shots occurred.

Officers Giancarlo Ricci and Jennifer Lerche were partnered together in another patrol car. At the time of the shooting, Ricci, driving, was turning left from Vanalden Avenue onto Sherman Way. Ricci stated he saw Camorlinga pointing his gun north or northwest, standing in the roadway, near a line of parked cars. As Ricci finished the left turn onto Sherman Way, now heading west, he heard one gunshot. By the time he parked the car and regained sight of Camorlinga, he was lying on the sidewalk.

Lerche stated that she first saw Camorlinga as Ricci turned left from Vanalden Avenue. Camorlinga was on the sidewalk “with his hands down,” walking toward the roadway. Four to five seconds later, after they completed the turn from Vanalden Avenue and were driving west on Sherman Way, she regained sight of Camorlinga. He was walking on the sidewalk and pointing the gun toward Estrada and Chacon’s patrol car. She next saw him after they stopped and exited their patrol car. Camorlinga was lying on the sidewalk.

Officer Andrew Nunez was inside an LAPD airship watching Camorlinga through binoculars. According to him, prior to the incident, Camorlinga twice pointed a gun at the airship. (Chacon, Ricci, and Lerche did not mention knowledge of this.) Nunez did not mention whether he saw Camorlinga fire his gun at the airship (as suggested in the apartment footage). Camorlinga walked “against traffic” in the roadway of Sherman Way. He walked between parked cars onto the sidewalk and continued west, toward an approaching patrol car (Estrada and Chacon). He stopped and took “some sort of shooting stance.” Nunez believed Camorlinga pointed and fired two rounds at the patrol car because Nunez saw “a recoil type of action from the suspect.” (Investigators found no physical evidence that Camorlinga fired his gun at that time.) The officers immediately returned fire, “followed by the suspect going down on his back and the gun falling out of his hand.” Nunez did not say whether he saw Camorlinga point the gun when he was walking in the roadway.

Physical Evidence

Investigators recovered a loaded and operable 9 mm semiautomatic pistol from the sidewalk. One loose round of the same make and caliber lay nearby, as well as a bloody fired bullet fragment inside of a black 49ers hat. Neither a round in the chamber of Camorlinga’s gun nor the one found lying nearby had firing pin strikes. The fired bullet fragment shared general rifling characteristics consistent with Estrada’s weapon and inconsistent with the 9 mm pistol.

Testing revealed the presence of gunshot residue particles on Camorlinga's hands, suggesting he had recently fired a gun.



Figure 9: Camorlinga's gun.

Officer Estrada was armed with a department issue .40 caliber semiautomatic pistol. Based on the two casings located near Estrada's firing position and consistent with the remaining number of rounds in his weapon after the shooting, he fired twice during the incident.

Camorlinga's Injuries and Statement

Camorlinga suffered one gunshot wound to the front left side of his head, penetrating his skull and requiring surgery. He was discharged from the hospital one month later. Interviewed by investigators, on June 1, 2022, he said he did not remember anything about the shooting.

Criminal Case

In connection with this incident, Camorlinga was charged in case number LA096095, with four counts of assault with a semiautomatic firearm on a peace officer, in violation of Penal Code section 245(d)(2). The case is pending.

THE LAW

A peace officer is justified in using deadly force 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 to 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).

Deadly force shall be used “only when necessary in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“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 that 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).

LEGAL ANALYSIS

Officers responded to multiple calls of a person firing a gun. Chacon stated that as he and Estrada approached the location, Camorlinga was walking toward them holding a gun at his side. Chacon lost sight of Camorlinga after Estrada stopped the car. Grainy dash camera footage from their car appears to show Camorlinga take a shooting stance and raise both arms toward the officers as though aiming a gun at them. Camorlinga then suddenly drops his arms to his sides and runs to the sidewalk, between the row of parked cars, as though reacting to Estrada’s first shot. The same footage shows him run and take a position on the sidewalk. He makes indistinct movements for several seconds then falls to the ground, apparently struck by Estrada’s second shot. Camorlinga’s actions on the sidewalk, partially blocked by the palm tree, cannot be seen in the footage. Nunez and Lerche, however, stated that they saw Camorlinga point the gun when he was on the sidewalk.

Chacon stated that a few seconds separated Estrada’s shots. This is consistent with the dash camera footage, in which Camorlinga takes a shooting stance in the roadway, runs to the sidewalk, then falls down seconds later.

The footage of Camorlinga appearing to point the gun (in the roadway) is corroborated by Officer Ricci, who stated he saw Camorlinga point the gun when he was in the roadway.

The one civilian to witness portions of the shooting stated that he saw Camorlinga in the roadway holding the gun down at his side. He averted his gaze for several seconds. When he looked again, Camorlinga was standing on the sidewalk. He heard a shot and saw him fall “straight back.” He did not see Camorlinga with a gun on the sidewalk, and did not see him point it—either on the street or the sidewalk. However, by his own admission, he turned away for several seconds.

Considering the totality of the circumstances known to Officer Estrada at the time, including those leading up to the incident, it was reasonable for him to believe that deadly force was necessary to defend against an imminent deadly threat when, responding to a shots fired call, he suddenly encountered Camorlinga in the roadway point a pistol at him.

Estrada fired a second shot several seconds later, after Camorlinga ran to the sidewalk. Although Camorlinga’s actions on the sidewalk cannot be determined from any video footage, Nunez and Lerche said they observed him point the gun from the sidewalk; he had already pointed the gun seconds before, in the roadway; and previously fired the gun, according to three 9-1-1 callers. Given these circumstances, both of Estrada’s shots were justified.

CONCLUSION

For the foregoing reasons, we find that Officer Estrada acted lawfully in self-defense when he used deadly force against Brandon Camorlinga.