

Non-Fatal Officer Involved Shooting of Hector Vega
South Gate Police Department

Sergeant Ricardo Navarro, # 10156

J.S.I.D. File #22-0241



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

May 25, 2023

MEMORANDUM

TO: CHIEF DARREN ARAKAWA
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Hector Vega
J.S.I.D. File #22-0241
S.G.P.D. File #22-06908
L.A.S.D. File #022-00071-3199-055

DATE: May 25, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 22, 2022, non-fatal shooting of Hector Vega, by South Gate Police Department (SGPD) Sergeant Ricardo Navarro. We have concluded that the evidence is insufficient to prove beyond a reasonable doubt that Navarro did not shoot Vega in lawful self-defense.

The District Attorney's Command Center was notified of this officer-involved shooting on July 22, 2022, at approximately 6:15 p.m., and the District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

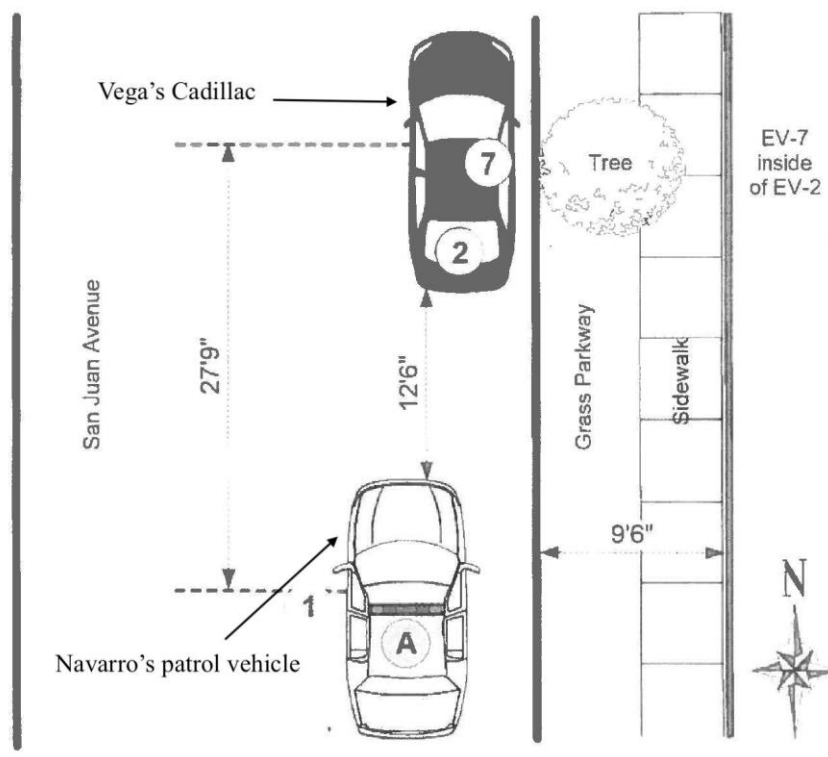
The following analysis is based on reports, recorded interviews, body worn video (BWV), surveillance video and photographs submitted to this office by Los Angeles County Sheriff's Department (LASD) homicide detectives Kasey Woodruff and Christian Mezzano. Navarro gave investigators a voluntary statement which was considered as part of this analysis. Also considered in this analysis is a prior shooting by Navarro on May 12, 2017, which the District Attorney's Office investigated and declined prosecution under District Attorney's Office case number J17-0242.

INTRODUCTION

On July 22, 2022, at approximately 4:50 p.m., South Gate Police Department (SGPD) Sergeant Ricardo Navarro was driving in the area of Ardmore Avenue and San Juan Avenue in the City of South Gate when an unknown person driving a black BMW told Navarro that a man in a blue Cadillac had pointed a firearm at him. The unknown person pointed to a blue Cadillac ATS parked within view on San Juan Avenue just north of Independence Avenue. Navarro drove behind the Cadillac, stepped out of his patrol car, approached Vega's vehicle and commanded him to put his hands up.

Hector Vega was in the driver's seat of the Cadillac when Navarro drove up behind it. Vega did not follow Navarro's commands to put up his hands. After a moment of not responding, Vega quickly opened his door and ran away from Navarro while reaching into his waistband. Navarro reacted by shooting at Vega, striking him in his right leg. Navarro continued running north on the sidewalk of San Juan Avenue and turned into the driveway of his house, disappearing into the backyard. A short time later, Navarro emerged from the backyard with his hands up and was detained without further incident.

Several civilians were standing outside of a vehicle directly behind Vega's vehicle when Navarro shot Vega. None of the civilians were injured by Navarro's single shot at Vega.



A diagram of the scene with measurements created by LASD Homicide.

FACTUAL ANALYSIS

Sergeant Ricardo Navarro's Statement

On August 11, 2022, Navarro gave a voluntary statement to the investigators in this case. Prior to the statement, Navarro was able to view his BWV with his lawyer. Navarro has been a police officer with the City of South Gate for a total of 16 years. Navarro had been promoted to sergeant earlier in the year.

Navarro said that he was working as a supervisor on patrol that day and driving a marked black and white patrol vehicle. As Navarro was stopped at the intersection of Ardmore Avenue and Independence Avenue in South Gate, a black BMW driven by an unknown man in his 40's stopped next to Navarro and told Navarro that a man in a Cadillac had just pointed a gun at him. The unknown Hispanic man pointed to a Cadillac parked on the northeast corner of Independence Avenue and San Juan Avenue as the suspect vehicle.¹ Navarro estimated this interaction lasted approximately 15 seconds, and Navarro was not able to learn the man's identity.

Navarro said he recognized the location that the Cadillac was parked in front of as a gang house belonging to a gang known as "Marijuanos Locos." Navarro said that he had been on duty three weeks earlier when a gang shooting had taken place at that location. Navarro said that from the moment he pulled up behind the vehicle he was worried about the possibility of the driver being armed and shooting him due to the nature of the location and the information the driver of the BMW had given him about the driver of the Cadillac pointing a gun at him.

Navarro said he pulled up behind the Cadillac, got out of his vehicle, ordered the occupant of the vehicle to stay in the car, and radioed his dispatch for a backup, because he was dealing with a man with a gun. Navarro said that as he broadcasted this information, Vega (whom Navarro said he did not previously know or recognize), suddenly opened the driver's door of the Cadillac and got out of the vehicle. Navarro said he feared Vega had a gun and was preparing to shoot him because of the information he received from the unknown citizen, Navarro's knowledge of the location, Vega's sudden actions in contravention of Navarro's verbal commands, as well as Vega's hands quickly moving from his waistband upwards. In response to a question from his own lawyer, Navarro said that he had been involved in hundreds of high-risk traffic stops in the past where people are asked to raise their hands and have complied. Navarro said that Vega's lack of compliance here made Navarro afraid for his life. Navarro said he fired one round from his service weapon in response.

Navarro said that Vega then fled from the Cadillac, running away from Navarro north on San Juan Avenue, eventually running into a house approximately four houses north of where Vega had originally parked. Navarro chased Vega, commanding him to stop and show his hands. Vega continued running away and ran down the driveway of the residence at [REDACTED] San Juan Avenue. Navarro said that Vega eventually ran around a corner behind the house and Navarro

¹ Ardmore Avenue and Independence Avenue are separated by a large median strip with railroad tracks running down the middle. The distance across those tracks is less than 150 feet, and the view across the median is unobstructed.

lost sight of him. Navarro said he requested backup units to establish a containment of the location.

Navarro said that Vega reemerged from the back of the residence and walked down the driveway towards Navarro. Vega told Navarro that Navarro had shot him, which Navarro said was the first time he realized his round had struck Vega. Navarro said that Vega eventually came out to the sidewalk and laid down on the ground so that Vega could be detained.

After Vega had been detained, as Navarro began to walk away, Navarro said he overheard a male cursing and yelling at him saying, “I told you my kid was in the car, I told you!” Navarro said he asked responding officers to check the car parked north of Vega’s vehicle to ensure no one was injured.

Sergeant Navarro’s Body Worn Video (BWV) Footage

Navarro’s BWV began recording footage as he exited his patrol vehicle, and the sound turned on as Navarro began to get out of his vehicle and give orders to Vega. The video shows Navarro beginning to get out of his vehicle at 4:49:18 p.m. The audio turns on three seconds later as Navarro takes position behind his door, points his gun towards Vega’s vehicle, and says, “Don’t fucking move!” Navarro makes a radio call asking for backup, saying that he is dealing with a “417 vehicle.”² Navarro then steps away from the door, and Vega’s Cadillac comes into view. Parked directly in front of Vega’s Cadillac is a vehicle with several people standing next to it.

At 4:49:54 p.m., as Navarro is updating dispatch of his situation while pointing his weapon towards Vega’s vehicle, Vega’s driver’s door suddenly opens, and Vega quickly exits the car. Vega looks back towards Navarro as Navarro moves behind the open door of his patrol vehicle for cover. Vega’s left hand is at his waist as he gets out of the car, and as he exits the car, he looks back at Navarro and raises his left hand. Almost simultaneously, Navarro fires a single gunshot at Vega. From the moment the door begins to open and Vega starts stepping out of the car until Navarro fires his weapon, barely one second elapses. Vega is approximately 30 feet from Navarro when Navarro fires his duty weapon at Vega (the diagram of the crime scene does not attempt to approximate Vega’s and Navarro’s exact positions at the time of the shooting).

Vega then runs away from Navarro, raising both hands as if surrendering, while continuing to run northwards to his residence several houses north of his vehicle. At 4:50:05 p.m., Vega turns into the driveway and disappears behind the house. At 4:50:33 Vega begins to come back up the driveway, alternatively raising and lowering his hands towards his waistband. At 4:51:22, Vega has reached the sidewalk, turns around and surrenders to Navarro.

² 417 is a term police use on radio calls to indicate they are dealing with someone armed with a firearm.



Photograph from Navarro's BWV depicting Navarro exiting his vehicle, giving commands to Vega to stay in the vehicle and calling for backup.



Photograph from Navarro's BWV depicting the moment where Navarro suddenly opens his door and begins to flee the location. This moment is 17 seconds after Navarro's commands to Vega to stay in his vehicle in which he received no audible response from Vega.



Photograph from Navarro's BWV showing Vega quickly exiting his vehicle.



Photograph from Navarro's BWV showing Vega exiting his vehicle with his left hand close to his waistband as Navarro retreats behind his patrol vehicle door for cover.



A magnification of a photograph from Navarro's BWV showing Vega exiting his car and raising his hand from his waistband as Navarro retreats behind the door of his patrol vehicle.



A photograph from Navarro's BWV depicting the moment Navarro fires his duty weapon at Vega, as seen by the smoke coming out of the barrel of his duty weapon. This occurs within a second of Vega beginning to exit his vehicle with his hands at his waistband.

Search of Residence at [REDACTED] San Juan Avenue

Vega ran down the driveway and into the backyard of his residence at [REDACTED] San Juan Avenue. A search warrant was obtained by investigators, and the location was searched. The backyard at the end of the driveway that Vega ran into had an entrance to the house which led into the

kitchen area. In a cupboard in the kitchen, investigators found a loaded Glock model 26 .40 caliber handgun.³



Photograph of Vega's driveway that he ran through after being shot by Navarro.



Photograph of the backyard of Vega's house showing the kitchen area and the cabinet where the firearm was later recovered.

³ A forensic analysis of the weapon was never conducted.



Photograph of kitchen cabinets searched by the police where a firearm was eventually found.



Photograph of kitchen cabinet in Vega's kitchen where a firearm is visible.



Photograph of the firearm recovered by police in the kitchen of Vega's house.

First Interview of Hector Vega

Investigators interviewed Vega three times. The first interview of Vega took place on July 22, 2022, at approximately 10:00 p.m. in the South Gate police station and was video recorded. Vega said that he used his neighbor's car to get ice, water and beer and was parked in front of his neighbor's house when a police officer pulled behind him. Vega said that he became afraid when the police officer pulled behind him because he had dope in his pocket. Vega said that due to his fear, he ran away from the car, at which point the police officer shot him in the leg. Vega ran down the driveway at his father's house, then, realizing he was going to need an ambulance, went back to the street where Navarro was and surrendered.

Vega said he did not have a gun in his hand as he ran away. Vega said he left his phone in the car. Vega said that he freaked out and just ran away because he had some dope in his possession. Vega insisted that he did not have a gun in his possession, and that he had not just had a confrontation where he pointed a gun at another car. In response to the detective's questions, Vega conceded that perhaps Navarro would have been afraid of Vega's actions when Vega fled his car.

When asked whether drugs or guns would be found in a search of the residence, Vega said perhaps he had some ammunition and an "eight ball" of narcotics in the house. Vega said that he did not enter his residence when he ran down the driveway and insisted that he never put anything inside the house.

Second Interview of Hector Vega

After the search of Vega's residence, detectives went back and conducted a short audio recorded re-interview of Vega later that evening on July 23, 2022 at 12:30 a.m. After telling Vega about the firearm found in the residence, detectives asked Vega whether he put the firearm in that location. Vega said that he had put the firearm there some day prior to the day he fled from Navarro. Vega continued to insist that he did not go into the house when he ran into the backyard of the residence.

Third Interview of Hector Vega

On September 22, 2022, after further investigation in this case, the investigating officers had Vega arrested for possession of a firearm and narcotics. On the same day, at 2:24 p.m., Vega was interviewed again on video.⁴

Investigators asked Vega again about his confrontation with the black car, and Vega conceded that after a verbal confrontation with the driver of the black BMW, Vega showed the driver of that car a black pistol, then drove away and tucked it into his waistband. Vega also conceded that he had the pistol hidden in his waistband when he fled out of the Cadillac. Vega said when he fled to his backyard he hid pistol in the kitchen, "Up there," gesturing upward as if placing the pistol in an elevated location.

Statement of Civilian Witnesses

██████████'s Statement

██████████ was at the location when Navarro ordered Vega out of his car. ██████████ was standing outside of her car, which was parked in front of Vega's car with her son in the backseat. ██████████ said that Navarro pulled up behind Vega and ordered Vega out of the car with his hands up. ██████████ said that Vega exited his car with his hands up and turned away from Navarro in response to Navarro's commands. ██████████ said that she became fearful, so she took her son out of the car to go away. ██████████ said that the Navarro again told Vega to put his hands up, but Vega's hands were already up. ██████████ said Navarro shot Vega at that moment, and Vega ran away.

Medical Treatment

Vega was taken to St. Francis Hospital by ambulance and treated in the emergency room for a gunshot wound to his right leg. At 6:34 p.m. Vega was released and medically cleared to be booked.

⁴Vega was re-arrested and re-interviewed months later due to new evidence uncovered by investigators, including information from Vega's phone confirming Vega's possession of narcotics for purposes of sale and possession of a firearm. Since Navarro was not aware of any of this information at the time of this incident, further discussion of that information is not included as part of this analysis.

Criminal Charges

Vega was not initially charged with any crime on the day of the incident. On September 26, 2022, Vega was charged with a felony violation of Health and Safety Code Section 11370.1(a), illegal possession of a firearm and narcotics, a felony violation of Health and Safety Code Section 11378, possession of methamphetamine for purposes of sales, and a misdemeanor violation of Penal Code Section 148(a)(1), resisting or delaying a police officer. All charges related to Vega's conduct in this incident on July 22, 2022. On October 12, 2022, Vega pleaded guilty to the charge of Health and Safety Code Section 11370.1(a) and received a sentence of formal probation and one year in County Jail.

Prior Officer-Involved Shooting by Sergeant Navarro

On May 15, 2017, Navarro was involved in a fatal officer-involved shooting of [REDACTED] after a prolonged vehicle chase. In that incident, Navarro shot and killed [REDACTED] after [REDACTED] fled from a stolen van after leading the police on a chase leading through the cities of South Gate, Lynwood, Paramount, and ultimately ending in the city of Long Beach. [REDACTED] refused multiple commands from Navarro and other officers to show his hands. Instead, he reached into a backpack and pulled out a black object resembling a firearm and pointed it at Navarro, who shot [REDACTED]. [REDACTED] fell down, then got back up and went back to the backpack, when Navarro shot him again.

The District Attorney's Office declined to prosecute Navarro on January 12, 2018. A written memorandum detailing the facts and law of the situation and explaining the reasons to decline to prosecute is available on the website of the District Attorney's Office dated January 12, 2018. The District Attorney's case number is J17-0242.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; CALCRIM No. 505; See also *People v. Randle* (2005) 35 Cal. 4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal. 4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal. 4th 1073, 1082. In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

Penal Code Section 835a dictates the parameters of police officer's use of force. Penal Code Section 835a(a)(4) says that the decision of a police officer to use force shall be evaluated from the perspective of a reasonable police officer "in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time." Penal Code Section 835a(a)(4) also recognizes that the totality of the circumstances "shall account for occasions when officers may be forced to make quick judgments about using force."

Penal Code Section 835a(b) declares that a police officer who has reasonable cause to believe a person has committed a public offense “may use objectionably reasonable force” to arrest or detain the suspect.

Penal Code Section 835a(c)(1) restricts when officers may use deadly force to those instances when it is necessary to “defend against an imminent threat of death or serious bodily injury to the officer or another person.”

When considering circumstantial, or indirect, evidence to make a conclusion beyond a reasonable doubt, and when one reasonable conclusion points to innocence and another to guilt, the trier of fact must accept the one that points to innocence. *People v. Yrigoyen* (1955) 45 cal.2d 46, *People v. Yokum* (1956) 145 Cal.App.2d 245, CALCRIM No. 224; CALCRIM No. 225.

The evidence examined in this investigation suggests that Vega got into a confrontation with another driver that resulted in his brandishing a firearm at that driver. Navarro received this information from the unidentified driver of a black BMW, who pointed to Vega’s car parked across the street as the suspect vehicle. Navarro recognized the location Vega was parked in front of as a gang house where a shooting had taken place three weeks earlier while Navarro had been on duty. Navarro drove behind Vega’s car to investigate and called out for Vega to remain in his car while Navarro called for backup to the location. Navarro made a radio call for backup specifically mentioning a “417 vehicle,” meaning he believed the driver of the vehicle was armed with a firearm when he radioed for backup.

Vega did not wait for Navarro’s backup to arrive. Instead, after not moving for a few seconds, he suddenly opened the door and fled from his vehicle, with his hands moving from his waistband area upwards. Navarro responded by immediately trying to get cover behind his car door and firing a single shot at Vega, who turned and ran away from Navarro towards his house. Vega went onto his property, down the driveway towards the back of his house, before eventually coming back out front approximately a minute later to surrender to Navarro.

The civilian witness, [REDACTED] stated that Navarro shot Vega while Vega had his hands raised and was complying with Navarro’s order to surrender. However, other witnesses did not corroborate [REDACTED] and Navarro’s BWV directly contradicted [REDACTED]’s version of events.

The BWV does not clearly show whether Vega had a firearm in his hands when he exited his vehicle (although it does appear that after the shooting, as Vega ran away with both hands in the air, that no firearm was in his hands). Navarro did not say definitively whether he saw a firearm when he saw Vega suddenly exit his vehicle with his hands at his waistband. Vega later admitted that he displayed the firearm to the driver of the black BMW, that he fled his vehicle with that firearm, and that he hid the firearm in the house where the police eventually found it. Finally, Vega impliedly admitted having a firearm at the time when he pled guilty to possessing the firearm as well as narcotics in his criminal case related to this incident.

Although Vega may not have had a firearm in his hands at the time Navarro fired, it was not unreasonable for Navarro to believe Vega was armed based on the information given to him by

the driver of the black BMW, the fact that Vega was parked in front of a location Navarro knew to be a gang house, and Navarro's sudden, surprising and alarming exit out of the vehicle with his hands moving from his waistband upwards. Navarro had to make a split-second decision when Vega ignored Navarro's orders to stay in his car while Navarro awaited backup. With the information Navarro had, he had less than a second to assess the situation and respond to Vega's actions. Vega's sudden actions left Navarro with few options in response to the threat Navarro perceived from Vega, especially when viewing Vega's hands at his waistband.

When Vega returned to the street after disappearing in his backyard, he did not immediately surrender, and Navarro's BWV shows Vega's hands going down to his waistband and back up in the air several times. Despite this potential danger, Navarro did not shoot Vega at that time, suggesting that Navarro was not quick to shoot without careful consideration, and when he did shoot, it was in response to objective fear and exigent circumstances. Navarro's subsequent actions in not firing his weapon could be considered circumstantial evidence of his fearful state of mind earlier when he did fire his weapon at Vega.

Considering the totality of the circumstances known to Navarro at the time, there is insufficient evidence to prove beyond a reasonable doubt that Navarro did not reasonably believe deadly force was necessary to defend against an imminent threat when he fired his duty weapon at Vega.

CONCLUSION

Given these circumstances, the evidence is insufficient to prove beyond a reasonable doubt that Navarro acted unlawfully.