

**Fatal Officer Involved Shooting of Guillermo Perez
and Elizabeth Tollison**

Los Angeles Police Department

Officer Christian Bonilla #43272

Officer Eugene Damiano #27194

Officer Andrew Trock #42820

J.S.I.D. File #18-0249



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

May 31, 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: Fatal Officer Involved Shooting of Guillermo Perez and Elizabeth
Tollison
J.S.I.D. File #18-0249
F.I.D. File #F040-18

DATE: May 31, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 16, 2018, fatal shooting of Guillermo Perez and Elizabeth Tollison, by Los Angeles Police Department (LAPD) Officers Eugene Damiano, Christian Bonilla and Andrew Trock. We have concluded that the officers acted in lawful self-defense or defense of others under the circumstances.

The District Attorney's Command Center was notified of this officer-involved shooting on June 16, 2018, at approximately 2:00 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 interview transcripts, autopsy and toxicology reports, body worn video (BWV), surveillance video and photographs submitted to this office by the LAPD's Force Investigation Division (FID). The departmentally compelled statements of all five of the responding officers were not considered in this analysis.

INTRODUCTION

On June 16, 2018, after a radio call regarding a suspect who had attempted to stab his ex-girlfriend at Hope of the Valley Homeless Outreach Center (hereinafter Homeless Center) went out, Los Angeles Police Department (LAPD) officers responded, attempted to disarm the suspect, and eventually shot him while he held a knife to the throat of a bystander and began to cut her neck. While shooting the suspect, officers also shot the victim they were trying to save. Both the suspect and the bystander were killed by the gunfire. Three officers fired their weapons in the incident.

All five officers wore body cameras, which were turned on and recorded the incident. Other surveillance cameras recorded the incident as it happened.

FACTUAL ANALYSIS

On June 16, 2018, at approximately 1:00 p.m., Guillermo Perez was at the Hope of the Valley Homeless Outreach Center at [REDACTED] Tyrone Street in Van Nuys. Perez was eating lunch provided daily by the outreach center along with other homeless people from the area. Among the people eating lunch there that day was [REDACTED], Perez's ex-girlfriend.

Numerous surveillance cameras in the area captured the activities of that day. At approximately 1:08 p.m., Perez walked towards [REDACTED] while carrying a knife in his right hand. Perez walked up behind [REDACTED], grabbed her hair, placed the knife to her throat and said, "You're coming with me." [REDACTED], another bystander at the location, quoted Perez as saying, "Someone's going to die today! I'm going to kill somebody you mother F'ers." Several bystanders armed themselves with chairs to thwart a knife attack and managed to separate Perez from [REDACTED], effectively ending Perez's immediate threats to [REDACTED].

Around the same time, [REDACTED], an employee at the Homeless Center, called 9-1-1 to report the incident. Another call came into the 9-1-1 operator around the same time, but the operator told the caller that police were already dispatched. The second caller was never identified.

In response to the radio call, LAPD Officers Eugene Damiano, Christian Bonilla, Andrew Trock, Atinder Singh and David Segura all responded to the scene. A helicopter responded as well, with Air Support Division Officer James Schwedler assisting from the air. Patrol Sergeant Othar Richey also responded to the location.

The radio call informed the responding officers that the original 9-1-1 call involved a cutting, an ambulance was needed, the suspect was an approximately 30-year-old male Hispanic and that he had stabbed his ex-girlfriend. The call also indicated that the suspect was armed with a chair and a large knife.

Officers arrived at the location and saw Perez wielding a large knife down the driveway from where they parked their patrol vehicles. Five officers deployed at the vehicles and commanded to Perez to drop his knife as Perez approached them. Perez refused to drop the knife, continued walking towards officers, and was eventually shot with less lethal beanbag rounds. Perez retreated, attempted to use Tollison as a shield, put a knife to her throat and motioned as if he was going to cut her throat. Three officers fired their duty weapons, hitting Perez and Tollison, killing both.

Civilian Witness Statements

██████████'s Statement

██████████ was at the Homeless Center on the day of the incident and was a close friend of Tollison. The facility was about to close for the day when ██████████ heard a scream and saw Perez holding ██████████ around her neck. ██████████ and others who were standing nearby told Perez to let her go. Perez responded by stabbing at ██████████, cutting her, and causing her to fall to the ground. ██████████ and another person at the location tried to pull her away from Perez. ██████████ told Perez to leave, that he had already cut someone, but Perez refused to go. ██████████ was able to see that ██████████ was bleeding from her right arm or shoulder when they pulled her away from Perez.

██████████ saw multiple police officers arrive. Two held a beanbag shotgun. The officers told Perez to drop the knife. Two officers shot at him with a beanbag shotgun. Each time officers shot at Perez, he backed up, until he was close to Tollison. ██████████ had seen Tollison in the location prior to Perez backing up towards her. ██████████ had heard people telling her to move, but ██████████ surmised that she stayed leaning against the wall because she needed the support due to her using a walker, and the fact that the pavement was uneven in front of her, making it hard for her to move.

Perez looked over, saw Tollison, and grabbed her, pulling her in front of him. As Perez raised his arm up, ██████████ immediately heard gunshots and saw both Perez and Tollison fall to the ground. ██████████ heard at least eight or nine gunshots and thought that only one officer fired since the gunshots all sounded the same.

██████████'s Statement

██████████ was the ex-girlfriend of Perez. ██████████ had dated Perez for approximately two months until Perez was arrested for a domestic violence incident against her. After being released from jail, ██████████ began dating someone else. On the date of the incident, ██████████ was sitting down with her current boyfriend at the Homeless Center when she saw Perez, who nodded at her. ██████████ nodded back, figuring the nod was a sign from Perez that everything was okay between them.

As ██████████ sat with her boyfriend, she felt Perez grabbing her from behind, lifting her up and putting a knife to her throat. Several people got up and tried to help her, but in fear, ██████████ put her hands around the blade to protect her neck, cutting her fingers. Several bystanders intervened, and ██████████ fell to the ground on her back facing up at Perez. When Perez continued to brandish the knife at ██████████ from above her, ██████████ scooted backwards to avoid Perez. Perez was eventually separated from her by several bystanders, and ██████████ went to a different part of the Homeless Center.

██████████ told investigators that she heard that Perez had been on a five-day drug-using spree where he had not been sleeping or taking his prescribed medication, and therefore was acting erratically.

█████ did not see the confrontation with the police or the actual shooting, but she heard the police arrive and ordering Perez to drop the weapon. █████ then heard gunshots.

█████'s Statement

█████ is Spanish speaking and gave a statement through an interpreter. █████ was █████ boyfriend. █████ knew Perez had a previous relationship with █████ and that Perez assaulted her, resulting in a jail term which he recently completed. █████ was sitting next to █████ at the Homeless Center when Perez attacked her with a knife. █████ said he recognized the knife as being an approximately 30-centimeter-long knife from the kitchen used for cutting bread. █████ helped get █████ away from Perez, and eventually rendered aid to █████.

█████ also spoke with Perez trying to get him to drop the knife. Perez responded, "No, everyone wants to kill me." After Perez was separated from █████ and refused to drop the knife, the police arrived.

█████ heard the police command Perez to drop the knife, but Perez refused. █████ saw the police shoot what he believed to be rubber bullets at Perez, at which time Perez retreated and got behind Tollison, putting his arm around her neck and holding the knife to her throat. █████ said one of the officers fired two shots at Perez, which caused Tollison to fall down. █████ said that Perez was still standing and took a step towards the officers, and the officers fired again after a significant pause.¹ █████ then saw Perez fall to the ground.

█████ Statement

█████ ran a program that partnered with the Homeless Center and was at the location at the time of the incident. █████ was inside the auditorium when he heard a commotion outside. He looked outside and saw Perez assaulting █████ with a knife. █████ saw people pull █████ away from Perez, and then saw them try to disarm Perez using folding chairs. █████ saw blood on both █████ and Perez. █████ also tried to calm Perez down by trying to convince him to drop the knife. █████ had dealt personally with Perez before, and opined that Perez was under the influence at the time of the knife incident. █████ also opined that Perez had been under the influence for at least two days.

█████ saw the people who had separated Perez from █████ force Perez away from everyone else at the Homeless Center, so that Perez was up against a wall nearby when the police arrived. █████ had tried to convince Tollison to move, but she either did not hear him or was unable to do so. █████ said that the police told Perez to drop the knife, but Perez answered, "No!" █████ said the police fired possibly three beanbag rounds at Perez and that they did not appear to have any effect on Perez.²

█████ said that Perez then went to Tollison, put his arm around her neck, and held the knife at her throat. █████ said that if the police had immediately gone to Tollison before firing the less

¹ █████'s recollection of the order of the shooting appears to be contradicted by the surveillance video, by the officers' BWV, and by the statements of the other percipient witnesses.

² █████ characterized the less lethal rounds fired by police officers at Perez as rubber bullets.

lethal ammunition then they could have saved her. ██████ said the police fired their firearms at Perez, hitting both Perez and Tollison and causing both of them to fall to the ground.

██████'s Statement

██████ had been coming to the Homeless Center for approximately two weeks.

██████ had seen Perez in a fight the week before at the Homeless Center with another client of the Homeless Center. On the day of the shooting, ██████ saw Perez sitting in a chair by himself and thought that he did not look okay. ██████ said that he looked under the influence, and was acting suspicious, as if he was planning to do something. Perez said to ██████ "What's up?" ██████ found that strange, because in her experience Perez never talked to anyone. At that time ██████ saw Perez draw a knife and pull ██████ towards him. ██████ started screaming, "Help, help!" and "No, don't do that! Don't do that!" ██████ saw other people get folding chairs to try and stop Perez, and ██████ saw blood.

Numerous people said that the police were coming and told Perez to leave the location. ██████ said that Perez's expression at that moment suggested to her that Perez did not want to live any more. ██████ thought that Perez did not care. From Perez's expression, ██████ thought that Perez was either going to kill someone or die.

At that time, ██████ heard a police helicopter overhead, and shortly thereafter saw numerous police officers arrive and order Perez to drop his knife. Perez did not drop the knife. ██████ saw the police shoot at Perez with the beanbag shotgun. Perez did not appear to be affected by the beanbag rounds. ██████ saw Perez go to Tollison, grab her and put the knife to her neck. ██████ could see Perez was putting pressure on Tollison's neck with the knife and thought, "Oh my god, he's going to cut her throat!" ██████ said that the police did not waste any time and immediately shot Perez. ██████ said that both Tollison and Perez fell to the ground.

██████'s Statement

██████ had been going to the Homeless Center for the last couple of weeks and had seen Perez at that location. ██████ had heard that Perez had been talking about carrying and sharpening a knife for the last few days. On the day of the incident, ██████ saw that Perez had a cut on his arm that was bleeding and noticed that Perez was acting in a strange manner, as if he was scared. Later, while in the dining hall, ██████ heard a commotion outside. When ██████ heard the commotion, he went outside and observed the aftermath of Perez's attempted stabbing of ██████. ██████ saw Perez was armed with a knife, people were telling Perez to leave because the police had been called, and Perez kept saying "Oh, no. Fuck all of you. I'm going to kill one of you!"

██████ saw the police eventually arrive, call for Perez to drop the knife, and shoot beanbag ammunition at Perez.³ After being struck by the beanbag ammunition, Perez walked backwards and held up a chair to protect himself. Perez then went to Tollison, dropped his chair and put the knife to her neck. ██████ said that everyone was yelling at Perez to drop the knife. ██████ thought that Perez was going to cut Tollison's neck and try to kill her, surmising that Perez

³ ██████ characterized the less lethal rounds fired at Perez as rubber bullets.

wanted to get shot. ■■■■■ said he saw Perez make a side to side motion with the knife in front of Tollison's throat, and thought the officers believed Perez was going to cut Tollison at that moment. ■■■■■ saw one police officer shoot Perez and surmised that was when Perez cut Tollison's neck.

■■■■■'s Statement

■■■■■ was at the Homeless Center on the day of the incident when he heard noises of a confrontation taking place outside the room he was in. ■■■■■ came outside and saw the aftermath of Perez's attack on ■■■■■, with Perez standing over ■■■■■ with the knife in his hand and people separating them. ■■■■■ heard people telling Perez to, "Stop, get out of here!"

■■■■■ saw the police arrive and saw Perez walk slowly towards them with the knife down at his side as he got to within about 10 yards of the police. ■■■■■ heard police command Perez multiple times to, "Drop the knife!" but Perez said, "No," and did not comply.

■■■■■ saw Perez observe Tollison and immediately move behind her, holding the knife up to her throat. ■■■■■ was concerned for Tollison's safety as Perez held the knife to her throat. ■■■■■ saw the police fire their weapons at Perez, and saw Perez make a slashing motion with the knife across Tollison's neck. ■■■■■ said the slashing came after the gunshots. ■■■■■ was unclear whether the gunshots that preceded the slashing motion were from firearms or from the beanbag gun, as ■■■■■ described some shots hitting Perez in the shoulder and having no effect on Perez. ■■■■■ also described some shots as not sounding like typical gunfire.

After the final volley of gunshots, Perez appeared to be hit and fell to the ground. ■■■■■ also observed Tollison falling to the ground but did not think that she had been struck by gunfire.

■■■■■'s Statement

■■■■■ has worked at the Homeless Center for approximately eight years and was present at the Homeless Center on the day of the incident. ■■■■■ was indoors when he heard the commotion outside and came out to see Perez straddling ■■■■■ with a knife pointed downwards at her as if trying to stab her. Numerous people at the Homeless Center were attempting to pull Perez away from ■■■■■. They finally succeeded. After Perez's attack of ■■■■■ was thwarted, ■■■■■ heard Perez say, "Someone's going to die today. Someone's going to get killed today. All you motherfuckers."

■■■■■ said that he had seen Perez previously and that Perez had a lot of anger issues. ■■■■■ said that Perez would sometimes come to the Homeless Center intoxicated.

■■■■■ heard people saying that the police were coming, and everyone was telling Perez to leave the location before the police got there, but Perez refused. ■■■■■ opined that at that moment, Perez either wanted to die or was going to kill someone. ■■■■■ heard a police helicopter overhead and saw Perez look at it. At that time police car sirens could be heard responding to the location. ■■■■■ stood in the driveway entrance to the Homeless Center and directed the police to where Perez was when they first arrived. ■■■■■ was able to see the confrontation between Perez and the police.

█████ saw the police get out of their cars, draw their weapons, and command Perez to drop his knife. █████ saw police fire what he was later told was less lethal ammunition at Perez.⁴ He saw Perez react with a jerking motion, but did not see that the less lethal ammunition had any discernible effect on Perez. █████ then saw Perez grab Tollison and put her into a chokehold with the knife against her throat. █████ said the officers saw Perez put the knife up to Tollison's throat and they reacted immediately by forming a semi-circle around Perez and Tollison. One officer appeared to have a less obstructed view of Perez, so that officer shot at Perez. Other officers began shooting and both Perez and Tollison fell to the ground. █████ said that when the first officer shot Perez that, "He [the officer] had to do it. He [Perez] was going to kill...I think he was going to do some damage to her." █████ said that the officer, "Had to get the shot off. She [Tollison] was in distress." █████ described Tollison's predicament as, "Life or death" when Perez had her in a chokehold with the knife at her throat. █████ said that after Tollison fell, █████ could see that Perez had cut her with the knife.

█████'s Statement

█████ works at the Homeless Center and was present at that location on the day of the incident. █████ had worked there since 2016. █████ was working in her office, heard a commotion outside and saw Perez outside with a knife in his hands. █████ saw people scattering and many others standing around with chairs in their hands. Someone told █████ to dial 9-1-1, so she called and told the dispatch that she needed the police to respond to a man with a knife at the facility. While giving information to the operator, █████ saw █████ coming towards her covered in blood. When █████ approached her, █████ assumed that Perez must have used the knife on █████, as they had previously been in a relationship and the situation was volatile.

█████ was on the phone with the 9-1-1 operator giving updates about the situation, trying to tend to █████ injuries and also trying to get people in the facility away from Perez. She saw the police respond to the location, and realized they shot less lethal ammunition at Perez, which seemed to bounce off of him. █████ saw Perez retreat after the police fired the less lethal ammunition at him and grab Tollison to use her as a shield from the police. █████ was not able to tell if Perez still had the knife at that time. █████ then heard a large number of gunshots.

█████'s Statement

█████ came to the Homeless Center with his caregiver, who volunteers at the location. █████ was limited in his mobility due to being in his wheelchair, but █████ was still able to view the incident.

█████ was indoors when he heard the commotion outside and saw the aftermath of Perez's attack on █████. █████ saw that Perez had an approximately one foot long knife with a serrated blade and was bleeding from his hands. █████ heard Perez yelling at people after

⁴ █████ described the gun as having a green handle and making a noise that made him think, "That doesn't even sound like a gun."

being separated, and then remembers the police helicopter, and then sirens, as the police arrived at the location.

██████████. saw Perez approach the police as officers commanded Perez to, “Drop the knife!” When Perez did not follow the commands and continued approaching the officers, ██████████. saw the officers fire the beanbag shotgun at Perez to no effect. ██████████. said the beanbag shotgun did not faze Perez. Perez did retreat after being struck by three beanbag rounds.

██████████. was able to see Perez turn towards Tollison as he retreated, put his arm across her body from behind and put the knife to her throat. ██████████. said the police continued to advance and to tell Perez to, “Drop the knife! Drop the knife! Drop the knife! Drop the knife!” ██████████. also heard someone yell, “He’s going to cut her throat!” At that time the officers began firing. ██████████. said that all of the officers were firing at the same time and that he heard at least six gunshots within three seconds.

██████████’s Statement

██████████. was at the Homeless Center on the day of the incident. ██████████ is a Spanish speaker and was interviewed with the help of another officer interpreting.

██████████ saw Perez approach ██████████ from behind and put a knife to her throat, and then saw numerous people come to her defense and to get ██████████ away from Perez. ██████████ saw people arm themselves with chairs so as to protect themselves from Perez’s knife.

██████████ saw the police come and was able to hear them giving commands, but because he does not speak English, ██████████ did not understand the commands. ██████████ saw Perez slowly walking towards the police with a knife down at his side, and then saw the police fire what he presumed was less lethal ammunition at Perez. ██████████ presumed it was less lethal because it did not seem to have an effect on Perez as ██████████ would have expected real ammunition to have.

██████████ saw Perez retreat and get behind Tollison and use her as a shield. ██████████ saw that Perez was armed with a knife when he got behind Tollison. Once Tollison shielded Perez, ██████████ could no longer see the knife. Almost immediately, ██████████ heard gunshots from the officers and saw Tollison and Perez fall to the ground.

██████████.’s Statement

██████████. was attending an Alcoholic’s Anonymous (AA) meeting at the Homeless Center on the day of the incident. While cleaning up after the meeting ██████████ heard a commotion outside. ██████████ went outside and saw Perez with a knife to ██████████’s throat, so he immediately ran over and tried to separate Perez and ██████████. While ██████████ was separating Perez and ██████████, Perez lunged at ██████████ with the knife. ██████████ was able to use a chair to deflect the knife and avoid being stabbed by Perez.

After Perez and ██████████ were separated, ██████████ heard Perez yelling, “Someone is going to die!” ██████████ stayed outside with chairs to prevent Perez from attacking ██████████ further, and when he figured the incident was over, ██████████ went back inside to continue cleaning up the room.

After a short time, ██████ heard the police coming to the location, so he went back outside and heard the police ordering Perez to drop the knife. When Perez did not drop the knife and kept approaching the police, the police shot rubber bullets at Perez, causing Perez to retreat backwards towards Tollison. ██████ saw Perez put his arm around Tollison's neck and suddenly he realized Perez had the knife at her neck. The police shot at Perez and hit both Perez and Tollison. ██████ said that Perez put the knife up to Tollison's neck so quickly and the police fired so quickly thereafter that he was not able to estimate how much time passed or if the police had time to say anything to Perez before shooting. Both Perez and Tollison fell to the ground.

██████'s Statement

██████ worked at the the Homeless Center and was present on the day of the incident. ██████ was indoors when he heard a commotion outside. When ██████ went outside he saw part of Perez's attack on ██████. He saw Perez holding the knife over ██████ about to stab her when someone hit Perez with a chair and prevented the attack. After being separated from ██████, Perez said that everyone wanted to kill him.

██████ saw the police arrive and saw Perez walking towards the police with the knife out and ignoring police commands to stop and drop the knife. ██████ saw the police shoot Perez with the less lethal ammunition, which bounced off Perez. After being shot by the less lethal ammunition, Perez retreated and eventually grabbed Tollison around the neck as if to use her as a hostage. The police told Perez to drop the knife and let Tollison go, but Perez refused. Almost immediately thereafter, the police shot at Perez. ██████ heard at least 10 gunshots. ██████ first saw Tollison, and then Perez, fall to the ground.

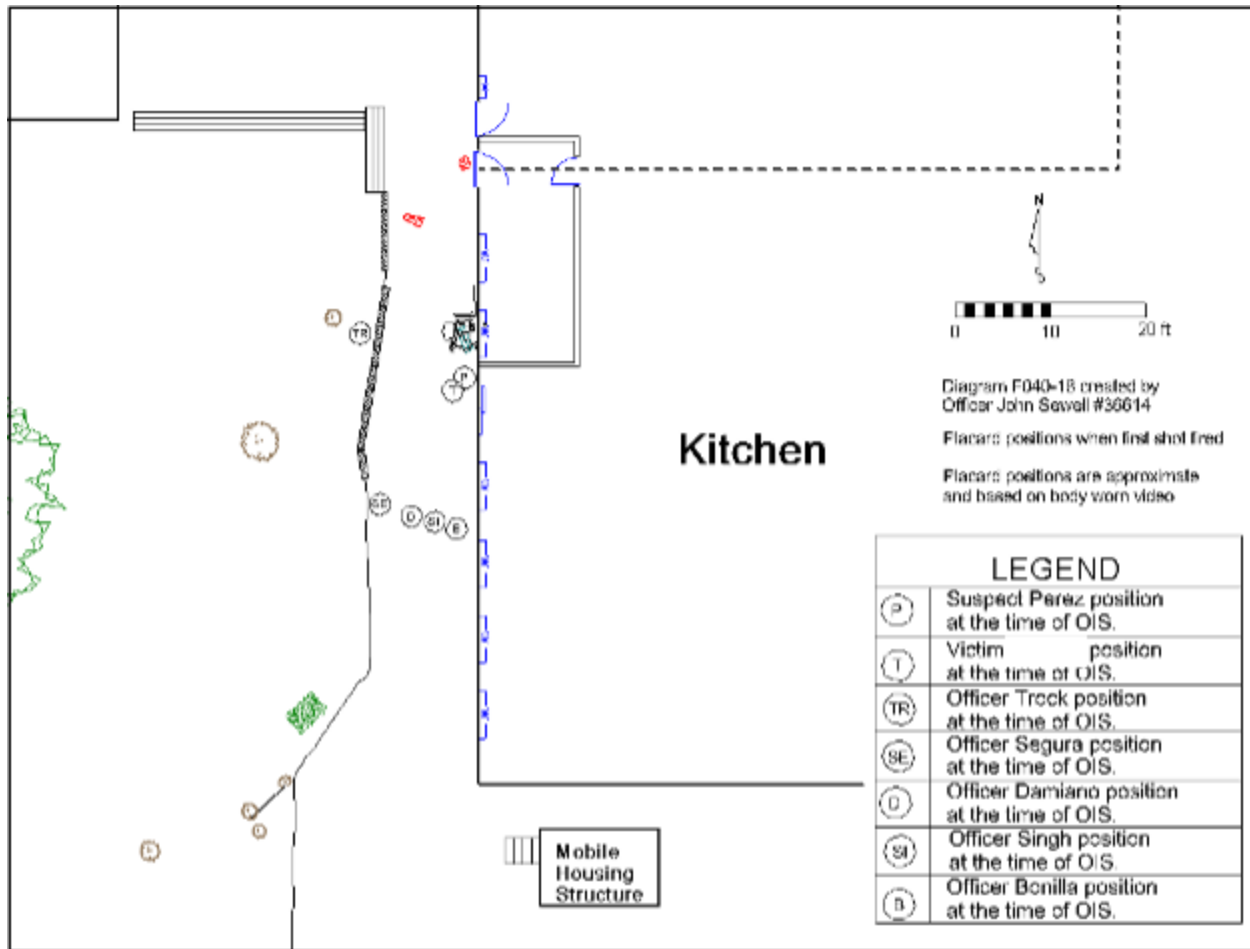
██████'s Statement

██████ was the courtyard supervisor at the Homeless Center and was at the location on the day of the incident. ██████ was cleaning up indoors after lunch when he heard a commotion outside. ██████ went outside and came upon the aftermath of Perez's attack on ██████. ██████ first observed people separating Perez from ██████ using chairs, and ██████ being pulled away from Perez by other bystanders. ██████ said that Perez was making threats, saying, "I'm going to take someone with me!"

██████ saw the police arrive and heard them commanding Perez to, "Put it down! Put the knife down!" ██████ saw Perez walking towards the officers with the knife out when he heard officers fire the less lethal ammunition at Perez. ██████ saw Perez go to Tollison and put a knife to her throat, and heard officers tell Perez to let Tollison go when he heard gunshots and saw Perez and Tollison fall to the ground.

LAPD Officer John Sewell's Diagram

LAPD Officer John Sewell prepared a diagram of the location of each of the officers, Perez and Tollison at the time of the shooting in this incident.



Photographic and Video Evidence

Each of the five officers wore body cameras, which captured the incident on their Body Worn Video (BWV). The first responding vehicle driven by Trock captured the incident on its Digital in Car Video System (DICVS). Additionally, one surveillance video at the location captured the incident, and another surveillance video captured a portion of Perez's assault on [REDACTED] which precipitated this call to the police.

Trock's BWV shows the entire incident from when he first gets out of his patrol vehicle to talk to Perez until the shooting. Trock gives orders to Perez for approximately 45 seconds from the time he gets out of his patrol vehicle as Perez approaches the vehicle until the first shots are fired at Perez from the beanbag shotgun. Perez retreats for less than ten seconds before moving behind Tollison. Trock moves quickly towards Perez at that moment, as Perez puts both hands on the knife and pulls it towards Tollison's throat. Shots are fired approximately four seconds later. The total time from the firing of the first beanbag ammunition until the beginning of the gunfire at Perez is less than 15 seconds. The first officer is on the scene for a total of about a minute when the shooting takes place.



Screenshot from Hope of the Valley's surveillance video depicting Perez's assault on [REDACTED].



Screenshot from Hope of the Valley's surveillance video showing Perez in the foreground holding a chair while Trock and Singh's patrol vehicle enters the driveway at the Homeless Center.



Screenshot from Trock and Singh's patrol vehicle's DIVCS depicting Perez with a chair in his hand as the patrol vehicle pulled into the driveway at the Homeless Center.



Screenshot from Trock and Singh's patrol vehicle's DIVCS depicting the five officers approaching Perez as he gets behind Tollison and puts a knife to her throat



Screenshot from Trock's BWV depicting Perez holding a knife to Tollison's throat.



Screenshot from Bonilla's BWV depicting Perez holding a knife to Tollison's throat.



Screenshot from Damiano's BWV depicting Perez holding a knife to Tollison's throat.



Photograph of Perez's knife.

Medical Attention

Tollison was taken to Providence Holy Cross Hospital. Tollison was declared brain dead on June 16, 2018, but was kept on life support for possible organ donation. After two days, it was decided her organs would not be harvested, and on June 18, 2018, she was taken off of life support and died on that day.

Perez was also taken to Providence Holy Cross Hospital. The treating physician pronounced Perez dead at 1:46 p.m. on June 16, 2018.

Autopsy of Perez

Los Angeles County Deputy Medical Examiner Dr. Matthew Miller performed an autopsy of Perez on June 21, 2018. Miller determined that Perez had approximately 20 gunshot wounds but was unable to tell how many separate gunshots he suffered because some of them may have been re-entry wounds. Dr. Miller found 11 projectiles inside Perez's body and determined that Perez suffered from nine separate fatal gunshot wounds.

A toxicology test was conducted on Perez's blood which tested positive for marijuana and methamphetamine.

Autopsy of Tollison

On June 25, 2018, Deputy Medical Examiners Dr. Lawrence Nguyen and Dr. Joseph Vallone conducted an autopsy of Tollison. Tollison sustained two gunshot wounds, one of which, a gunshot wound to the left side of her head, was fatal. Tollison also had a superficial incised wound to the left side of her neck.

Ballistics and Firearms Examinations

Examinations of all firearms used by officers in this incident were conducted by investigators. Damiano was armed with a 9-millimeter Beretta semiautomatic pistol. An examination of his firearm determined that he discharged five shots from his duty weapon during the incident.

Trock was armed with a 9-millimeter Smith and Wesson semiautomatic pistol. An examination of his firearm determined that he discharged 10 shots from his duty weapon during the incident.⁵

Bonilla was armed with a 9-millimeter Smith and Wesson semiautomatic pistol. An examination of his firearm determined that he discharged three shots from his duty weapon during the incident.

LAPD Forensic Science Division (FSD) criminalist Alan Perez conducted an investigation into the bullet fragments recovered from Tollison's body and compared them to the firearms of the three officers who fired their weapons in this incident. Criminalist Perez determined that the bullet fragments recovered from Tollison's head (the fatal wound) were fired by Damiano's duty

⁵ Crime scene investigators viewing the videos came to a determination that Trock fired nine rounds, while his remaining rounds in his duty weapon suggested that he fired ten shots.

weapon. The bullet fragments recovered from Tollison's clavicle area (the non-fatal wound) was fired by Bonilla's duty weapon.

FSD criminalist Gina Arredondo examined the bullet fragments recovered from Perez's body and compared them with test-fired projectiles from the firearms of the three officers who shot at Perez in this incident. Arredondo determined that fragments from three bullets were from Damiano's duty weapon, and fragments from eight bullets were from Trock's duty weapon.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Ca1.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Ca1.4th 1172, 1201); *People v. Humphrey* (1996) 13 Ca1.4th 1073, 1082; see also, CALCRIM No. 505.

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Penal Code section 835a. California law permits the use of deadly force by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. *People v. Ceballos* (1974) 12 Cal.3d 470, 477-484. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. *Ceballos*, supra, 12 Cal.3d at 479.

In evaluating whether a police officer's use of force was reasonable, 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 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.

In the present case, officers responded to a call of a man who had assaulted and cut a woman with a knife where an ambulance had been requested. Upon arriving at the scene, officers immediately saw Perez, who matched the description of the person with the knife, holding a knife that had blood on it and with blood on his body. The responding officers had reason to detain Perez for this investigation and had reason to fear that he could harm someone else with the knife in his hand. This fear was accentuated by Perez's erratic actions and his unwillingness to cooperate with commands to lay down the knife.

Officers used less lethal ammunition to stop Perez from approaching them any further and to detain Perez so they could conduct an investigation. Perez responded by getting behind Tollison and putting a knife to her throat. Several of the witnesses believed that Perez was going to kill Tollison at that moment. Tollison suffered a wound at that location apparently caused by Perez's knife, and the BWV shows Perez clearly using some degree of force with the knife as he pulls it

towards Tollison's neck. Whether Perez put the knife to Tollison's neck merely to use her as a human shield or to kill her is a question that can be discussed at length in hindsight. However, as the officers saw this happen quickly in real time, it cannot be said that the officer's presumed interpretation that Tollison was in imminent danger of suffering death or great bodily injury was unreasonable, and that the officers had to act quickly to stop Perez from inflicting that injury upon her. Perez had the present ability to inflict imminent and deadly force upon Tollison as he stood behind her with the knife to her throat. Therefore, the shooting of Perez was conducted in lawful defense of Tollison. See *Lopez v. City of Los Angeles* (2011) 196 Cal.App.4th 675. /';

Only Damiano's bullet fatally struck Tollison. Since there is no evidence that the officers intentionally shot Tollison when they fired at Perez, the analysis as to Tollison death focuses solely on Damiano, as the person whose shot fatally struck Tollison. All of the evidence suggests that Damiano attempted to shoot only at Perez and that Tollison was accidentally shot at the same moment. If the force used against Perez was lawful in defense of Tollison, and Damiano accidentally shot Tollison in the course of that lawful action, then there is no evidence of any intention to harm Tollison. Damiano's intent in shooting Perez is transferred to Tollison, and the shooting was done in lawful defense of others, just as the shooting of Perez was in lawful defense of others. Therefore, it cannot be said that Damiano intentionally killed Tollison.

This shooting took place on June 16, 2018. The statute of limitations for involuntary manslaughter in violation of Penal Code Section 192(b) is three years, so even assuming a prosecution for involuntary manslaughter was potentially applicable in this situation, the statute of limitations ran on that offense on June 16, 2021. Assuming the statute had not run, in order to be liable for involuntary manslaughter under Penal Code Section 192(b), Damiano would have had to have acted in a reckless way that created a high risk of death or great bodily injury, AND a reasonable person would have known that acting in that way would create such a risk. *People v. Lee* (1999) 20 Cal.4th 47. See also jury instruction CalCrim Number 580. It cannot be proven beyond a reasonable doubt that a reasonable person in Damiano's position would not have seen the same threat that he did and withheld shooting at Perez due to Tollison's proximity. Assuming Damiano reasonably believed that Tollison's life was in danger and required immediately shooting at Perez, it cannot be proven beyond a reasonable doubt that he acted recklessly by accidentally shooting Tollison during that rescue attempt.

CONCLUSION

We conclude that Officers Damiano, Bonilla and Trock acted reasonably in using deadly force against Perez in defense of Tollison. We also find that Damiano and Bonilla did not intentionally shoot Tollison when they shot at Perez. Finally, we find that it cannot be proven beyond a reasonable doubt that Damiano acted with criminal negligence when his fatal shot accidentally struck Tollison while attempting to deter Perez's assault against Tollison.