

**Fatal Officer Involved Shooting of Alexis Pulido
Inglewood Police Department**

Officer Robert Swenson, #967

J.S.I.D. File #22-0328



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

June 5, 2024

MEMORANDUM

TO: CHIEF MARK FRONTEROTTA
Inglewood Police Department
1 West Manchester Boulevard
Inglewood, California 90301

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

SUBJECT: Fatal Officer Involved Shooting of Alexis Pulido
J.S.I.D. File #22-0328
I.P.D. File #22-51013

DATE: June 5, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 16, 2022, fatal shooting of Alexis Pulido by Inglewood Police Department (IPD) Officer Robert Swenson. We have determined that the evidence supports a reasonable belief by the officer that the use of deadly force was necessary in self-defense and/or the defense of others when he fired his duty weapon.

The District Attorney's Command Center was notified of this shooting on September 16, 2022, at approximately 7:48 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Detective Jack Aranda of IPD's Homicide Section.

The following analysis is based on reports and other materials, including recorded interviews, photographs, and video recordings submitted to this office by IPD's Homicide Section on July 6, 2023. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On September 16, 2022, at approximately 6:26 p.m., Pulido knocked on the front door of a house on South Truro Avenue in Inglewood. Pulido contacted the male resident and requested to charge his cell phone. The man's wife came to the doorway and saw Pulido holding a metallic spray can. The wife stated Pulido's tone was hostile and when they denied Pulido's request to charge his cell phone in their house, Pulido became aggressive – he was angry and began swinging the spray can. The wife was scared Pulido was going to attack. In response, she pulled her husband out of the doorway and closed the door as Pulido began spraying in their direction. The wife moved to a nearby window in the house and saw Pulido throw the spray can through another window. The spray can broke the window and entered their living room. Pulido left and the couple's daughter called the police as the couple followed Pulido, who was on foot, in their car.

Records of IPD communications indicated a person threw a Lysol can through the 9-1-1 caller's window. Officer Swenson was dispatched to the vandalism call and arrived at the scene at approximately 6:36 p.m. Swenson met with the daughter who informed him of the circumstances surrounding the vandalism and that her mother and father had followed Pulido. Swenson obtained the couples' location and met with them briefly. The wife directed Swenson to Pulido, who was seated on a bench on the front porch of a house on Eucalyptus Avenue.

Investigators retrieved video recordings from different sources, including those from the doorbell camera and another mounted security camera from this house.¹ The video from the doorbell camera recorded audio, but the mounted camera did not record audio. The videos captured Pulido walk to the front door, ring the electronic doorbell, and sit on a bench on the front porch.

At 6:45 p.m., Swenson contacted Pulido and asked him if he was "okay." Pulido replied, "Don't talk to me." Pulido stated that he did not speak to the police.² Swenson told Pulido that he was trying to help him. Pulido stated that a group of people were trying to hurt him. Pulido's tone was calm and matter of fact. Pulido also stated that he lived at the house in front of which he was seated. Then, the doorbell video recording captured a resident of the house speaking to Swenson from the doorbell camera. The resident confirmed with Swenson that Pulido was trespassing – he stated he did not know Pulido and he was not allowed to be in front of his residence. Swenson stated that he believed Pulido was mentally unstable and possibly armed.³

Swenson requested assistance, and at approximately 6:48 p.m., Officer Javier Mosely arrived at the scene. Swenson met with Mosely at the mouth of the driveway. Swenson stated that he informed Mosely of what had transpired, that Pulido was possibly mentally unstable, and was possibly armed. Mosely stated that Swenson told him he wanted to detain Pulido and they formed a plan to each take Pulido by an arm.⁴

When the officers were near the sidewalk, Pulido stood and walked to the top of the driveway. He told the officers he had to "pee." Swenson stated as soon as Swenson put on gloves, Pulido walked back toward the house. Swenson and Mosley each grabbed one of Pulido's arms, whereupon Pulido backed away and turned his body. Swenson stated that during the struggle he heard a gunshot and Mosely started yelling, "Gun! Gun! Gun!"

Mosely stated that when he took control of Pulido's left arm, Pulido pulled away and Mosely lost his "footing." As Mosely was falling, Pulido leaned forward, and Mosely felt a "tug" from where his holster was located, and he heard a "pop."

¹ In September 2022, IPD officers were not equipped with body worn video cameras.

² [REDACTED]

³ On September 26, 2022, Swenson provided a voluntary statement to investigators. The statement was audio recorded.

⁴ On September 26, 2022, Mosely provided a voluntary statement to investigators. The statement was audio recorded.



Swenson held Pulido’s right arm as Mosely (obstructed in the photograph by Swenson and Pulido) attempted to stand after falling in the planter area. The video captured the debris (circled in red) caused by the impact of the gunshot from Mosely’s service handgun.

Swenson stated he believed Pulido had taken Mosley’s service handgun when he heard the gunshot. Immediately thereafter, while still trying to gain control of Pulido’s right arm, Swenson stated that Pulido held Mosely’s handgun with both hands outstretched in Mosley’s direction, and that Mosley was attempting to take the gun from Pulido. Mosely also stated that he saw Pulido pointing his service handgun, which was still in its holster, directly at him. Mosley yelled, “Gun! Gun! Gun!” to alert Swenson, and Mosely grabbed and redirected the muzzle away from him.

Following the gunshot, Swenson moved around and behind Pulido, pulling Pulido away from Mosely and down to the ground on the front lawn. Mosely stated that he also fell with Pulido, who still had his service handgun in his right hand. Mosely stated he punched Pulido in the face and then he heard “five to six shots go off.” Swenson stated that after he pulled Pulido down to the front lawn, Mosely attempted to take the gun from Pulido’s hands, and Mosely kept yelling, “Gun!” Audio from the doorbell camera video confirmed Mosely continued yelling, “Gun!” several times before additional gunshots were heard. Swenson stated he believed Pulido was going to shoot Mosely and “possibly” him before he unholstered and fired his service handgun six times at Pulido.⁵ Approximately seven seconds elapsed from the discharge of Mosely’s firearm to when Swenson fired his service weapon.

Swenson stated that he fired at Pulido while Pulido still held Mosely’s handgun in his hand and Mosley was attempting to take it away. Swenson stated that after the shooting Mosley was “holding [his handgun] by the holster” and asked Swenson if he had been shot. Swenson checked him and made sure he was not shot and asked Mosely to place his gun down before Swenson administered first aid to Pulido. In contrast, Mosely stated that after Swenson fired his

⁵ Six gunshots are heard on the doorbell video, and six expended cartridge cases were retrieved by investigators at the scene.

service handgun, Mosely “backed off” of Pulido, and observed his service handgun was behind him. He stated he did not touch it.

One neighbor stated to investigators that he saw the police shoot Pulido when he was on the ground. Another person stated that he was jogging in the neighborhood, and he saw Pulido on the ground when an officer who was pointing a gun at Pulido yelled, “Drop the gun.” Then he heard approximately five gunshots.

The videos captured the initial struggle leading up to the discharge of a round from Mosely’s service handgun and the continuing struggle. However, Swenson and Mosely’s actions after Swenson pulled Pulido backward and down were out of view of the recordings. The brief struggle on the ground and the officer involved shooting were not captured on the recordings.



After Mosely’s service handgun discharged, Swenson pulled Pulido back and down on the lawn. This still shows Pulido holding an indiscernible object. The officers and Pulido were outside the view of this frame before Swenson fired his service weapon.

At approximately 6:50 p.m., Swenson broadcasted that shots were fired. Other officers responded and saw Swenson and Mosley rendering medical aid to Pulido. A responding officer noted that he saw a duty weapon in its holster approximately six feet from Pulido’s body. At approximately 6:57 p.m. the fire department arrived and shortly thereafter pronounced Pulido deceased at the scene.



Mosely's firearm was photographed at the scene.

On September 21, 2022, an autopsy was conducted, and the medical examiner determined that the cause of Pulido's death was "gunshot wounds of torso." The autopsy revealed six gunshot entry wounds to the posterior left shoulder area.

Mosely's Service Handgun

Mosley's service weapon, a Glock 17 handgun, was examined and rendered safe at the station. The examination was video recorded and photographed. Upon removal of the handgun from the holster it was apparent that paper material had been inserted at both ends of the holster. An investigator also noted that upon examination of the holster, it was determined that two rivets that held the belt loop in place on the gun belt were broken in half.



The photograph depicts Mosely's handgun before it was removed from the holster. The belt loops of the holster (circled) were unsecure due to broken rivets. The paper beneath the hood of the holster (boxed) is also pictured.

One expended 9mm cartridge case was retrieved from the chamber that had not ejected. This was consistent with the weapon having been fired one time while inside the holster. Also, the inserted 17-round capacity magazine was loaded with 18 rounds of ammunition.⁶

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or 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 § 835a(b), (c)(1)(A), and (c)(1)(B).

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 § 835a(e)(2).

“Totality of circumstances” means 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. 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 § 835a(a)(4) and (e)(3).

Here, Swenson spoke directly with the couple whom Pulido attempted to spray with an aerosol and then broke the window to their house with the same aerosol can. Swenson had reasonable cause to believe Pulido had committed crimes of assault and vandalism and he used reasonable force to detain and/or arrest Pulido when he and Mosely grabbed Pulido’s arms. Pulido knew Swenson and Mosely were police officers and he willfully resisted a lawful arrest. Based on the officers’ statements and the video evidence, it is undisputed that Pulido, while resisting, grabbed Mosely’s service handgun and caused it to be fired one time while still in its holster.

Whether the discharge was intentional is of minimal significance because Pulido retained his grip on the holster and handgun after the discharge and pointed it at Mosely in a manner consistent with an intent to shoot. Mosely was in reasonable fear that Pulido would shoot him or his partner when he repeatedly warned his partner, “Gun!” Independently, Swenson was in reasonable fear of imminent death or great bodily injury to Mosely and himself based on the

⁶ While unrelated to the crux of the deadly force analysis here, Mosely’s unusual manner of loading and securing his service weapon is noteworthy. First, Mosely loaded the magazine of his service handgun with one more round than its capacity. Second, Mosely holstered his service handgun along with paper, which indicates that his holster was not a good fit for his service weapon.

totality of circumstances he witnessed before he fired his service weapon at Pulido. There was no indication that Pulido intended to surrender the handgun he had taken from Mosely's belt.

The evidence supports a reasonable belief that the use of deadly force was necessary under the circumstances. It also supports a reasonable belief that Pulido continued to pose an imminent threat under the circumstances and Swenson used deadly force to stop the imminent threat.

CONCLUSION

We conclude that the evidence supports a reasonable belief that the use of deadly force was necessary in self-defense and/or the defense of others.