

**Non-Fatal Officer Involved Shooting of Dorothy Kolen
Los Angeles Police Department**

Cecilia Molina, #43054

J.S.I.D. File #20-0058



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

June 17, 2021

MEMORANDUM

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

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

SUBJECT: Non-Fatal Officer Involved Shooting of Dorothy Kolen
J.S.I.D. File #20-0058
L.A.P.D. File #F006-20

DATE: June 17, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 21, 2020, non-fatal shooting of Dorothy Kolen by Los Angeles Police Department (LAPD) Officer Cecilia Molina. It is our conclusion that Molina acted in lawful self-defense.

The District Attorney's Command Center was notified of the shooting on February 21, 2020, at 2:56 a.m. The District Attorney Response Team responded and was given a briefing, conducted a walk-through of the scene and reviewed body worn video (BWV) that captured the officer involved shooting.

The following analysis is based on police reports, witness interviews, BWV, dispatch recordings, crime scene photographs, firearm analysis and medical records submitted to this office by the LAPD Force Investigation Division. Molina provided a compelled statement which was not considered as part of this analysis.

FACTUAL ANALYSIS

On February 21, 2020, at 1:18 a.m., LAPD uniformed Officers Sylvia Park and Cecilia Molina responded to a 9-1-1 call of unknown trouble at 800 West 78th Street in the City of Los Angeles. The female caller requested the police, but did not provide a reason for her request. The officers arrived to the scene and observed a woman, later identified as Dorothy Kolen, seated between two parked vehicles on the north curb of West 78th Street.



Kolen seated on the north curb upon the officers' arrival captured on Molina's BWV.

Molina and Park attempted to ascertain if Kolen was the source of the call and whether she needed their assistance.¹ Kolen denied calling the police and said she was fine. Kolen identified herself as Dorothy and said she lived nearby. Park assured Kolen they were there to help her if she had called the police. Kolen stated, "I said they didn't call." The officers continued to question Kolen, but she failed to respond, or gave unintelligible answers.

Park suspected Kolen was the source of the 9-1-1 call and sensed that something was "off" with her behavior. Kolen's lack of response was concerning. Park checked the interior of the vehicles in front of Kolen, unsure if they belonged to Kolen. They were unoccupied.

Park walked behind Kolen on the sidewalk and illuminated her with a flashlight. Park observed a shiny silver object in Kolen's right rear waistband. Park was unable to identify the object because only a half inch to an inch of the object was visible. Park feared Kolen may be armed with a weapon and stated, "I need you to stand up," while leaning down to grab Kolen's right arm. Kolen pulled away from Park saying, "No. No. Don't." Kolen stood up and attempted to pull away from Park. Park's BWV captured a knife handle protruding from Kolen's rear waistband, however, the officers did not notice it during the scuffle.² Park told Kolen, "It's okay. We're trying to help you."

¹ The 9-1-1 caller did not provide a name.

² Park told investigators that she did not see the knife at that time. Molina was standing in front of Kolen and it is unlikely she could have seen the weapon from her position.



The knife handle protruding from Kolen's waistband captured on Park's BWV.

Molina grabbed Kolen's left wrist as Kolen stepped back onto the sidewalk. Kolen forcefully swung her arms in an attempt to escape the officers' hold. Kolen repeatedly said, "No" while Molina told Kolen to, "Calm down." Kolen broke free from the officers and ran backward on the sidewalk, facing the officers.

Molina and Park followed Kolen. Molina was several feet ahead of Park, to her right. Park ordered Kolen to stop. Kolen ignored Park and removed a 13-inch knife, with an eight-inch blade, from her rear waistband. Kolen stopped momentarily and held the knife down by her side with the blade pointed out from her body. Molina and Park immediately unholstered their service weapons and pointed them at Kolen. The officers retreated to create distance from Kolen and repeatedly ordered Kolen to stop.



Kolen brandishing the knife captured on Molina's BWV.

Kolen ignored the orders to stop and advanced toward Molina with the knife. Molina fired two rounds from a distance of approximately 12 feet when Kolen refused additional orders to stop. Kolen fell to the ground, dropping the knife.³

Injuries

Multiple LAPD units arrived to the scene and assisted taking Kolen into custody and rendered medical aid until personnel from the Los Angeles Fire Department responded to the scene. Kolen was transported to Harbor-UCLA Medical Center and treated for gunshot wounds to the abdomen and right thigh. Kolen also sustained a gunshot wound to the right wrist, but it is unknown which projectile caused that injury.

³ Eight seconds elapsed from the time Kolen removed the knife until the officer involved shooting. Kolen advanced the distance of approximately two car lengths toward Molina while brandishing the knife. Molina backed up approximately 32 feet before firing her weapon

Weapon



Kolen's knife.

Criminal Charges

Investigators were unable to interview Kolen the night of the shooting due to her injuries and medical treatment. Kolen subsequently retained an attorney and refused to be interviewed by investigators.

Kolen was charged with one felony count for an assault with a deadly weapon on a police officer in case BA487121. The case is scheduled for a preliminary hearing setting on July 20, 2021.

THE LAW

A peace officer is justified in using deadly force upon another 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; 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) and (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 on that, from appearances, must be instantly confronted and addressed. Penal Code section 835a(e)(2).

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or

perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. Penal Code section 835a(a)(4).

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Penal Code section 835a(a)(2).

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force. Penal Code section 835a(e)(3).

CONCLUSION

The evidence in this case shows that Park attempted to detain Kolen upon observing a concealed weapon in her waistband. Kolen physically resisted Park and Molina, and brandished a knife. Kolen refused multiple orders to stop as she advanced upon Molina with the knife. Molina retreated a distance of 32 feet before firing two rounds at Kolen when she was within 12 feet of the officer. Based on the totality of the circumstances, it was reasonable for Molina to fear for her life and respond with deadly force in self-defense. We are closing our file and will take no further action in this matter.