

Fatal Officer Involved Shooting of James Walsh
Glendale Police Department

Officer Eric Meyer, #20863
Officer Frank Martinez, #27345
Officer James Ross, #22471

J.S.I.D. File #22-0113



GEORGE GASCÓN
District Attorney

Justice System Integrity Division
June 21, 2023

MEMORANDUM

TO: CHIEF MANUEL CID
Glendale Police Department
131 North Isabel Street
Glendale, California 91206

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

SUBJECT: Fatal Officer Involved Shooting of James Walsh
J.S.I.D. File #22-0113
G.P.D. File #22-4523

DATE: June 21, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 14, 2022, fatal shooting of James Walsh by Glendale Police Department (GPD) Officers Eric Meyer, Frank Martinez, and James Ross. We have concluded that there is insufficient evidence to prove the officers did not reasonably believe, based on the totality of the circumstances, that their use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves or others.

The District Attorney's Command Center was notified of the shooting on April 14, 2022, at 7:00 p.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, ballistics reports, an autopsy report, body worn video camera evidence, patrol vehicle dash camera evidence, surveillance video evidence, photographic evidence, and witness statements submitted to this office by GPD Detective Travis Bateman. Meyer, Martinez, and Ross' voluntary statements were considered as part of this analysis.

FACTUAL ANALYSIS

On April 14, 2022, at approximately 4:44 p.m., GPD officers received notice of a white Mercedes Benz that had been reported stolen traveling in the area of Colorado Street and Pacific Avenue in the City of Glendale.¹ Approximately one minute after the stolen vehicle alert, GPD Officer Nick Anderson and Los Angeles County Probation Officer Rafael Paz were traveling in an unmarked GPD Ford Explorer patrol vehicle on San Fernando Road when they observed the

¹ Glendale has a "FLOCK" camera system that utilizes mounted stationary cameras capable of photographing passing vehicles and logging their license plate numbers. The photographed license plate numbers are cross-referenced with license plates in the Stolen Vehicle System, and GPD officers are automatically alerted if a stolen vehicle is detected.

Mercedes.² Anderson advised dispatch that he had located the Mercedes, and other GPD officers in marked patrol vehicles began responding to the area. Anderson positioned his vehicle behind the Mercedes and conducted a felony traffic stop in the area of San Fernando Road and Los Feliz Road. A male, later identified as James Walsh, drove the Mercedes, and a female was seated in the front passenger seat.

Anderson waited approximately two minutes for additional backup to arrive before ordering Walsh to exit the vehicle.³ When Anderson ordered Walsh to step out of the vehicle, Walsh fled the scene and led multiple GPD units on a high-speed chase, including Anderson and Paz in one patrol vehicle, GPD Officer James Ross in his marked patrol vehicle, and GPD Officer Frank Martinez and his partner Justin Kolacinski in their unmarked Crown Victoria. Walsh drove the Mercedes at excessive speeds in heavy traffic and through residential neighborhoods while ignoring traffic signals and stop signs. During the pursuit, the Mercedes was involved in two separate traffic collisions and continued to flee. While traveling south on Atwater Avenue, the Mercedes struck a third vehicle and a handgun was thrown from the rolled-down passenger side front window.⁴ The Mercedes immediately collided with a fourth vehicle and came to a stop adjacent to the discarded handgun that was lying on a residential driveway.



Figure 1 – Still image from Anderson’s patrol vehicle DCV depicts a dark object, later determined to be a handgun, lying on the driveway’s apron slightly west of the Mercedes.

² The unmarked GPD patrol vehicle was equipped with a siren, code-3 light bar along the top of the front windshield, flashing lights below the headlights, and forward-facing lights on the side mirrors. The vehicle also had a forward-facing dash camera (DCV). Anderson and all other involved officers wore distinctly marked GPD polo shirts or uniforms and body worn video cameras (BWV). The vehicle pursuit was recorded on DCV and the GPD airship’s camera. The officer-involved shooting was captured on BWV and a doorbell camera.

³ The GPD airship also responded to the scene.

⁴ The airship’s video shows a dark object moving from the car’s passenger side onto the apron of a driveway.

The female passenger and Walsh exited the passenger side of the Mercedes as Paz, Anderson, and Ross exited their police vehicles.⁵ Anderson yelled, “Hey, let me see your hands!” Walsh ignored the command, kicked the handgun up the driveway, and picked it up as he ran away from the officers.



Figures 2 & 3 – Cropped sequential still images from Anderson’s DCV and BWV, respectively, depicting Walsh kicking the handgun and then bending down to pick it up.

Anderson yelled, “Gun! Gun! Gun! Gun! Gun!” as he and Ross chased Walsh.⁶ Anderson continued to yell “Gun!” as Ross repeatedly ordered Walsh to “Drop it!” and “Drop the gun right now!” Walsh continued down the driveway before running around the rear of an apartment building. Anderson and Ross briefly discontinued their pursuit of Walsh. According to Ross, he did not follow Walsh around the corner of the building out of fear of being ambushed.⁷

Shortly thereafter, Walsh reemerged near the front of the apartment building and briefly ran north on Atwater Avenue before running west on Tyburn Street. Simultaneously, Martinez and Kolacinski, who had fallen behind in the vehicle pursuit, arrived in the area. Anderson, Ross, Martinez, and Kolacinski pursued Walsh on foot west on Tyburn Street, ordering him to drop his handgun and yelling, “Police!” Anderson ran on the south sidewalk, directly following Walsh’s path, and Ross ran behind Anderson. Martinez and Kolacinski ran down the middle of Tyburn Street. GPD K-9 Officer Eric Meyer exited his vehicle on Tyburn Street, west of Walsh, placing officers both east and west of Walsh. According to Meyer, he had heard radio broadcasts while driving to the location that Walsh was armed with a gun. When he exited his patrol vehicle and saw Walsh running with the gun still in his hand, he thought, “Crap, he still has the gun. And of all the times I’ve chased somebody that’s had a gun, they discarded it ... and I remember just thinking ... There’s only one reason to still have the gun ... He kept that gun because he intended on hurting one of us.”⁸

⁵ Ross did not activate his BWV until after the officer-involved shooting. The incident was captured by other officers’ BWV and a doorbell camera.

⁶ When Walsh picked up the handgun, Paz, who was unarmed, stopped pursuing him and redirected his attention to the fleeing female passenger, who he detained.

⁷ GPD investigators interviewed Ross on April 18, 2022. The interview was recorded.

⁸ GPD investigators interviewed Meyer on April 18, 2022. The interview was recorded.

██████ was walking on Tyburn Street when he heard police yelling, “Stop! Stop! Put the weapon down! Put the gun down!”⁹ He saw Walsh running west on Tyburn Street with a gun in his right hand. ██████ ran behind a parked Honda on the south curb of Tyburn Street and saw Walsh run onto the front porch of the adjacent residence. Ross, Martinez, and Kolacinski took cover behind a gray Lexus slightly east of the Honda while Anderson stood on the sidewalk and moved toward the other officers and the Lexus.



Figure 4 – Still image from Martinez’ BWV depicting Walsh running onto a residence’s front porch as ██████ takes cover behind a parked Honda.

The residence’s doorbell camera captured Walsh as he ran onto the front porch. A firearm can be seen in his right hand, and the handgun’s slide appears locked in the rear position.¹⁰ Walsh can be heard breathing heavily while saying, “Stop. Stop.” in a normal tone before looking east in the direction of Anderson, Ross, Martinez, and Kolacinski. Officers can be heard yelling, “Drop the gun!” in the background.

⁹ A GPD investigator interviewed ██████ on the day of the incident. The interview was recorded.

¹⁰ The firearm was later recovered with a double feed malfunction. A double feed malfunction occurs when two rounds try to enter a firearm’s chamber at the same time. The malfunction caused the slide of Walsh’s handgun to be stuck in the rear position, making it inoperable without first clearing the jam.



Figure 5 – Still image from the residence’s doorbell camera depicting Walsh holding a firearm in his right hand and looking toward Tyburn Street.

Walsh then took approximately three steps to the west while raising the handgun waist-high in front of his body. Meyer was west of Walsh, standing on the sidewalk next to a cinder block wall of the adjacent residence. As Walsh walked in Meyer’s direction, Meyer discharged multiple rounds from his duty weapon at Walsh.



Figures 6 & 7 – Still images from the doorbell camera and Meyer’s BWV depicting the position of Walsh and Meyer when Meyer first discharged his duty weapon.¹¹

According to Meyer, he did not think Walsh had seen him yet and believed Walsh ran onto the porch to gain a “position of advantage” to “ambush” Anderson, who had been following him. While Anderson was no longer chasing Walsh, he was still in the open, and Meyer interpreted Walsh’s movements along the front porch as an attempt to seek cover for the purpose of engaging Anderson. Meyer stated he discharged his duty weapon multiple times to “prevent him from ambushing [Anderson].”

¹¹ Meyer’s BWV image (figure 7) was cropped and zoomed in to show Walsh more clearly.

After Meyer began firing, Walsh ducked and appeared to manipulate the slide of his firearm before turning around and running back toward the front door. Walsh cannot be seen attempting to move the firearm's slide because his back is to the doorbell camera. However, a metallic sound consistent with a handgun slide being racked can be heard, and Walsh's left hand appears to be on the handgun's slide when he turns around.



Figure 8 – Cropped still image from the doorbell camera depicting Walsh's left hand on the slide area of his handgun.

When Walsh reached the front door area, he was struck by a round in the right posterior torso and fell to the ground onto his back. Walsh maintained possession of his handgun in his right hand.



Figure 9 – Still image from the doorbell camera depicting Walsh lying on the porch while holding his firearm.

Walsh got on his hands and knees and took cover behind a small wall on the porch. As Walsh hid behind the wall, he appeared to again attempt to manipulate his firearm's jammed chamber.¹²



Figure 10 – Still image from the doorbell camera depicting Walsh crouched behind a small wall with his head down.

Simultaneously, Meyer moved south on Tyburn Street toward the other officers while Anderson, Martinez, and Kolacinski moved west on Tyburn Street and repositioned behind the Honda directly adjacent to the residence's porch. Ross remained near the gray Lexus, slightly south of the Honda.

¹² Walsh's handgun cannot be seen on the doorbell camera at this time; however, his focus appears to be down in front of him, the movement of his shoulders indicates his arms are moving, and a metallic sound consistent with a handgun slide being manipulated can be heard.



Figure 11 – Cropped still image from the doorbell camera depicting Walsh ducking behind a small wall as the officers reposition. Kolacinski and Ross (not pictured) are standing out of frame to Martinez’ left.

Officers repeatedly yelled, “Drop the gun!” Walsh peaked his head over the small wall before saying, “Hey, stop.” in a normal tone and taking cover behind the wall by moving closer to it.¹³ Meyer, Martinez, and Ross discharged multiple rounds from their duty weapons at Walsh. Walsh briefly ducked his head behind the wall before raising it slightly above it again. Walsh was then struck by a round in the top of his head. Walsh’s head fell, but his body remained hunched, and he was struck by at least one more round. Walsh’s body shifted into a position where he appeared to be on his hands and knees with his head on the ground, and the officers ceased firing.¹⁴ Walsh remained in an awkward hands-and-knees-type position with his firearm underneath him on the front porch. The officers did not immediately approach him out of fear of being ambushed. GPD Sergeant Daniel Fernandez arrived at the location and authorized using two 40 mm less-lethal rounds and Meyer’s K9 to ensure Walsh was no longer a threat. After Walsh failed to respond, the officers approached, handcuffed, and provided medical aid to Walsh until Glendale Fire Department (GFD) arrived shortly thereafter. Walsh was pronounced deceased by GFD paramedics at 5:02 p.m.

Following the officer-involved shooting, each officer was asked why they discharged their service weapon at Walsh as he crouched down and peeked over the porch wall. According to Martinez, he interpreted Walsh peaking his head over the wall as him “looking for an opportunity to harm my partner, the victim civilian, or myself.” He discharged two rounds at Walsh to “stop the threat.” Martinez said Walsh’s erratic driving during the pursuit, continued possession of a firearm, and refusal to drop the handgun made him fear for his life, his partners’ life, and the lives of pedestrians in the area.¹⁵ Ross stated he was unsure if Walsh had fired at the

¹³ It is unknown whether the officers heard Walsh. During their interviews, no officers mentioned hearing Walsh say anything while he was on the porch.

¹⁴ Approximately thirty-one seconds elapsed from Walsh running onto the porch and the final shot.

¹⁵ GPD investigators interviewed Martinez on April 18, 2022. The interview was recorded.

officers when he saw Walsh's head poking up from behind the wall. Ross discharged three rounds from his duty weapon over an approximately five second period with the intent of "stop[ping] the threat" of Walsh engaging them. Meyer told investigators that when Walsh crouched behind the wall, he believed Walsh was in a position to shoot him and was "peeking out" to obtain his location. Out of fear for his safety, Meyer discharged additional rounds from his duty weapon at Walsh. According to Kolacinski, he was also unsure if Walsh had fired shots at officers before he took cover behind the small wall on the front porch.¹⁶ Kolacinski said he did not feel comfortable discharging his service weapon due to the residence's large window located directly behind Walsh.¹⁷

Autopsy

Deputy Medical Examiner Jacquelyn Morhaim performed an autopsy on April 18, 2022. The cause of death was determined to be a gunshot wound to the head. Walsh sustained four gunshot wounds. One entrance wound was to the left frontoparietal scalp. The bullet penetrated the skull and brain, causing a fatal injury. Three additional non-fatal gunshot wounds were observed in the left anterior chest, left nipple-areolar complex, and right posterior torso. Toxicology results indicated the presence of amphetamine and methamphetamine in Walsh's blood at the time of the incident.

Ballistics Evidence

Investigators recovered a semiautomatic Sig Sauer Model P320-style 9 mm handgun near Walsh.¹⁸ The firearm was loaded with one round in the chamber and 13 rounds in the magazine. The handgun had a double feed malfunction that caused the slide of the handgun to be stuck in the rear position.¹⁹ On April 19, 2022, Walsh's firearm was test fired and found to be functional.



Figure 12 – Photograph of Walsh's handgun.

¹⁶ GPD Investigators interviewed Kolacinski on the day of the incident. The interview was recorded.

¹⁷ GPD Investigators interviewed Anderson on the day of the incident. During the interview, Anderson was not asked and did not state why he did not discharge his duty weapon during the incident.

¹⁸ The firearm consisted of a Sig Sauer lower frame, an Agency Arms slide/barrel assembly, a JSD Supply fire control unit, and an Apex aftermarket trigger assembly. JSD Supply manufactures 80% firearms, which are sold no more than 80% complete, thereby avoiding federal firearms regulations. Consumers can purchase the components needed to build and complete the firearm assembly at home. Such firearms are often referred to as "ghost guns."

¹⁹ Clearing a double feed malfunction requires the ejection of the handgun's magazine.

After the incident, Anderson retraced the path taken during the initial foot pursuit. He located one live 9 mm round on the driveway near where Walsh initially picked the firearm up off the ground.²⁰

Fourteen cartridge casings discharged from Meyer's duty weapon were recovered from the scene. Eight casings were recovered near the cinder block wall he was standing next to when he first fired at Walsh, one from the sidewalk adjacent to the cinder block wall, and five from Tyburn Street. Two cartridge casings discharged from Martinez' duty weapon were recovered on Tyburn Street near the Honda he used for cover. Three cartridge casings discharged from Ross' duty weapon were recovered from Tyburn Street near the Lexus he used for cover.²¹ Two fired 40 mm soft pellet rounds were recovered, one from the porch Walsh was on and the other from the ground in front of the porch.

Investigators observed numerous bullet holes and strike marks on the north and west-facing walls of the residence, as well as on the porches' half wall. Multiple bullet fragments were also recovered from the area.

LEGAL ANALYSIS

A peace officer is justified in using deadly force upon another person 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).

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

²⁰ The round's cartridge casing was gold, matching those in Walsh's handgun. All involved officers' rounds were accounted for and had silver cartridge casings.

²¹ The number of recovered discharged cartridge casings was consistent with the round counts performed on each officer's service weapon following the officer-involved shooting.

occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

In this case, Walsh led the GPD officers on a dangerous vehicle pursuit where he drove in an unsafe manner and crashed into multiple vehicles, evidencing his desperation to evade capture by the police. When Walsh exited his vehicle, he picked up a handgun that had previously been discarded. Walsh's retrieval and continued possession of the firearm throughout the incident would lead a reasonable police officer to believe Walsh had the ability, opportunity, and apparent intent to inflict serious bodily injury or death upon the officers. While Walsh's firearm had become temporarily inoperable, the GPD officers had no way of knowing that, and double feed firearm jams can be cleared by removing the handgun's magazine. Walsh's continued efforts to fix the firearm instead of surrendering further suggest he intended to engage the officers with deadly force. Given the threat Walsh posed and the exigent nature of the incident, the use of de-escalation techniques or other non-deadly force options was not reasonably safe or feasible as they would have provided Walsh with a greater opportunity to harm the officers. As such, Meyer, Martinez, and Ross' use of deadly force in response to Walsh's imminent threat of death or serious bodily injury was reasonable and necessary in the defense of human life.

CONCLUSION

We find that there is insufficient evidence to prove Officers Eric Meyer, Frank Martinez, and James Ross did not reasonably believe, based on the totality of the circumstances, that their use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves or others.