

**Non-Fatal Officer Involved Shooting of Arthur Wright
Los Angeles County Sheriff's Department**

Deputy Joseph Welch, #638591

J.S.I.D. File #22-0332



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

June 21, 2023

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

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

SUBJECT: Non-Fatal Officer Involved Shooting of Arthur Wright
J.S.I.D. File #22-0332
L.A.S.D. File #022-14389-2131-055

DATE: June 21, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 21, 2022, non-fatal shooting of Arthur Wright by Los Angeles County Sheriff's Department (LASD) Deputy Joseph Welch. We conclude Deputy Welch acted in lawful self-defense at the time he fired his weapon, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on September 22, 2022, at approximately 1:00 a.m. The District Attorney Response Team (DART) responded to the location, and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on body worn camera video (BWV), witness statements, a 9-1-1 recording, investigative reports, and photographs submitted by LASD Homicide investigators Sergeant Paul Cardella and Detective Maria Maciel.

INTRODUCTION

On September 21, 2022, at approximately 11:30 p.m., Deputies Welch and Vera were in uniform and driving a marked patrol car when they responded to a call for service indicating that a man, later identified as Arthur Wright, had pointed a gun at a woman in the area of Imperial Highway and Compton Avenue. The deputies stated that about one block from that location, they saw Wright standing on the sidewalk holding a gun. Vera, driving, maneuvered the patrol car to face Wright, and shined a spotlight on him. As he did so, according to the deputies, Wright raised and pointed what appeared to be a firearm at them. Welch quickly exited the passenger seat of the patrol car and fired four rounds at Wright, striking him non-fatally in the thigh. Vera did not fire his weapon.

Near to where Wright stood, investigators recovered a plastic BB gun pistol. The incident was captured on both deputies' BWV. Wright's actions at the time of the shooting cannot be seen in the footage. Seconds after, the deputies can be heard discussing the incident: Welch asks Vera whether Wright had shot at him. Vera responds that Wright pointed the gun.

FACTUAL ANALYSIS

9-1-1 Call

On September 21, 2022, at approximately 11:30 p.m., a woman reported to 9-1-1 dispatchers that a man, later identified as Arthur Wright, pointed a gun at her as she walked from her friend's house to her car, parked on the street. She ran back into her friend's house, and they called 9-1-1.

BWV

Welch and Vera activated their BWVs moments after the shooting. When activated, the cameras are configured to automatically capture video going back two minutes. This two minute "buffer" period contains no audio, which comes on only after the camera is activated. The footage shows the deputies driving in their patrol car. Vera, driving, stops the car and appears to make sudden movements. Vera exits the car and draws his weapon as apparent gun smoke, emanating from the passenger side of the car, wafts across the front windshield. (It is not clear in the footage whether Vera, as he stated, discussed below, ducked behind the dashboard after Wright pointed the gun at him.)

Meanwhile, Welch exits the passenger side with the door open. He backpedals a few steps away from the passenger door and points his service pistol toward the sidewalk in front of the patrol car. There is no audio yet, but he appears to fire multiple gunshots: gun smoke is visible, and his firearm appears to recoil. Welch activates his camera moments after firing his weapon (and with it, the audio). Welch asks Vera, "Did he shoot you?" Vera responds, "No, he pointed it." Both deputies yell various commands of "Hands up!" and "Don't reach for that gun!" Welch radios: "Suspect dropped a firearm on the pavement."

Eventually, the deputies approach Wright, take him into custody, and render medical aid. Wright's firearm (later determined to be a BB gun) is seen lying near Wright as the deputies approach.

Wright comes into view only after the shooting, as deputies give him commands and later take him into custody. The footage does not capture Wright at the time of the shooting, as both deputies' BWVs are blocked by the patrol car.



Figure 1: Welch's BWV still; Wright out of view beyond patrol car at moment of Welch's gunshots.



Figure 2: Vera's BWV still; Vera exiting car with weapon drawn at apparent time of Welch's shots.

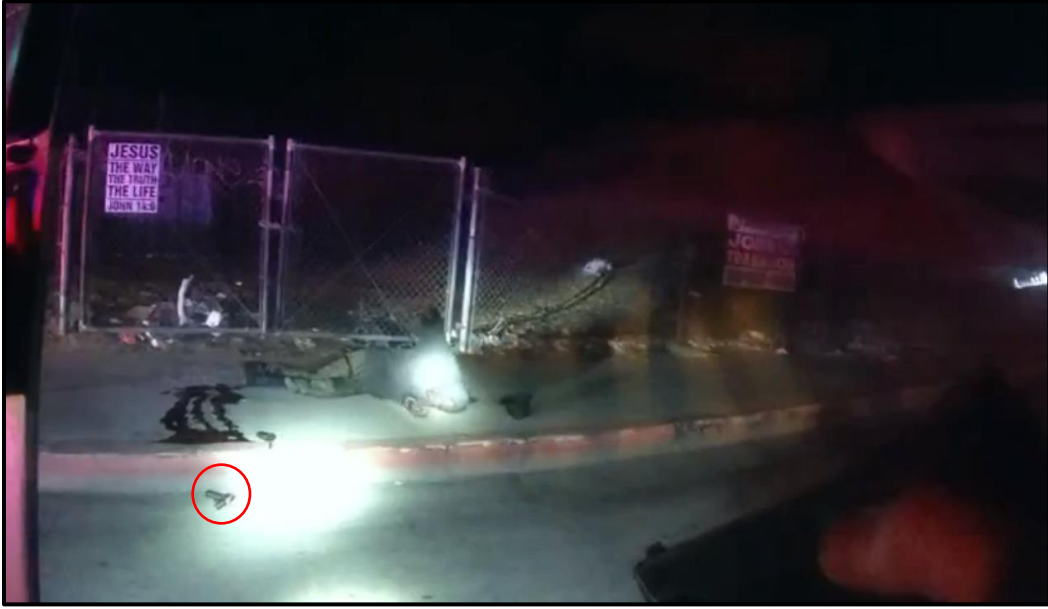


Figure 3: BWV still; Deputies approach Wright after shooting; BB gun laying in street (circled).

Physical Evidence

Investigators recovered four 9 mm casings, near the passenger side of the patrol car, as well as a damaged black plastic BB gun, in the street near Wright's location at the time of the incident. The BB gun was missing its slide and did not appear operable. (LASD reports do not indicate that the BB gun was test fired to determine whether it was operable.)

Welch was armed with a department issued 9 mm pistol. Based on the casings recovered and a post incident examination of his weapon, he fired four rounds during the incident.

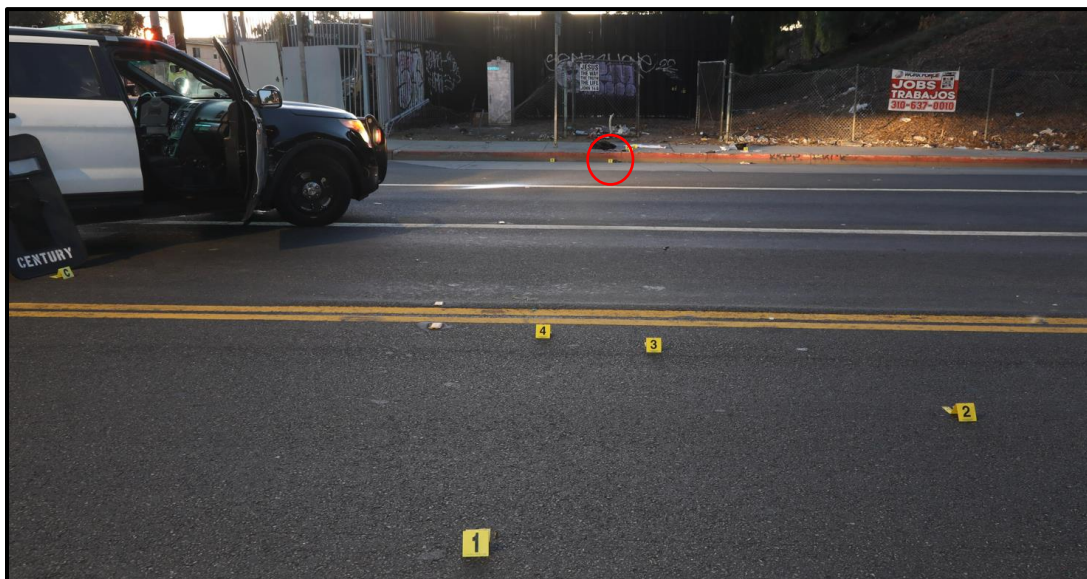


Figure 4: Welch's casings (items 1-4) and gun (circled).



Figure 5: Wright's BB gun.

Deputy Statements

Investigators found no civilian witnesses. Welch and Vera were the only deputies present at the time of the shooting. According to their voluntary statements,¹ they responded to the assault with a deadly weapon call in uniform and a marked patrol car.

Reaching Imperial Highway and Compton Avenue (less than a block from the reported assault) they saw Wright on the sidewalk holding a gun. Initially he had his back to them. Vera maneuvered the patrol car to face Wright and illuminated him with a spotlight. According to both deputies, Wright turned around and pointed a gun at them. Both deputies stated that Vera ducked down behind the dash board in response. Welch thought Vera had potentially been shot. According to Welch, when Wright pointed the gun, he simulated firearm recoil, moving the gun up and down, as though shooting at them. Welch fired four rounds in response and struck Wright's leg. Vera heard the four gunshots as he was ducking, he said.

Statement of Arthur Wright

Wright told investigators that he found the "toy gun" while "recycling." He denied ever pointing it at the deputies, and said it was in his pocket when he was shot. When challenged by investigators, who pointed out that the gun ended up on the street after the shooting, Wright said he was drunk and did not remember the incident. Wright also denied pointing a gun at the woman who reported the assault.

¹ On December 5, 2022, Welch testified about the shooting in the preliminary hearing in case number TA158486, against Wright. His testimony was consistent with his voluntary statement.

Injury and Toxicology

Wright sustained a through and through gunshot wound to the side of his right thigh. Toxicology testing revealed the presence of alcohol and marijuana in Wright's blood.

Criminal Case

On September 27, 2022, Wright was charged in case number TA158486 with two counts of felony resisting an officer by force or threats, in violation of Penal Code section 69, and one count of misdemeanor brandishing a replica gun, in violation of Penal Code section 417.4. On March 8, 2023, Wright was convicted of the charges and placed on two years of formal probation.

LEGAL ANALYSIS

A peace officer is justified in using deadly force 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).

Deadly force shall be used "only when necessary in defense of human life," and officers "shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).

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

ANALYSIS

Welch and Vera responded to a report of an assault with a firearm. Approaching the location in their marked patrol car, the uniformed deputies stated that Wright pointed at them what they believed was a gun. Vera said that he ducked down in the patrol car and heard four gunshots. Welch said that he saw Wright duck and thought he might be shot.

Although the available video footage does not show what Wright was doing at the moment of the shooting, it does appear to corroborate the deputies' statements: seconds after the shooting Welch asks Vera whether he had been shot, and Vera responds that Wright had only pointed the gun.

Additionally, prior to the shooting, both deputies are seen making sudden, hurried movements inside the patrol car, arguably consistent with their perceiving some type of imminent threat. BWV footage shortly afterward also shows an apparent firearm lying near to where Wright fell after being shot.

Although Wright denied pointing the gun and claimed it was in his pocket at the time of the shooting, when asked how it ended up in the street, Wright changed his statement and said he was intoxicated and did not remember the incident.

Considering the totality of the circumstances known to Welch at the time, including those leading up to the incident, it was reasonable for him to believe that deadly force was necessary to defend against an imminent deadly threat given that, according to the available evidence, Wright pointed what appeared to be a firearm at the deputies. Under the circumstances, Welch acted reasonably. This conclusion is not altered by the hindsight knowledge that Wright pointed a plastic BB gun, not a real firearm.

CONCLUSION

For the foregoing reasons, we find that Deputy Welch acted lawfully in self-defense at the time he fired his weapon, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.