

**Non-Fatal Officer Involved Shooting of Konstantin Morozov**  
**Los Angeles Police Department**

**Detective Casey Cox, #33720**

**J.S.I.D. File #17-0418**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity**

**Division June 24, 2021**

**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: Non-Fatal Officer Involved Shooting of Konstantin Morozov  
J.S.I.D. File #17-0418  
F.I.D. File #F061-17

DATE: June 24, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 22, 2017, non-fatal shooting of Konstantin Morozov by Los Angeles Police Department (LAPD) Detective Casey Cox. We have concluded that Detective Cox used lawful and reasonable force in self-defense, and in defense of another, and Morozov succumbed to injuries from a self-inflicted gunshot wound.

The District Attorney's Command Center was notified of the shooting at approximately 8:30 p.m. on August 22, 2017. 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 by Lieutenant Damian Gutierrez.

The following analysis is based on investigative reports, recorded interviews, firearm analysis reports, autopsy reports, crime scene photos and diagrams, security camera video,<sup>1</sup> and witness statements submitted to this office by LAPD Force Investigation Division (FID). The compelled statement of Detective Cox was considered in this analysis.

**FACTUAL ANALYSIS**

On August 21, 2017, Konstantin Morozov shot and killed his estranged wife, Natalia M [REDACTED], and fled the Santa Maria area with their nine-year-old son. The California Highway Patrol (CHP) issued an Amber Alert for their son. The Santa Maria Police Department (SMPD), along with agents of the Federal Bureau of Investigation (FBI), tracked Morozov's cellular phone signal to [REDACTED] Lindley Avenue in Tarzana.

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<sup>1</sup> As described further, below, the task force personnel involved in this incident were not equipped with body-worn cameras and the unmarked vehicles they drove did not have dashboard cameras.

On August 22, 2017, at around 2:00 p.m., members of the FBI/LAPD Fugitive Task Force (FTF) received the Amber Alert.<sup>2</sup> FBI Special Agent (SA) Scott Garriola advised Detective Brian Whetsel that the FTF was being requested to assist in the apprehension of Morozov and the rescue of his son. Whetsel directed a team of FTF members, including Cox, to respond to the area of [REDACTED] Lindley Avenue.

[REDACTED] Lindley Avenue is a large, two-story apartment complex located on the southeast corner of the intersection of Lindley Avenue and Killion Street. Lindley Avenue is a north/south thoroughfare with two lanes in each direction, plus turning lanes and curb parking in each direction. Killion Street is a two lane east/west street with curb parking in each direction. Killion Street is immediately south of the Ventura Freeway. Lindley Avenue passes under the freeway immediately north of the intersection with Killion Street. The complex has three gated pedestrian entries from Lindley Avenue and underground tenant parking which is accessible from the Killion Street side. Security cameras mounted on the exterior of the complex record views of the Lindley Avenue sidewalk near Killion Street and of the Killion Street sidewalk near Lindley Avenue.

Team members proceeded to a briefing area near the location. All members were in plain clothes, driving unmarked vehicles, and wearing ballistics vests. They were equipped with tactical gear marked with police identification.

Whetsel arrived at the location at approximately 2:30 p.m. on August 22, 2017. He assumed the lead from FBI and CHP units that were surveilling [REDACTED] Lindley. Whetsel also notified Communications Division to request a Code 5 for the location be sent via Mobile Digital Computer (MDC).<sup>3</sup> Whetsel advised LAPD West Valley Area command of the investigation. West Valley Area provided a patrol unit and LAPD bike patrol officers to remain in the area. CHP maintained units ready to assist at the nearest freeway onramps, in the event Morozov was able to enter the freeway. The team members' unmarked vehicles were not outfitted with video. At the time of this operation, the members were not equipped with body-worn video.

Whetsel briefed members and began assigning them to positions.<sup>4</sup> Team members received photos of Morozov and were advised he may be armed with a 9mm Glock pistol, which SMPD suspected was the murder weapon.

Whetsel assigned Detective Jorge Morales to be point, meaning that he had a direct line of sight to the front of the complex from where he was parked, directly across the street on the west curb of Lindley Avenue. It was Morales' responsibility to advise everyone on the perimeter via the FBI radio of his observations. Cox parked on Lindley Avenue facing south underneath the Ventura Freeway overpass. Whetsel assigned Cox to be Morales' back-up. He, too, had a direct

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<sup>2</sup> The FTF is a joint task force comprised of special agents of the FBI and detectives assigned to the LAPD Gang and Narcotics Division (GND). The purpose of the task force is to identify, locate, and arrest violent fugitives believed to be in the Southern California area.

<sup>3</sup> A Code 5 means a location is under surveillance and that other units should avoid the area. Whetsel avoided sending this and subsequent communications via radio in case Morozov was monitoring local police frequencies. Whetsel explained that until a target is spotted, and backup is called, team members generally communicate via Nextel devices and FBI radios, neither of which have the capacity to record.

<sup>4</sup> This briefing occurred in the alley near the location where members assembled. Members who were still en route at the time of the briefing received the information over their cellular phones.

line of sight to the front and north side of the complex. Whetsel assigned other team members to various positions to be ready to pursue Morozov in any direction should he exit the complex. Officers Teddy Gonzalez and Lazaro Ortega were parked on the east side of Lindley Avenue, south of the location. Detective Craig Hewitt was assigned to monitor the underground parking entrance from Killion Street. Whetsel also maintained communications with investigative resources that continued to track Morozov's phone.

As personnel began containing the location, Garriola communicated to team members that Morozov had made calls from his cell phone to a person who resided in a unit in [REDACTED] Lindley Avenue. From this information, the investigation developed photos of the residents of the apartment, registration information for vehicles and for two firearms associated with the unit.

Whetsel directed Morales and Gonzales to enter the complex and confirm the location of the unit and any associated vehicles to assist SMPD in the preparation of a search warrant. Cox took over as point once they did so.

After 4:00, Cox and Hewitt advised Whetsel that they saw a woman matching the description of one of the residents of the unit exit the complex and enter the underground parking. Shortly thereafter they advised the team that she was driving out of the parking lot in one of the vehicles associated with the unit. Whetsel, accompanied by other team members, followed the woman and contacted her. She confirmed that Morozov was in her apartment alone with his son. He was preparing to leave and was waiting for a ride. She had not seen Morozov with a gun.<sup>5</sup>

Whetsel requested and obtained approval for a SWAT team to execute the pending search warrant for Morozov. Whetsel returned to the location and advised team members of the operations plan. If Morozov exited the apartment prior to the arrival of the SWAT team, officers including Gonzalez and Morales would approach Morozov from the south before he entered a vehicle with his son. They would give commands to Morozov and try to place him under arrest. Cox would cover the north side. Other officers were assigned as less-than-lethal cover.

After SWAT was requested, Cox was apprised of the operations plan and maintained his position. As time passed, Cox thought through approaches to ensure that if Morozov attempted to enter a vehicle, he would not be able to drive away.

Shortly before 6:40 p.m., Cox saw a vehicle stop in front of [REDACTED] Lindley Avenue and activate its hazard lights.<sup>6</sup> Cox believed the vehicle was there to pick up Morozov. Cox alerted the other team members of his observations and deployed his assault rifle.<sup>7</sup> The vehicle drove off and then returned several minutes later. Cox saw Morozov exit the complex from the south pedestrian gate. Morozov spoke to the driver and then ran back into the building. Cox advised the rest of the team. Cox saw Morozov return and place a bag into the trunk of the car. As he did so, another vehicle stopped next to Cox's truck, blocking his view. Morales took over observation

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<sup>5</sup> This witness cooperated with the investigation. In an interview with FID investigators on August 22, 2017, she gave additional information about Morozov and his son. She had not been aware that he had murdered his wife.

<sup>6</sup> This time estimate is based on Whetsel's subsequent broadcast in response to Cox's alert to team members.

<sup>7</sup> Cox chambered a round in his department-issued rifle as he maintained his position across Lindley Avenue and kept it in a three-point sling because he felt he had greater accuracy for lethal cover from a distance. He did not fire his rifle in this incident.

and broadcast that Morozov ran back into the building and returned with his son. Morales directed everyone to move in.

Officers Ortega and Morales approached from the south and exited their vehicles with their pistols at low-ready. From ten feet away, Ortega shouted, "LAPD, let me see your hands!" Morozov had his left hand on his son's shoulder and he was carrying a backpack with his right hand. Ortega again commanded Morozov to show his hands. Morozov stood and looked at Ortega.

Morales also commanded Morozov to show his hands and get on the ground. Morales thought Morozov looked confused, paused for a second, and then looked at his son.

Ortega saw Morozov appear startled before pushing his son slightly away and dropping the backpack.

Both Morales and Ortega saw Morozov turn and draw a pistol from his right front pants pocket. Ortega heard Morales order Morozov to drop his weapon. Instead, Morozov began to back pedal, focusing on Morales. Seeing that the boy was in a cross-fire position, Ortega holstered his pistol, left his position of cover, grabbed the boy, and brought him back behind cover.

Morales advised responding task force members that Morozov was moving north on Lindley Avenue, armed with a handgun.

Cox drove diagonally across the intersection to the southeast corner of Lindley Avenue and Killion Street. As he drove, Cox saw Morozov reaching into his pants pocket and twisting his upper body to look south. Once Morozov turned to head east on Killion Street, Cox saw Morozov was holding a semiautomatic handgun in his right hand. Morozov continually turned and backpedaled. Cox exited his vehicle and took a position by his driver's door. As he did so, Cox yelled "Gun!" three times. Cox saw that Alker was running towards his position.<sup>8</sup>

Cox estimated Morozov was thirty feet east of him when Morozov turned to face him. Morozov held the pistol next to the right side of his head with the barrel pointing up. Morozov looked at Cox. Morozov then brought his left hand over his right and took a two-handed grip on the pistol. Morozov began to move the pistol down and forward which made Cox believe he was taking a shooting stance. Cox believed Morozov was going to shoot and kill him or Alker and he fired three rounds at Morozov in fear.

Cox saw Morozov start to collapse. As he fell to the ground, Morozov used his right hand to point his pistol to his chin and fire.

Gonzalez had driven his vehicle forward and stopped it south of Cox's vehicle when he heard Cox yelling something. Gonzalez took cover on the right side of Cox's vehicle and saw Morozov moving backward, holding his pistol with both hands, and pointing the pistol at Cox. Gonzalez pointed his pistol at Morozov. Gonzalez then heard three gunshots. Gonzalez did not

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<sup>8</sup> Morales stated he did not advance further towards Killion Street at this point so as not to put himself in a position of potential crossfire.

fire because just as he saw Morozov point his pistol at Cox, he saw Morozov start to fall to the ground and believed that he was no longer a threat.

Gonzalez heard another shot and believed Alker, who had advanced to the right of Morozov, had fired the last shot.<sup>9</sup>

Alker saw Morozov running with a gun as he drove onto the south curb of Killion Street. Morozov turned to face the officers on Lindley Avenue as he moved backwards on the sidewalk of Killion Street. Alker was placing his vehicle in park and taking position when he heard approximately two shots. Alker saw Morozov move his gun from under his chin to the right side of his head and fire as he fell to the ground.

Other taskforce members saw or heard Cox fire but were not able to see what he was shooting at. After the shooting, Alker kicked Morozov's gun away from his right hand. Team members placed Morozov in handcuffs and radioed for an ambulance.

Other witnesses in the area heard someone yell, "He's got a gun!" or heard gunshots and saw Morozov and officers running with guns but did not see the OIS. Residents of one unit close to the corner of Killion Street and Lindley Avenue heard voices and gunshots but did not see the incident. They provided surveillance video from cameras mounted outside the unit.

LAPD investigators and criminalists recovered a loaded 9mm Glock pistol, model 19, registered to Morozov, from the sidewalk on the south side of Killion Street. Near the pistol, investigators also recovered a broken watch, a hat, and some clothing. The bullet fired from Morozov's pistol was recovered from inside the bedroom of an upper unit in the complex that faces Killion Street.<sup>10</sup>

Cox was armed with a Kimber, Model Custom TLE II, .45 caliber semiautomatic pistol. Three discharged Federal, .45 caliber cartridge casings were located on the street, consistent with where Cox stood when he fired his pistol. Two fired bullets were recovered from the pavement and sidewalk on Killion, east of Lindley Avenue.

Morozov was transported by ambulance to Northridge Hospital but did not survive his injuries. He was pronounced deceased at 7:19 p.m. On August 25, 2017, an autopsy was conducted, and the medical examiner determined that the cause of Morozov's death was a self-inflicted gunshot wound to the head. The manner of death was determined to be suicide. The autopsy revealed that Morozov sustained three gunshot wounds (GSW): a fatal wound to the head; and non-fatal wounds through the left forearm, and into the left side of his chest. The wound to the head was a near-contact GSW with a path of travel right to left and upward. The through-and-through GSW to Morozov's forearm and the GSW to his chest were consistent with the path of travel of a single projectile while his left arm was extended out in front of him. Subsequent toxicology testing determined there was no alcohol or drugs in Morozov's blood at the time of his death.

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<sup>9</sup> The investigation determined that Alker did not fire his weapon and the last shot fired was from Morozov.

<sup>10</sup> Despite an extensive search, investigators could not locate the cartridge for the bullet Morozov fired.

## Security Camera Video Evidence

Security cameras mounted on the outside of the complex were directed at the southeast corner of Killion Street and Lindley Avenue. One camera captured Morozov with a pistol in his right hand, running on the east sidewalk of Lindley Avenue and then east on Killion Street. Cox's vehicle rolls partially into the frame and stops. A second camera captured Morozov running east on Killion Street with a black pistol in his right hand. In both these views, he intermittently turns backwards, extending his left arm. A third camera captured Morozov's watch flying from his wrist as he steps backwards and begins to go down to the ground. As he goes down to the ground, his right elbow can be seen bent at his chest level, so that his right hand would be above his shoulder level. A tree obstructs the view of Morozov stepping backwards and shooting himself in the head. No camera captured a full view of the OIS.



***Figure 1. Security camera view of Morozov traveling northbound on Lindley Avenue, turning towards Morales and Ortega, while drawing a semiautomatic pistol from his right front pants pocket.***



**Figure 2. Security camera view of Morozov turning onto Killion Street, gripping a pistol, as Cox drives northeast, across Lindley Avenue.**

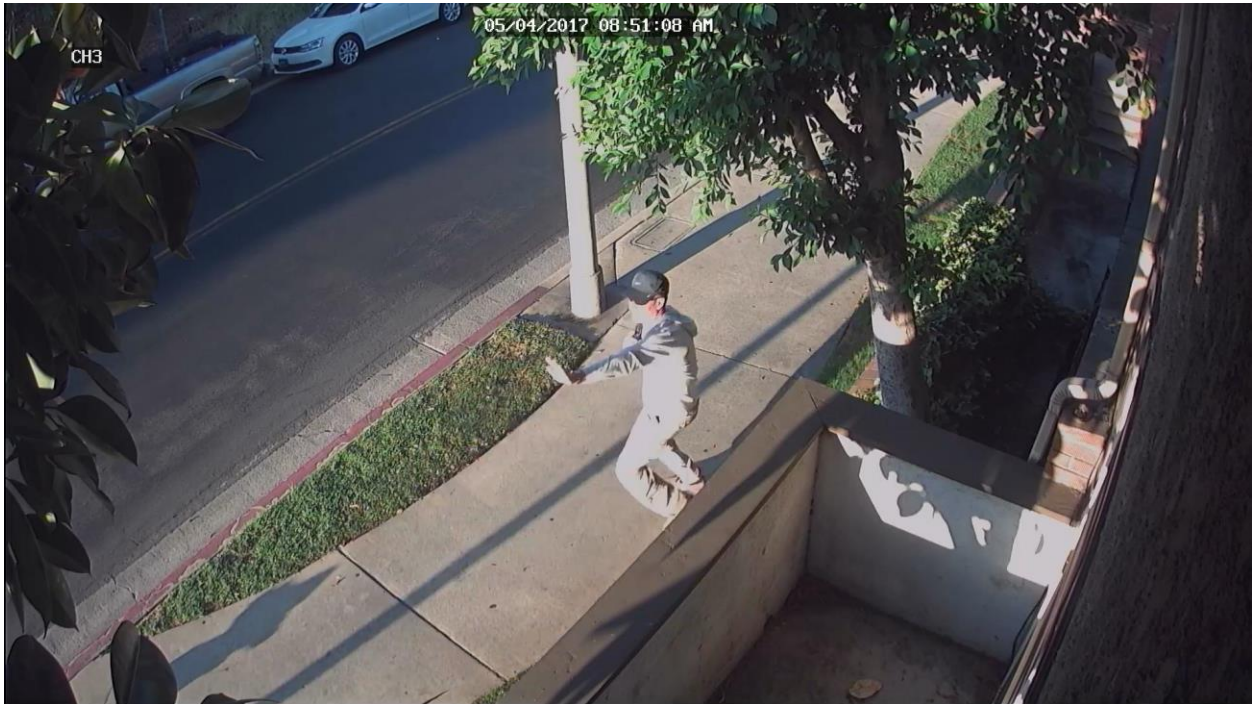


**Figure 3. Security camera view of Morozov turning toward Cox while running east on Killion Street.**





**Figure 4. Security camera view of Morozov turning and pointing his pistol toward Cox.**



**Figure 5. Security camera view of Morozov facing Cox with left arm outstretched and pistol pointing up.**



**Figure 6. Security camera looking East on Killion Street (view obstructed by tree), shows Morozov standing for nearly three seconds before Morozov’s watch lands on the sidewalk (circled), and Morozov begins to drop backwards.**

## LEGAL ANALYSIS

California law permits any person, including police officers, to use deadly force in self-defense or in the defense of others, and, if someone dies as a result, this is a “lawful excuse” which precludes a conviction for murder. Penal Code sections 197, 198; CALCRIM No. 505. This defense is available if the killer actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; CALCRIM No. 505; *see also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082.

A police officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, prevent escape, or overcome resistance. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the

officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196.

California law permits the use of deadly force by police officers when necessary to effect 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; Kortum v. Alkire (1977) 69 Cal.App.3d 325, 333; Tennessee v. Garner (1985) 105 S.Ct. 1694. Murder is an inherently dangerous, forcible, and atrocious felony. Ceballos, *supra*, 12 Cal.3d at 479.

An officer has “probable cause” in this context when he knows facts which would “persuade someone of reasonable caution that the other person is going to cause serious physical harm to another.” CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody “appears to the officer likely to inflict great bodily injury on himself or those acting with him.” *Id.* at 1146; *quoting* People v. Bond (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM Nos. 505, 3470. Actual danger is not necessary to justify the use of deadly force in self-defense; if the person’s beliefs were reasonable, the danger does not need to have actually existed. CALCRIM Nos. 505, 3470. The prosecution has the burden of proving beyond a reasonable doubt that the killer did not act in self-defense. *Id.*

In evaluating whether a police officer’s use of deadly force was reasonable in a specific situation, 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 with 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.

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” People v. Collins (1961) 189 Cal.App.2d 575, 589.

The evidence examined in this investigation shows that officers responded to an Amber alert for a fugitive suspected of murdering his ex-wife and abducting their young child. During their surveillance, officers learned that Morozov was alone with his son, likely armed with the murder weapon, and preparing to leave the location. Officers gave repeated commands to Morozov show his hands and get on the ground. Morozov ignored the commands, drew a semiautomatic pistol, and ran from officers while turning towards them and moving his gun from next to his face towards the direction of Cox and Alker. Reasonably in fear for his life, or the life of Alker,

Cox fired his weapon at Morozov. In response, Morozov turned his gun on himself and took his own life. Security camera video footage and forensics evidence corroborate these observations.

## **CONCLUSION**

We conclude that Detective Casey Cox used lawful and reasonable force in self-defense, and in defense of another. We are closing our file and will take no further action in this matter.