

**Non-Fatal Officer Involved Shooting of Demetrius Imoesiri
Long Beach Police Department**

Officer Donovan Joubert, #10729

J.S.I.D. File #24-0151



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

July 1, 2024

MEMORANDUM

TO: CHIEF WALLY HEBEISH
Long Beach Police Department
400 W. Broadway Avenue
Long Beach, California 90802

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

SUBJECT: Non-Fatal Officer Involved Shooting of Demetrius Imoesiri
J.S.I.D. File #24-0151
L.B.P.D. File #2024-003 and 24-0021051

DATE: July 1, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 26, 2024, non-fatal shooting of Demetrius Imoesiri by Long Beach Police Department (LBPD) Officer Donovan Joubert.

We have concluded that Officer Joubert acted reasonably believing, based on the totality of the circumstances, that deadly force was necessary to apprehend a fleeing felon and to defend himself and others against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on April 27, 2024, at 2:05 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LBPD Sergeant Robert Trout.

The following analysis is based on investigative reports, witness interviews, photographs, radio traffic, surveillance video, and body worn video (BWV) submitted to this office on May 23, 2024, by LBPD Detective Michael Hubbard.

FACTUAL ANALYSIS

Summary

On April 26, 2024, at approximately 11:45 p.m., LBPD Officer Donovan Joubert was in uniform and in a marked patrol vehicle when he witnessed a man, later identified as Demetrius Imoesiri, exit a liquor store and fire a handgun in the direction of a man, identified as John Doe, standing next to a parked automobile. Joubert radioed for help, activated his BWV, and drove toward Imoesiri, who ran away.

Joubert exited his patrol car, drew his service weapon, and chased Imoesiri, who continued to wield a gun in his right hand. Joubert ordered Imoesiri to stop and drop the gun but he did not comply. When Imoesiri made a throwing motion with the gun, Joubert fired seven rounds at Imoesiri,

striking him in the leg. Imoesiri went to the ground and was taken into custody. He was treated for two gunshot wounds to the leg.

A loaded gun was found in the area where Imoesiri made a throwing motion.

Imoesiri was charged in case number 24LBCF00562 with assault with a firearm on John Doe and being a felon in possession of a firearm. He pled no contest and was sentenced to state prison.

Surveillance Video of Imoesiri's Assault with a Firearm

Surveillance video from the liquor store shows Imoesiri exiting the store and shooting in the direction of Doe and his black automobile. Joubert was stopped at a nearby stoplight when he witnessed the shooting. A photo from surveillance video showing Imoesiri shooting in the direction of Doe and his car, with Joubert's patrol car in the background, is shown below:

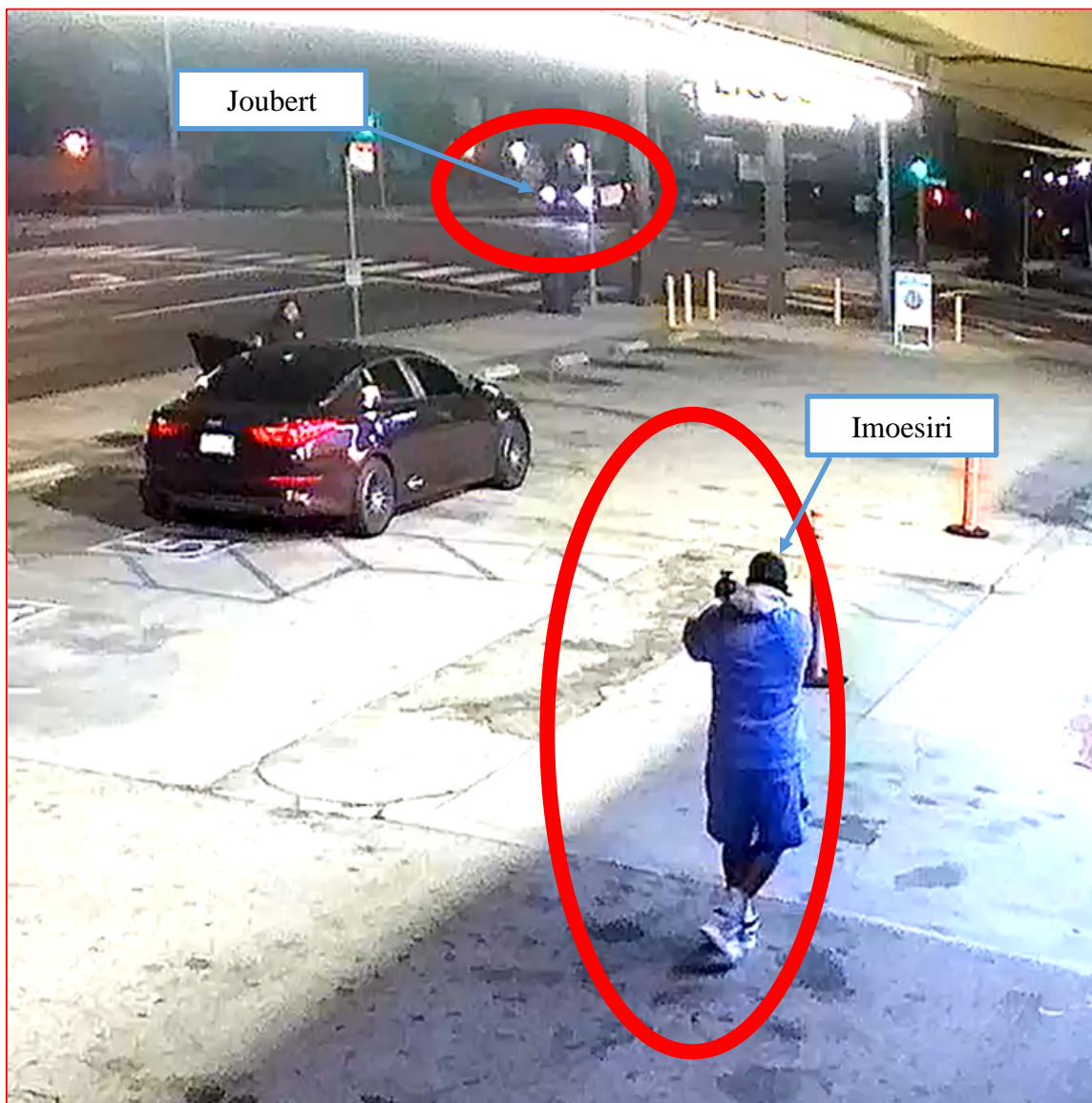


Figure 1- Surveillance Photo of Imoesiri Shooting at John Doe and His Automobile.

Joubert's BWV

Joubert activated his BWV as he observed the shooting. The video shows Joubert driving across the intersection, exiting, drawing his service weapon, chasing Imoesiri on foot, and radioing that he was in foot pursuit. Joubert yelled, "You're gonna get shot!" and, "Drop the gun! Drop the gun now!" Imoesiri did not comply and continued running toward a densely populated residential neighborhood. The BWV is unstable because Joubert was running, but it can be discerned that Imoesiri had a gun in his right hand, as shown in the BWV below:



Figure 2-BWV of Imoesiri Wielding a Gun in his Right Hand and Running Away from Joubert.

Five seconds after Joubert yelled, "Drop the gun!" Imoesiri made a throwing motion with the gun. Joubert fired seven rounds at Imoesiri, striking him in the leg. Joubert then took Imoesiri into custody. Doe drove by and told Joubert that Joubert saved his life. A still photo of Joubert's BWV at the point that Imoesiri threw the gun and Joubert fired is shown below:



Figure 3-BWV of Imoesiri Throwing His Gun.

Firearms Evidence

Imoesiri was armed with a 9mm semiautomatic handgun which was recovered in a residential patio adjacent to where he made the throwing motion. A photo of that location and the gun is shown below:



Figure 4-Photo of Imoesiri's Gun Located in a Residential Patio Along His Escape Route.

Imoesiri's gun, which had six rounds in the magazine and one round in the chamber, is shown in the photo below:



Figure 5-Imoesiri's 9mm Semiautomatic Handgun.

Two discharged 9mm cartridge casings matching Imoesiri's gun were located in front of the liquor store, consistent with Imoesiri firing two rounds at Doe.

Joubert was armed with a 9mm semiautomatic service weapon. Seven discharged cartridge casings matched to Joubert's gun were located at the scene consistent with him firing seven rounds at Imoesiri.

Imoesiri's Injuries

Imoesiri was transported to the hospital and treated for a gunshot wound to the lower left leg, resulting in a fracture, and a gunshot wound to the left big toe.

Imoesiri's Statements

Imoesiri spontaneously stated to an officer escorting him to the hospital that he knew he was running from the police, that he was facing the officer when he was shot, that the officer was African American (Joubert is African American), and that he did not comply with the officer's commands to stop.

Later, Imoesiri waived his Miranda rights and provided a statement but he was evasive and uncooperative. Imoesiri said he was returning home from the liquor store when he heard gunshots. He ran and was shot in the leg and did not know who shot him. He answered most questions with "I don't remember" or "I don't recall." He then asked for a lawyer and questioning was terminated.

Joubert's Statement

On the advice of counsel, Joubert has not provided any statements.

LEGAL ANALYSIS

The Law

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 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) and (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

The evidence presented in this case shows that Imoesiri was unlawfully in possession of a loaded firearm and, for unknown reasons, fired it twice in the direction of John Doe, who was standing near his car in a parking lot.

Joubert witnessed the shooting, intervened, and attempted to immediately apprehend Imoesiri who was fleeing with a gun and presented a deadly threat to others in the area. Under these circumstances, Joubert could reasonably believe that deadly force was necessary to apprehend Imoesiri who was a fleeing felon.

Moreover, when Imoesiri made a throwing motion with the gun, he did so under these rapidly unfolding circumstances, and after having just fired his weapon at a civilian on the street right in front of Joubert. Under these circumstances, there is no evidence to suggest Joubert acted unreasonably in perceiving Imoesiri’s motion as the beginning of an attempt by Imoesiri to fire his weapon at Joubert to further facilitate his escape.

CONCLUSION

For the foregoing reasons, we find that the use of deadly force by Officer Joubert was reasonable under the circumstances.