

**Fatal Officer Involved Shooting of Lloyd Nelson, Jr.
Pasadena Police Department**

**Officer Connor Duncan, #1940, Officer Abelardo Blanchet #0996,
Officer Kourtney Zilbert, #9851, Officer Christian Arteaga, #0545**

J.S.I.D. File #20-0150



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

July 5, 2023

MEMORANDUM

TO: CHIEF EUGENE HARRIS
Pasadena Police Department
207 Garfield Avenue
Pasadena, California 91101

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

SUBJECT: Fatal Officer Involved Shooting of Lloyd Nelson Jr
J.S.I.D. File # 20-0150
P.P.D. File # 2005511

DATE: July 5, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 8, 2020, fatal shooting of Lloyd Nelson, Jr. by Pasadena Police Department (PPD) Officers Connor Duncan, Abelardo Blanchet, Kourtney Zilbert, and Christian Arteaga. We find that that the involved officers acted in lawful self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting on May 8, 2020 at approximately 6:38 p.m. The District Attorney Response Team (DART) responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon the recorded interviews of involved parties and witnesses, body worn camera video (BWV) footage, dash camera video (DICV) and reports prepared by the PPD, submitted to this office by Detective Brian Bulaon. Compelled statements by the shooting officers were not reviewed or considered in this analysis.

INTRODUCTION

On May 8, 2020, at approximately 3:10 p.m., PPD officers became engaged in a vehicle pursuit. Nelson failed to yield to officers after committing a traffic violation. Nelson led officers on a pursuit that lasted approximately 25 minutes and spanned 10.15 miles. The pursuit ended when Nelson and PPD collided at the intersection of Allen Avenue and Corson Street.

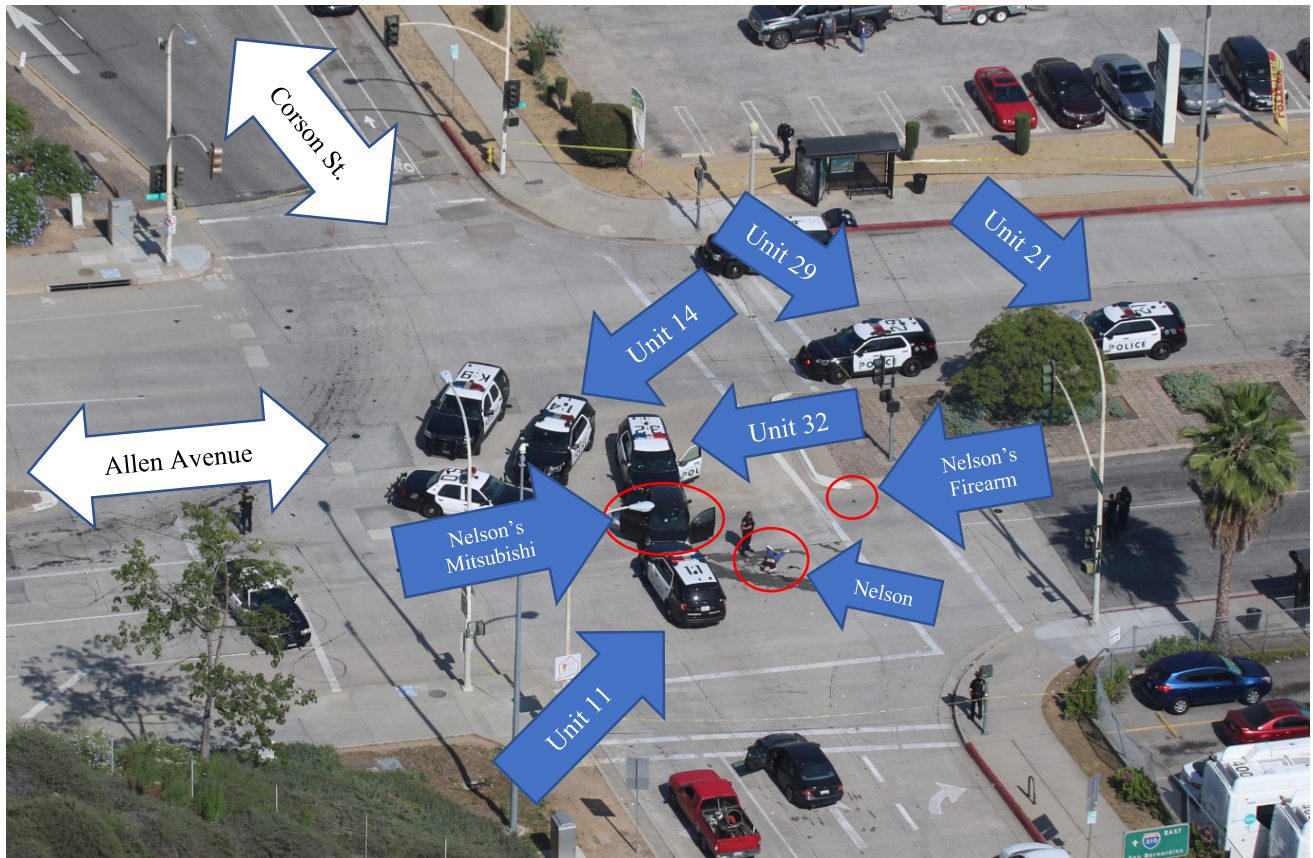
Upon coming to a stop, Nelson began firing a gun at officers, through his front windshield. Nelson got out of the car and continued shooting at officers, who returned fire. Nelson sustained multiple gunshot wounds and was pronounced deceased at the scene. During the exchange of gunfire, PPD Officer Bisterfeldt was shot in the left shin by friendly fire.

FACTUAL ANALYSIS

At approximately 3:10 p.m., PPD Officer Sereno saw Nelson make an illegal U-turn and park his car in the middle of the street thereby impeding traffic on Colorado Boulevard at Bonnie Avenue. Sereno saw Nelson get out of his car and pick something up from the middle of the roadway. Sereno activated his forward-facing lights and attempted to detain Nelson to investigate. A second officer, PPD Officer Arteaga, arrived and also activated his lights. Nelson got back into his vehicle and continued eastbound on Colorado Boulevard. Sereno followed Nelson and ran his vehicle license plate number. It was determined that the registration was expired as of December 8, 2019. Sereno and Arteaga initiated a pursuit. Nelson committed numerous traffic violations including speeding, multiple failures to stop, and failures to yield. The pursuit began at 3:10 p.m. and continued for approximately eleven minutes before Sergeant Burchett canceled the pursuit for all ground units and advised PD1, a helicopter, to continue tracking the vehicle. PD1 confirmed that Nelson continued committing traffic violations even when the marked police cars were not following him.

At approximately 3:34, PPD Lieutenant Russo broadcast for units to intervene due to Nelson's erratic driving causing a risk to public safety. All officers were in marked patrol cars and in full uniform as they again attempted to stop Nelson. Nelson continued evading, and attempted to make a U-turn over a raised center divider when Unit 32 rammed Nelson's vehicle on the driver side rear panel in an attempt to disable his vehicle. The attempt failed and Nelson traveled westbound on Walnut Street and was again rammed on the driver side door, this time by Unit 50. Nelson continued to make a U-turn over a lifted center divider and traveled eastbound on Walnut Street. Unit 4 then rammed Nelson's vehicle from behind attempting to disable it. The attempt failed and Unit 50 rammed Nelson's vehicle a second time on the driver side passenger door.

Over the course of approximately twenty-five minutes, Nelson's vehicle was rammed multiple times by several different PPD Units, unsuccessfully, until Unit 50 attempted a pursuit intervention technique (PIT) maneuver that caused Nelson to drive over a raised center divider and into the intersection of Allen Avenue and Corson Street. The pursuit concluded when Nelson's Mitsubishi collided with the front of PPD Unit 11 (Officers Rosa and Duncan). The collision was at a slow speed and occurred when Unit 11 drove eastbound into the intersection of Corson Street and Allen Avenue and PPD Unit 32 (Officers Killgore and Winkler) collided with the rear of Nelson's Mitsubishi, sandwiching Nelson in and preventing him from continuing to flee.



Aerial photograph showing the location of Nelson's Mitsubishi and relevant police units at the time of the OIS.

As soon as the collision occurred, Nelson began firing multiple gunshots through the windshield of his Mitsubishi at Duncan and Rosa, who were inside Unit 11. Duncan exited the front passenger side of Unit 11 and returned fire. Nelson exited the driver's door of the Mitsubishi and continued firing at Duncan while taking steps in his direction.

Officers Blanchet, Zilbert and Arteaga also fired at Nelson from the vicinity of their respective police vehicles. Blanchet exited the driver's door of Unit 14, Zilbert exited the driver's door of Unit 29, and Arteaga exited the driver's door of Unit 21. During the exchange of gunfire, Bisterfeldt was struck in the leg by a bullet projectile as he sought cover to the rear of Unit 14.

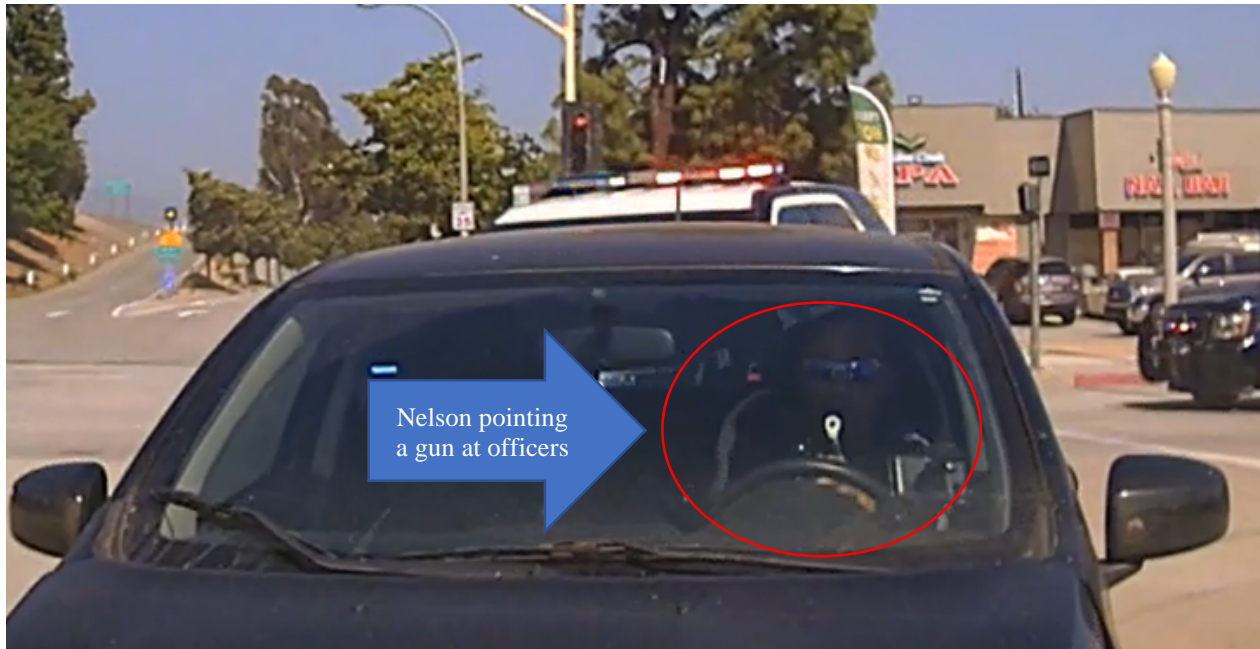
Following an examination of trajectory and fields of fire, it is believed that Bisterfeldt was struck by a projectile fired by Duncan. Nelson was fatally shot, and his firearm was kicked away from him immediately after the shooting ended.

Dash Camera Video Footage

Unit 11's DICV recording shows that upon colliding head on, Nelson immediately pulled a gun and started firing it through his windshield at Rosa and Duncan. Neither Duncan nor Rosa fired from inside Unit 11.

Unit 21's DICV recording shows Duncan exiting the passenger side of Unit 11, retreating in a westerly direction while facing east, and firing his gun towards Nelson multiple times. Nelson

exits the driver's door of his car and advances towards Duncan while they both shoot at each other. Nelson holds a firearm in his hands, with both arms raised as he advances towards Duncan with his gun pointed directly at the officer. Nelson takes a few steps forward before he collapses to the ground just south of his car. Officers then surround Nelson and Officer Garcia kicks Nelsons' firearm east, towards the center divider of Allen Avenue just south of Corson Street. Nelson is put in handcuffs and officers give him chest compressions.



Still photograph from Unit 11's dash camera when the collision happened, showing Nelson immediately pulling a gun and pointing it towards Duncan and Rosa.



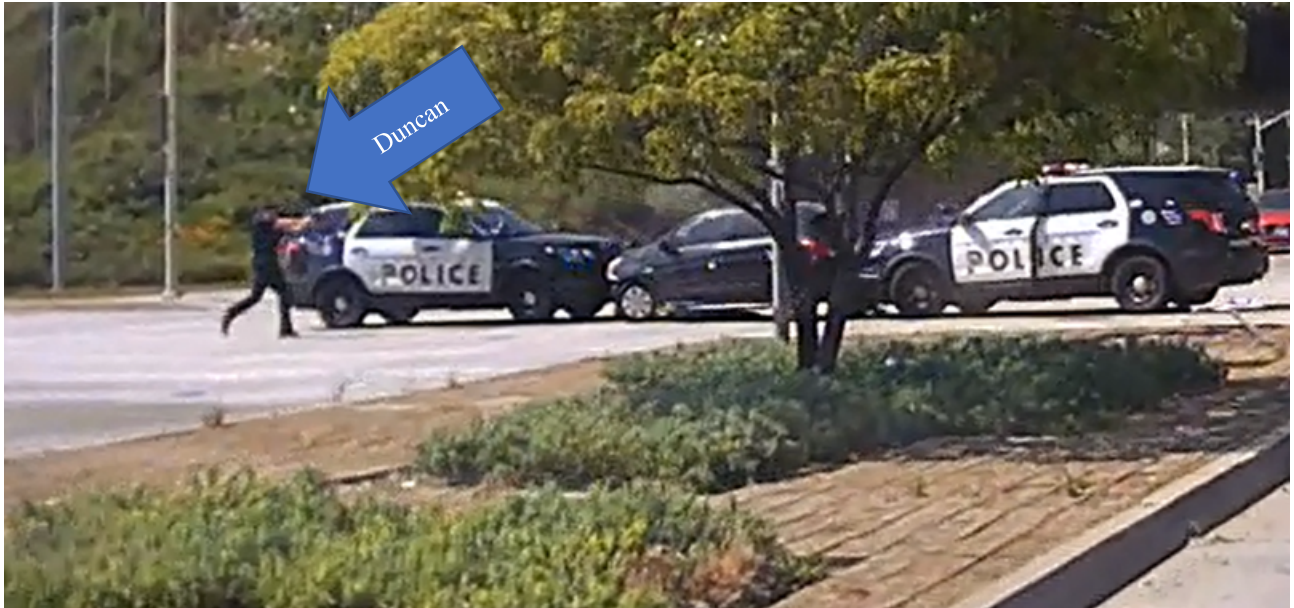
Still photograph from Unit 11's dash camera just after Nelson fired the first shot towards Rosa (driver) and Duncan (passenger) causing a bullet hole in Nelson's windshield and a large crack in Unit 11's windshield.



Still photograph from Unit 11's dash camera just after Nelson fired a second shot towards Duncan and Rosa causing a second hole in Nelson's windshield.



Still photograph from Unit 11's dash camera showing Nelson getting out of the driver's side of the Mitsubishi with a gun in his hand pointed upwards.



Still photograph from Unit 21's dash camera showing Duncan shooting towards Nelson's Mitsubishi just before Nelson gets out of the car.



Still photograph from Unit 21's dash camera showing Nelson getting out of his car, both arms extended and shooting at Duncan.



Still photograph from Unit 21's dash camera showing Nelson continuing to shoot while walking towards Duncan.

WITNESS STATEMENTS

██████████

██████████ (██████████ said she was in her red 2015 Mazda on Allen Avenue and Corson Street facing south in the #1 turning lane. She saw Nelson's car approaching her and the police behind him. She saw Nelson exit his vehicle and fire 5-6 shots. The police officers then drew and fired their weapons and Nelson dropped to the ground. ██████████ said Nelson was firing his weapon toward the west.

██████████

██████████. (██████████ was in his vehicle, stopped at Corson Street just west of Allen Avenue. ██████████ saw several police vehicles pin the black Mitsubishi in the intersection. ██████████ said he then saw a man get out of the black Mitsubishi and walk west on Corson while shooting a gun at the officer closest to him (Duncan). He saw several officers return fire and saw the man fall to the ground after 30-40 seconds. ██████████ said the man had a gun in his hands when he exited the vehicle.

PHYSICAL EVIDENCE

The firearm used by Nelson was a Ruger .45 caliber semi-automatic firearm. A loaded .380 caliber Sig Sauer magazine was recovered from Nelson's left front pocket and a brown holster from Nelson's front waistband. Two additional loaded firearms were found inside of Nelson's Mitsubishi. A Springfield Armory .40 caliber semi-automatic, Model XD40, firearm was

recovered on the driver side floorboard and a Sig Sauer .380 caliber semi-automatic, Model P238, firearm was recovered from the center console area.



Photograph of the Ruger .45 caliber semi-automatic firearm that was used by Nelson during the OIS.



Photograph of the loaded .380 caliber Sig Sauer magazine that was recovered from Nelson's left front pocket.



Photo of the Springfield Armory .40 caliber semi-automatic, Model XD40, firearm recovered on the driver side floorboard of Nelson's Mitsubishi.



Photograph of the Sig Sauer .380 caliber semi-automatic, Model P238, firearm recovered from the center console area.

Forensic specialists recovered four .45 expended cartridge casings which were fired by Nelson outside of the Mitsubishi. Three additional .45 caliber expended cartridge casings were recovered from within Nelson's Mitsubishi. One cartridge was located in the center console's cup holder, one under the driver's seat and one under the front right passenger seat.

Forensic specialists also recovered nine ammunition magazines, a plastic bag containing 142 cartridges, a plastic bag containing 192 cartridges, two gun holsters, and a silver knife in a black sheath inside Nelson's vehicle.

Forensic specialists recovered sixteen expended cartridges that belonged to Officer Duncan. Eight expended cartridges were recovered that belonged to Officer Blanchett. Two expended cartridges were recovered that belonged to Officer Zilbert. Four expended cartridges were recovered belonging to Officer Arteaga.



Photograph showing the nine ammunition magazines, plastic bag containing 142 cartridges and plastic bag containing 192 cartridges, that were recovered inside Nelson's vehicle.

Coroner's Report

On May 12, 2020, Deputy Medical Examiner J. Daniel Augustine, M.D. conducted an autopsy on Nelson and found his cause of death was multiple gunshot wounds. Nelson suffered a total of sixteen gunshot wounds. Of those, the immediately life-threatening wounds were the three shots to his head causing multiple skull fractures and brain perforations and the two gunshot wounds to Nelson's torso causing perforation of his heart, lungs, and diaphragm. Additional life-threatening wounds were a gunshot wound to the abdomen that caused injury to Nelson's bowel, a gunshot wound to his left hip causing injury to his bowel and stomach and the gunshot wound to his left thigh that caused injury to his left pelvis, bowel, stomach, and liver. Nelson also suffered gunshot wounds to his right and left shoulders, posterior left arm, right wrist, right thigh, left buttock, and a graze wound to his left hand.

Gunshot Residue

Nelson's hands and face were swabbed for GSR and those samples were tested by Senior Criminalist Melvina Gin. The swab from Nelson's hands were found to contain five or more particles characteristic of GSR. Nelson's face was swabbed and found to contain four particles characteristic of GSR and five particles commonly associated with GSR. Gin concluded that the finding of characteristic particles indicates that the decedent may have discharged a firearm, been in the vicinity of the discharge of a firearm or touched a surface with gunshot residue on it.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Penal Code section 835a.

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) 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 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 is 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).

The jury instructions for self-defense say that a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505.

Based on witness statements and dash camera footage, Nelson led the police on a lengthy pursuit that culminated in a head on collision with a patrol car occupied by Rosa and Duncan. Following the collision, Nelson immediately fired through his windshield directly at Rosa and Duncan. In response, Duncan got out of the police car and fired back. The evidence shows that Nelson, undeterred, exited his car and advanced toward Duncan, pointed his gun at the officer and fired multiple times. Duncan, Blanchet, Zilbert and Arteaga all returned fire until Nelson was disabled. Under these circumstances, the officers could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of death or bodily injury.

CONCLUSION

Given the totality of the circumstances, the available evidence shows that all the involved officers reasonably acted in lawful self-defense and in the defense of others at the time they fired their weapons.