

**Non-Fatal Officer Involved Shooting of James Boyd
Hawthorne Police Department**

**Officer Jose Gomez #362
Officer Jesus Cenicerros #382**

J.S.I.D. File #19-0147



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

August 4, 2021

MEMORANDUM

TO: CHIEF MICHAEL ISHII
Hawthorne Police Department
12501 Hawthorne Boulevard
Hawthorne, California 90250

CAPTAIN JOE MENDOZA
Los Angeles County Sheriff's Department
Homicide Bureau
One 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 James Boyd
J.S.I.D. File #19-0147
H.P.D. File #19-0004281
L.A.S.D. File #019-00031-3199-055

DATE: August 4, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 7, 2019, non-fatal shooting of James Boyd by Hawthorne Police Department (HPD) Officers Jose Gomez and Jesus Cenicerros. We have concluded that the officers acted lawfully in self-defense, the defense of others, and in the lawful pursuit of a fleeing felon.

The District Attorney's Command Center was notified of the shooting on April 7, 2019, at 11:40 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Los Angeles Sheriff's Department (LASD) Lieutenant Scott Hogle.

The following analysis is based on investigative reports submitted to this office by LASD Homicide Bureau Investigator Marc Boisvert. The reports include photographic and video evidence, audio recordings of witness interviews, crime scene diagrams, forensic reports, and firearm analysis reports. Gomez' and Cenicerros' voluntary statements were considered in this analysis.

FACTUAL ANALYSIS

On April 7, 2019, at approximately 9:15 a.m., James Boyd argued with his girlfriend in the Marriott Towne Place Suites (Marriott) parking lot located at 14400 Aviation Boulevard in the City of Hawthorne. At one point, Boyd grabbed his girlfriend's purse from her shoulder and threw it to the ground. A Marriott employee called 9-1-1, and HPD dispatch requested that officers respond to a battery that occurred in the hotel parking lot. The Marriott employee remained on the phone and provided the operator with an ongoing narrative of the altercation between Boyd and his girlfriend.

During the argument, Boyd's girlfriend entered her car and locked the doors, refusing to allow Boyd in the vehicle. Boyd drew a firearm and discharged two rounds into the air. Based on the information given to dispatch by the Marriott employee, dispatch informed officers that Boyd was armed with a gun and "shooting at the RP [reporting party], and the RP [was] no longer answering questions. The female [Boyd's girlfriend] is possibly injured."¹ Multiple HPD units began responding Code-3 to the Marriott, including Officer Jose Gomez.² Gomez was dressed in a distinctive HPD uniform and drove a marked black and white patrol vehicle. Gomez removed his HPD issued Colt model M4 Carbine, 5.56mm caliber semiautomatic rifle from its mount and placed it on his lap.

Dispatch updated the responding officers, stating a second reporting party informed them that multiple shots had been fired. Shortly after, dispatched advised officers that the reporting party was a "witness-guest" and that, "The male and female are now in the hotel lobby. The male is chasing her around the lobby. The female does not appear to be hit." Gomez turned left from Rosecrans Avenue onto Aviation Boulevard and began traveling south toward the Marriott.



Figure 1 – Aerial photograph depicting the area of Rosecrans Avenue and Aviation Boulevard. Relevant locations are labeled in yellow.

¹ The Marriott employee told dispatch, "Shit, he has a--he has a gun! Shit, he has a gun! Oh, he's shooting! He's probably shooting at me. Hurry up!"

² Code-3 is used to describe a mode of response in which an emergency vehicle's lights and siren are activated.

As Gomez approached the Marriott, he noticed Boyd walking north on the east sidewalk of Aviation Boulevard. Gomez' patrol vehicle lights remained on, but he had turned his siren off. Gomez conducted a U-turn and began traveling north on Aviation Boulevard toward Boyd. Boyd crossed Aviation Boulevard, jogging between vehicles stopped at the intersection of Rosecrans Avenue and Aviation Boulevard. As Boyd jogged, he kept his right hand near his waistband.³



Figures 2, 3, & 4 – Still photographs taken from Gomez' DICVS depict Boyd running through traffic (Figure 2) and then continuing west across Aviation Boulevard with his right arm by his side (Figures 3 & 4).

After crossing Aviation Avenue, Boyd jogged west on the south sidewalk of Rosecrans Boulevard. Gomez turned left onto Rosecrans Boulevard and traveled west in the eastbound lanes, approximately ten feet behind Boyd. Boyd looked back toward Gomez and began to run. As he ran, Boyd kept his right hand in his waistband area. Gomez pointed his rifle out his open driver's side window toward Boyd and yelled, "Fucking stop!" and "Let me see your fucking hands!" Boyd ignored Gomez' commands and continued running westbound.



Figure 5 – A pedestrian passing Gomez on Rosecrans Boulevard filmed Boyd as he ran down the sidewalk.⁴

³ Gomez' patrol vehicle was equipped with a Digital In-Car Video System (DICVS) with three cameras. One camera was a forward-facing dash camera, the second recorded outward from a passenger side window, and the third recorded the interior rear passenger compartment.

⁴ This video was obtained from a local news broadcast. LASD was unable to identify the person who recorded the video.

Boyd then turned left onto a pedestrian walkway leading into a business complex.



Figures 6 & 7 – Boyd kept his right hand near his waistband as he ran. As seen in Figure 7, a walkway led to the storefront area of a Vitamin Shoppe and Café Rio Restaurant.

Gomez pulled perpendicular to the pillars in front of the Vitamin Shoppe and stopped his patrol vehicle in the middle of the eastbound lanes of Rosecrans Avenue. According to Gomez, as Boyd approached the northern pillar in front of the Vitamin Shoppe, he looked back toward Gomez and began pulling a large firearm out from under his shirt. Gomez discharged approximately 16 rounds from his rifle at Boyd while seated in his patrol vehicle. One round struck Boyd on the left side of his back.⁵

Boyd took cover behind the northernmost pillar and fired one round at Gomez. Boyd then ran south and likely fired additional rounds at Gomez as he took cover behind another pillar.⁶ One round fired by Boyd impacted the rear driver's side door of Gomez' patrol vehicle and shattered the window.

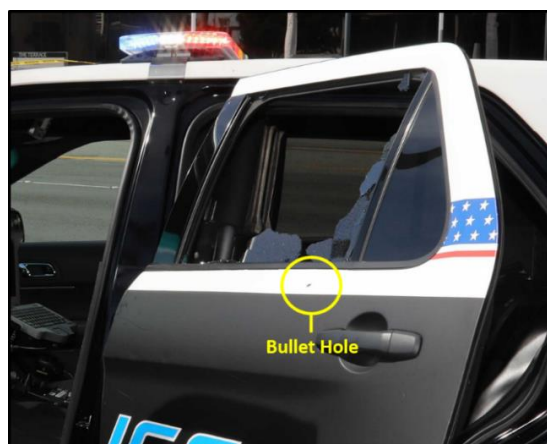


Figure 8 – Photograph of Gomez' patrol vehicle door following the incident. The door sustained a bullet hole and a shattered window.⁷

⁵ According to Boyd, he did not begin to draw his firearm from his waistband until Gomez shot him. This part of the incident was not captured on video. Boyd was not in the field of view of Gomez' DICVS cameras when Gomez first discharged his rifle. The video shown on the news broadcast ends before shots were fired.

⁶ Only one cartridge casing from Boyd's firearm was found at this location. However, officers, multiple witnesses, and Boyd himself indicated that he fired multiple rounds.

⁷ The door was closed at the time of the incident. The damage to the vehicle is consistent with a single bullet striking the vehicle.

HPD Officers Jesus Cenicerros and Cody Dahlen arrived at the scene and parked their patrol vehicle behind Gomez' vehicle. Gomez quickly exited his vehicle and fired approximately four rounds at Boyd while crossing Rosecrans Avenue.⁸ Boyd ran away from Gomez, traveling south on the front walkway of the Vitamin Shoppe and Café Rio businesses.



Figures 9 & 10 – Cenicerros' DICV recorded Gomez exiting his vehicle and discharging his rifle. Boyd ran south between the storefronts and pillars pictured in Figure 10.

Gomez pursued Boyd on foot. When Gomez reached the northern front corner of the Vitamin Shoppe store, he discharged approximately five rounds at Boyd, who ran past the Café Rio restaurant and turned left. Boyd took cover behind a Café Rio van parked on the south side of the building. Gomez, Cenicerros, and Dahlen positioned themselves behind the southernmost pillar in front of Café Rio.



Figure 11 – Aerial photograph depicting the location of the incident. Gomez and Cenicerros took cover behind a pillar while Boyd stood behind a Café Rio van.

⁸ Gomez did not place his patrol vehicle in park, and after he exited the vehicle it slowly rolled forward until it came to rest on the south curb of Rosecrans Avenue.

Ceniceros fired three rounds from his duty weapon toward Boyd. Boyd then ran east through the parking lot and took cover behind a Chevrolet Colorado truck.⁹

Gomez' rifle was out of ammunition, and he transitioned to his service weapon. Gomez stepped out from behind the pillar and discharged nine rounds from his service weapon at Boyd. Boyd fired one round in return, striking Gomez' left thigh. Gomez limped to the north and laid on the ground. Boyd fired one additional round in the direction of the officers before jumping over a wall and entering the True Religion parking structure. Officer Jesse Lopez, who had just arrived at the Café Rio location, applied a tunicate to Gomez' leg. Officers then transported Gomez out of the containment area for medical treatment. Gomez survived his injuries.

Shortly thereafter, Boyd surrendered to police by lying facedown on the ground with his hands and feet spread out. Manhattan Beach Police Department SWAT officers entered the True Religion parking structure and took Boyd into custody. Boyd informed the officers that he discarded his firearm in a nearby storage area. Officers recovered a Extar model EXP 556, 5.56mm caliber, semiautomatic AR-type pistol from a stack of cardboard boxes.



Figures 12 & 13 – photographs depicting the firearm recovered from a storage area near where Boyd surrendered.

Boyd was charged in case YA099538 with multiple felony counts, including two counts of attempted murder on a peace officer, four counts of assault on a peace officer with a semiautomatic firearm, and one count of discharging a firearm with gross negligence. The matter is pending trial.

Incident Location and Ballistics Evidence

Twenty-five cartridge casings headstamped “Speer 15 Rem 223” that were discharged from Gomez' model M4 Carbine, 5.56mm caliber semiautomatic rifle were recovered from various locations. Sixteen were recovered from inside Gomez' patrol vehicle, four were recovered from the Rosecrans Avenue roadway, and five were recovered in front of the Vitamin Shoppe store. Nine cartridge casings headstamped “Winchester 45 Auto” that were discharged from Gomez' Springfield Armory, model Operator, .45 caliber semiautomatic service weapon were recovered southwest of the southern pillar in front of the Café Rio restaurant. In the same area,

⁹ According to Gomez, he discharged approximately four rounds from his rifle when Boyd was behind the Café Rio van and another six rounds when Boyd ran toward the Chevrolet Colorado. Cartridge casings from Gomez' rifle were not recovered in this area. Witnesses did not report seeing Gomez firing his rifle at this point, nor did Ceniceros or Dahlen.

investigators recovered three cartridge casings headstamped “9mm Win” that were discharged from Ceniceros’ Glock 17 (Gen5) 9mm service weapon.

Five cartridge casings headstamped “GFL 223 Rem” that were discharged from Boyd’s Extar model EXP 556, 5.56mm caliber, semiautomatic AR-type pistol were recovered from multiple locations. Two cartridge casings were recovered from the Marriott parking lot. One cartridge casing was recovered in front of the Vitamin Shoppe store, and two additional cartridge casings were recovered slightly south of the Chevrolet Colorado truck. A second firearm, a Ruger Mini-14 semiautomatic rifle, was recovered from Boyd’s belongings at the Marriott.

Investigators documented numerous bullet impact locations at the crime scene and recovered multiple bullet fragments. Bullet damage and impacts occurred to various pillars, vehicles, windows, and other objects located within the shopping center.

Statement of Officer Gomez

Gomez provided a voluntary statement to investigators. On the day of the incident, Gomez responded Code-3 to a report that multiple shots had been fired, possibly at a female, at the Marriot. Due to the nature of the call, Gomez retrieved his AR-15 rifle from the center mount and placed it on his lap while driving to the hotel. As Gomez approached the hotel, he noticed Boyd walking on the sidewalk, holding the waistband of his pants up with one hand. Gomez thought Boyd was concealing a firearm. Gomez conducted a U-turn, and Boyd began jogging away from him.

Gomez drove westbound on Rosecrans Avenue, staying approximately ten feet behind Boyd as he quickly walked on the sidewalk. Gomez had his rifle out the window and pointed it at Boyd as he shouted, “Fucking stop!” and “Let me see your fucking hands!” Boyd looked back at Gomez and began to run down the sidewalk toward a shopping center. Gomez explained what happened next:

He looks back – right before he’s about to get cover behind the pillar, he looks back at me and just kind of, like, gives me a glare, and I could see that he’s pulling out some type of weapon, a rifle. It’s definitely not a handgun... You know, totality of, you know, him, you know, shooting a weapon already trying to shoot somebody, you know, he failed to comply with my orders to stop... I thought he was looking at me to see where I was at, and with him pulling the weapon out, I thought he was going to shoot me and kill me... At that point, I engaged him from inside my vehicle.

Gomez stated that Boyd took cover and returned fire, causing him to exit his vehicle. Gomez said, “After he tried to kill me, he began running south towards Café Rio into the shopping center. I could see that he was running with his rifle in his hand, and, you know, I was scared that he was going to kill somebody.” Gomez feared that Boyd would do “whatever he needed to do” to get away. Gomez discharged his rifle at Boyd again as Boyd ran southbound.

Boyd took cover behind a Café Rio van, and Gomez believed Boyd was “bounding.”¹⁰ Gomez believed Boyd was about to begin shooting again, so he fired approximately four rounds from his rifle at Boyd. Boyd then ran south toward the True Religion building, and Gomez fired

¹⁰ Gomez described bounding as a military technique used to move from positions of cover in order to engage the enemy.

approximately six more rounds at Boyd. Gomez' rifle was out of ammunition, so he drew his service weapon. Boyd took cover behind a vehicle and began shooting at Gomez and the other officers. Gomez and Cenicerros then returned fire at Boyd. When Gomez began reloading his service weapon, Boyd shot and hit Gomez in the left thigh. Shortly thereafter, Gomez was taken out of the containment area in Cenicerros' patrol vehicle to receive medical treatment.

Statement of Officer Cenicerros

On the day of the incident, Cenicerros and his partner Dahlen responded to a shots fired call. As Cenicerros turned onto Rosecrans Boulevard, he saw Gomez pointing his rifle out the front driver's side window and heard gunfire. Gomez exited his vehicle and ran south toward Café Rio. Cenicerros and Dahlen followed Gomez and took cover behind the south pillar in front of Café Rio. At that time, Cenicerros saw Boyd taking cover behind a Café Rio van. Cenicerros explained what happened next:

I believe that the suspect, since he just engaged Officer Gomez in a gunfight, I believe that he is going behind there to seek cover and concealment in order to shoot at us and try to kill us... So, at that point, as soon as I saw him go behind there, I shot two to three rounds in the direction of the van in order to attempt to neutralize the threat.

After firing, Cenicerros returned to his cover behind the pillar. He next saw Boyd on the eastern edge of the parking lot. Boyd pointed his firearm toward them and began shooting. Cenicerros heard Gomez say, "9-9-9, officer down!" and saw Gomez lying on the ground. Cenicerros could no longer see Boyd. A concerned citizen drove up to the officers and informed them that Boyd had jumped over a wall.

Statement of Officer Dahlen

Dahlen was partnered with Cenicerros and arrived at the scene in the same patrol vehicle. When Dahlen exited the vehicle, he heard two gunshots and drew his weapon. Dahlen could not tell whether Gomez or Boyd fired the shots. Dahlen, Cenicerros, and Gomez ran toward the south pillar in front of Café Rio. As he ran, Dahlen heard additional shots fired. Once the officers took cover behind the pillar, Dahlen saw Gomez fire rounds eastbound toward the True Religion building. Dahlen then saw Gomez go to the ground after being struck by a round. Once additional officers arrived, Dahlen relocated to the command post.

Statement of James Boyd

LASD investigators interviewed Boyd in the hospital on the night of the incident. Boyd stated the incident occurred after he and his girlfriend began arguing in the Marriott parking lot. The argument became heated and loud when Boyd's girlfriend told him his "PTSD was going off the hook."¹¹ During the argument, a person approached Boyd and informed them that he was calling the police. Boyd was angered by this and the fact that his girlfriend would not unlock the car door. In response, Boyd removed a firearm from his backpack and fired one round at the ground

¹¹ Boyd is a former Marine who served in Iraq. He referenced his Post Traumatic Stress Disorder and his Marine training multiple times throughout the interview.

to, “get her attention.”¹² Boyd heard police sirens and exited the parking lot by jogging across Aviation Boulevard. Boyd explained what happened next:

Well, he [Gomez] spun a U-ey, and then he followed me, and he was like, “Fucking stop!” And I was like, “What?” And he's like, “Fucking stop! I'm gonna fucking shoot you!” and I was like, “What?” And I kind of started running... I didn't have nothing up. I did not fucking pull on him... He just started lighting me up.

Boyd maintained that his firearm was under his shirt and that he did not pull it out until after Gomez shot him in the back. Boyd stated he was near the north pillar in front of the Vitamin Shoppe when he was shot. Once struck, Boyd took cover behind the pillar and fired one to two rounds at Gomez, who was seated in his patrol vehicle. Boyd said Gomez then “lit up” the pillar he was behind. Boyd moved to the next pillar and fired a “second time.”¹³ Boyd thought one of these rounds struck the patrol vehicle. Once Boyd was behind the second pillar, Gomez discharged additional rounds at him.

Boyd ran east toward the wall bordering the True Religion building and took cover behind a vehicle.¹⁴ Officers were firing at Boyd, and he returned fire before jumping over the wall and entering the True Religion parking structure. Boyd estimated he fired no more than ten rounds during the entire incident. Once in the parking structure, Boyd surrendered.

Boyd conceded that he should have surrendered to the police initially but maintained that his gun was “hidden” and that Gomez should not have shot him in the back. Boyd also stated he did not surrender because he did not want to go to jail after suffering prior abuse at the Veterans Affairs Hospital.¹⁵ According to Boyd, once Gomez started shooting at him, he had an “adrenaline rush” and did not feel like he had an opportunity to surrender.

Statement of Brian D.

Brian D. worked at the Trader Joe’s grocery store located in the shopping center where this incident occurred. At the time of the incident, Brian D. was on break and sitting in his parked car near Café Rio. Brian D.’s attention was drawn toward Rosecrans Avenue when he heard multiple loud gunshots. When Brian D. looked toward Rosecrans Avenue, he saw a man, later identified as Boyd, holding a high caliber firearm standing behind a pillar in front of the Vitamin Shoppe. A police officer was discharging rounds toward Boyd from a patrol vehicle parked in the middle of Rosecrans Avenue. Boyd exchanged gunfire with the officer as he moved south, using the pillars for cover. After reaching the southernmost pillar in front of Café Rio, Boyd ran east and took cover behind a catering vehicle. Boyd continued running through the parking lot, using vehicles for cover. Multiple police officers took cover behind the southernmost pillar in

¹² Boyd stated he only fired one round and did not believe he fired a round into the air. Two expended cartridge casings from Boyd’s firearm were found in the Marriott parking lot. A vehicle that was parked in the lot at the time sustained a bullet hole to its roof.

¹³ Boyd was not asked how many rounds he fired at that time.

¹⁴ Boyd did not mention taking cover behind a Café Rio van.

¹⁵ At times during the interview, Boyd gave seemingly disjointed responses to questions asked. On multiple occasions, Boyd stated he had been sexually abused during a stay at the Veterans Affairs Hospital. Boyd expressed a desire to, “Kill the people at the fucking VA.” Boyd also displayed symptoms of paranoia, suggesting his phone had been wiretapped.

front of Café Rio, and Brian D. began recording the incident on his cell phone. Officers and Boyd exchanged additional gunfire until Boyd continued south and out of sight.

Other Witnesses

Due to the large number of stores located in the shopping center, various employees witnessed portions of the incident. Numerous witnesses were contacted and interviewed by LASD investigators. All of the witnesses interviewed had their attention drawn to the incident by the sound of gunshots. None of the witnesses observed Gomez' and Boyd's actions when Gomez first discharged his rifle.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *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; *see also*, CALCRIM No. 505. 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 No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.* A prior threat or harm to the person or others can be considered when determining whether a person's conduct and beliefs were reasonable. *Id.* The People have the burden of proving beyond a reasonable doubt that the person did not act in lawful self-defense or the defense of another. *Id.*

A police officer may also use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Reasonableness is judged from the perspective of a reasonable person acting as a police officer at the scene and considers the circumstances surrounding the use of force including: (1) whether the suspect poses an immediate threat to the safety of the officers or others, (2) whether the suspect is actively resisting arrest or attempting to evade arrest by flight, and (3) the severity of the crime at issue. Penal Code section 835a. Also, "Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force." *Tennessee v. Garner* (1985) 471 U.S. 1, 11. "Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape..." *Id.*

In evaluating whether a police officer's use of 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 evaluation of reasonableness should look to "the facts and circumstances of each case, including the severity of the crime, the threat posed by the suspect, and whether the suspect is resisting or attempting to evade arrest." *Graham v. Connor* (1989) 490 U.S. 386, 396. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 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.” *Id.* at 396-397.

In the instant matter, Gomez and Cenicerros responded to a call of a shooting in a hotel parking lot. Based on 9-1-1 calls, dispatch advised responding officers that Boyd had discharged multiple rounds and that someone may be injured. The officers were unaware that Boyd had fired his gun in the air. Gomez attempted to arrest Boyd and ordered him to stop running. Boyd ignored Gomez’ commands and continued fleeing toward a populated shopping center with a firearm in his waistband.

According to Gomez, as Boyd approached the shopping center, he began removing a large firearm from his waistline. At that point, Gomez reasonably believed he needed to use deadly force upon Boyd to defend himself. Boyd denied removing his firearm from his waistband prior to being shot by Gomez. However, Boyd’s credibility is undermined by his criminal conduct proceeding and following the officer-involved shooting, as well as the paranoia he displayed during his interview. Moreover, Gomez had probable cause to believe that Boyd had committed a crime involving the infliction or threatened infliction of serious physical harm. Gomez also reasonably believed that Boyd posed an immediate threat to himself, pursuing officers, and the public. Therefore, Gomez’ decision to use deadly force in an attempt to stop a dangerous, fleeing felon was reasonable.

When Cenicerros discharged his service weapon at Boyd, Boyd had already engaged in a shoot-out with Gomez in a public shopping center. Cenicerros acted reasonably in using deadly force in self-defense, defense of others, and in an attempt to stop a dangerous, fleeing felon.

CONCLUSION

We find that Officers Jose Gomez and Jesus Cenicerros acted lawfully in self-defense, the defense of others, and in pursuit of a fleeing felon when they used deadly force against James Boyd.