

**Non-Fatal Officer Involved Shooting of Erik Hudson
Los Angeles County Sheriff's Department**

Deputy Jonathan Alvarez, #615936

J.S.I.D. File #20-0247



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

August 11, 2021

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
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 Erik Hudson
J.S.I.D. File #20-0247
L.A.S.D. File #020-00775-6861-053

DATE: August 11, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 28, 2020, non-fatal shooting of Erik Hudson by Los Angeles County Sheriff's Department (LASD) Deputy Jonathan Alvarez. We have concluded that Deputy Alvarez acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 12:12 a.m. on June 29, 2020. The District Attorney Response Team 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 investigative reports, audio recordings of interviews, crime scene diagrams, photographs, video surveillance evidence, and witness statements submitted to this office by LASD Detectives Leo Sanchez and Raymond Lugo. The voluntary statement of Deputy Alvarez was also considered as part of this analysis.

FACTUAL ANALYSIS

The Pursuit

On June 28, 2020, at approximately 10:45 p.m., LASD Deputies Jonathan Alvarez and Christian Castro were on patrol, in uniform and in a marked patrol vehicle, driving on a freeway in Los Angeles. They observed a Mazda driving at approximately 100 m.p.h. and swerving in and out of a carpool lane. The deputies drove behind the Mazda and activated their overhead lights to conduct a traffic stop of the vehicle. The Mazda pulled to the right and stopped in a traffic lane. The deputies stopped their patrol vehicle. Alvarez walked to the Mazda and ordered the driver, Erik Hudson, to roll down the passenger side window so Alvarez could see into the vehicle. Hudson did not comply. Alvarez opened the passenger door to observe and speak with Hudson.

Alvarez smelled the odor of an alcoholic beverage and marijuana inside the vehicle.¹ Hudson made eye contact with Alvarez, put the Mazda in drive, sped off, and nearly struck Alvarez with the open passenger side door as he pulled away. The deputies activated their lights and siren and pursued Hudson off the freeway and into the City of Gardena. Hudson ran red lights and drove into a residential neighborhood at a high rate of speed.

The Shooting

Hudson drove the Mazda down a dead-end street. When he could drive no further, Hudson made a three-point turn, hit a curb, and turned his car to face the deputies.

Alvarez exited the patrol car, drew his service weapon, and ordered Hudson to shut off the vehicle and place his hands outside the vehicle. Hudson did not comply and instead accelerated toward the deputies. Alvarez heard Hudson's engine revving and the tires squealing and saw the car coming at him.

Alvarez said he did not have an avenue of escape. If he ran, he would get run over. If he stayed where he was, he would get crushed between the Mazda and the patrol vehicle. He could not retreat because Hudson's vehicle was bearing down on him at high speed and at close range. Fearing for his life, he fired nine rounds at Hudson, striking Hudson and the Mazda. Castro did not fire because his own windshield and his partner were in his line of fire.

The Mazda swerved, struck the front end of the patrol vehicle, lost control, and crashed into a parked car.

Surveillance video from a residence showed Hudson speeding down the street with the deputies in pursuit, with lights and siren. The shooting occurred off camera but the deputies can be heard ordering Hudson to turn off the car, tires squealed, and Hudson is then seen speeding back down the street and crashing into a parked car, exiting his vehicle, and surrendering.

Hudson was treated for his injuries, found in possession of cocaine, and arrested for assaulting Deputy Alvarez and evading.²

¹ An open bottle of tequila and a burned cigarette were later located in the vehicle. The cigarette was not tested for marijuana.

² Hudson was charged in case number YA102200 and pled no contest to assaulting a peace officer in violation of Penal Code section 245(c) and evading a peace officer in violation of Vehicle Code section 2800.2. He was sentenced to three years and eight months in state prison. Deputy Castro testified at the preliminary hearing in this matter. His testimony was consistent with the statement he gave detectives.

An aerial photo of the scene is detailed below:

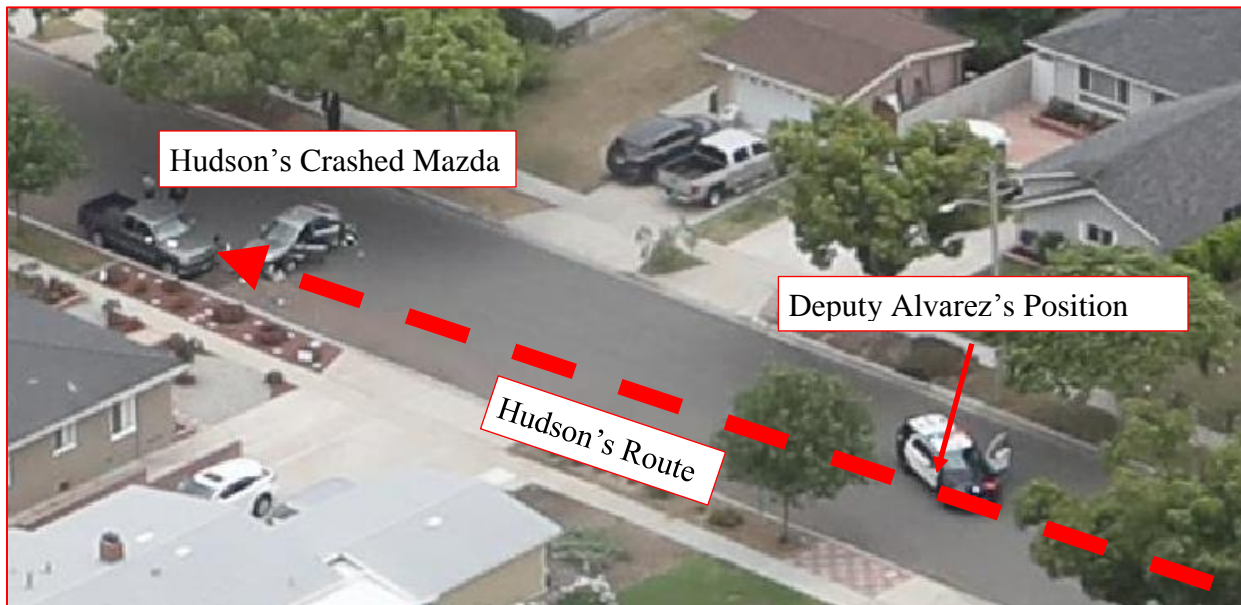


Figure 1- Aerial Photo of the Scene.

A street level view of the scene is shown below:



Figure 2- Photo of Hudson's Crashed Mazda and The Deputies' damaged Patrol Vehicle.

A photograph of the damage caused by Hudson's Mazda striking the patrol car is shown below with the damaged area circled in red:



Figure 3- Photo of Damage to the Right Front Bumper of the Patrol Vehicle.

A photo of Hudson's damaged right front bumper caused by the collision with the patrol car is shown below:



Figure 4- Photo of damage to the Right Front Bumper of Hudson's Mazda.

Erik Hudson's Statement

When Hudson was being treated for his injuries in the hospital, a deputy heard Hudson speaking with his mother. Hudson told his mother he was driving on the freeway and the police tried to pull

him over but he kept going. He kept driving away to evade the police until he hit a dead-end. He turned the car around and drove toward the deputies. He tried to drive around them and that is when he was shot. After he was shot he swerved.

Investigators interviewed Hudson at the hospital. Hudson waived his Miranda rights and admitted he had been in possession of cocaine. When asked if he tried to run over the deputies he replied, "No I didn't." Hudson then asked for a lawyer and the interview was terminated.

Injuries

Hudson was taken into custody and treated for a gunshot wound to the right forearm and injuries to his right ear and left thumb. The deputies were not injured. A toxicology analysis was performed and determined that Hudson had the presence of cocaine and marijuana in his bloodstream.

LEGAL ANALYSIS

The Law

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 section 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.

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 on 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).

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.

Analysis

There is compelling evidence in this case that Hudson was driving recklessly, with the presence of cocaine and marijuana in his bloodstream, was in possession of cocaine, and was highly motivated to escape from the pursuing deputies. When Alvarez and Castro attempted to stop Hudson, Hudson revved his engine, squealed his tires, and drove at a high rate of speed directly at Deputy Alvarez. Hudson nearly struck Alvarez and hit the front bumper of the patrol car near where Alvarez was standing. As Alvarez explained to investigators, he had no reasonable avenue of escape. He believed he was either going to be crushed or run over if he did not use deadly force. After a review of the totality of the evidence in this incident, Alvarez's choice to use deadly force was reasonable under the circumstances.

CONCLUSION

We find that Deputy Alvarez acted lawfully in self-defense and in defense of others when he used deadly force against Erik Hudson.