

**Non-Fatal Officer Involved Shooting of Evelyn Del Real
Los Angeles Police Department**

Officer Juan Arenas, #33532

J.S.I.D. File #21-0418



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

August 16, 2023

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
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 Evelyn Del Real
J.S.I.D. File #21-0418
F.I.D. File #F051-21

DATE: August 16, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 1, 2021, non-fatal shooting of Evelyn Del Real, by Los Angeles Police Department (LAPD) Officer Juan Arenas. We have determined that Officer Arenas acted in the lawful defense of another when he used deadly force against Del Real.

The District Attorney's Command Center was notified of this shooting on October 1, 2021, at approximately 10:00 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Lieutenant Reynolds.

The following analysis is based on reports and other materials, including 9-1-1 calls, radio communications, body worn videos, photographs, and interviews of witnesses submitted by the LAPD Force Investigation Division on July 11, 2022. The compelled statement of Officer Arenas, if one exists, was not considered in this analysis.

FACTUAL ANALYSIS

On October 1, 2021, at approximately 6:00 p.m., a neighbor knocked on the front door of Del Real's parents' house located on West 52nd Street. Del Real's 11-year-old son opened the door and appeared sad. The neighbor saw Del Real lying on the floor. She believed Del Real was under the influence of drugs and was concerned for the safety of Del Real's son. The neighbor observed Del Real acting erratically and saw Del Real arm herself with a large knife from the kitchen. The neighbor left and called Del Real's mother. At approximately 6:30 p.m., Del Real's mother arrived but Del Real barricaded herself in her mother's house with her son after a short physical altercation with her mother.

Beginning at approximately 6:50 p.m., several persons called 9-1-1 and reported that Del Real was under the influence of methamphetamine and armed with a large kitchen knife threatening to

kill her 11-year-old son. Arenas, who was in uniform, responded and drove to the scene in a marked patrol car as his partner told him the comments of the call. Arenas and his partner activated their body worn cameras which recorded the entire incident. The officers received information from radio communications that Del Real was armed with a knife and barricaded inside a residence with her 11-year-old son. Radio communications also relayed information that Del Real suffered from mental illness and was under the influence of methamphetamine.

At approximately 7:05 p.m., Arenas and his partner arrived at the scene and contacted witnesses and family members outside the single-family residence.¹ Arenas and his partner requested assistance from more officers and confirmed with witnesses outside the house the same information they received earlier via radio communications. Arenas' partner made telephonic contact with Del Real and was also able to speak to Del Real's son. Del Real refused repeated requests to send her son outside. Del Real's phone was disconnected after several minutes.

At approximately 7:40 p.m., several uniformed officers unlocked the front door with a key and attempted to enter the residence but were unable to force the door open because Del Real had barricaded the front door with furniture. Several minutes later, Officer Helton spoke to Del Real and her son through a window located on the side of the house that was fortified with metal security bars. Helton initially stood on a chair as the window was elevated well above ground level. He observed Del Real hiding with a large kitchen knife in her hand. On body worn video, Del Real could be heard stating to her son, "I don't want to hurt you, but I have to if they're going to come. . ." Her son is then heard crying and pleading for her not to hurt him.

Helton observed Del Real armed with a knife and concealing her position in the residence behind a large mirror. Helton's body worn video also depicted Del Real armed with a knife. At approximately 8:11 p.m., Del Real cut her son's finger with the knife and displayed the boy's bloody finger to Helton.

¹ The house had been modified to a duplex with a makeshift wall dividing the front of the house from the rear of the house. Del Real's parents lived in the front portion of the house facing the street.



Screenshot from Helton's body worn video depicts the boy's hand raised above the mirror.

Arenas was made aware of the threat via radio communications. Arenas, other officers, and a family member made announcements via a loud-speaker to Del Real calmly requesting she allow her son to leave the house. Arenas' body worn video captured his movements around the perimeter of the house as he coordinated with other officers, his sergeant, and Del Real's family members over the course of the incident.

At approximately 8:25 p.m., Arenas assisted Helton by holding the ladder he had climbed at the same window he had been communicating with Del Real. Del Real's son was crying in the background. Helton told Arenas that Del Real had "cut" her son's hand and threatened to "take herself and her son" if the police entered the residence. Helton continued speaking with Del Real and her son.

At approximately 8:30 p.m., Arenas took Helton's position on top of the ladder for several minutes. Then, another officer armed with a service rifle took Arenas' position. Officers continued speaking with Del Real and she continued threatening to stab her son. Her son continued crying and yelling intermittently as a family member also pleaded with her. At approximately 8:53 pm., Arenas relieved the other officer and took his position on top of the ladder. Arenas was armed with his service rifle. Del Real is heard on Arenas' body worn video verbally preparing to stab her son. The son stated, "Mommy, I have one more thing to say to you. I love you so, so much." Shortly thereafter, at approximately 9:00 p.m., Del Real is heard praying. Her son began screaming, and Arenas fired one round from his service rifle – 12 seconds later, Arenas fired a second round from his service rifle. He announced, "She's down."

Other officers immediately entered the house through the front door, removed the young boy and began providing him medical attention. He suffered from several stab wounds to his neck, back, and torso; he survived his injuries. Del Real survived her injuries from Arenas' gunfire.



The kitchen knife with an eight and a half inch blade was photographed at the scene.

Del Real was charged in case number BA499422 with the attempted murder of her son. The matter is pending a pretrial hearing on August 16, 2023.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person. Penal Code § 835a(b) and (c)(1)(A).

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 § 835a(e)(2).

“Totality of circumstances” means 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. 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 § 835a(a)(4) and (e)(3).

Here, Del Real armed herself with a large kitchen knife and threatened to harm and kill her son for approximately two hours while she barricaded herself in her mother's house and refused repeated requests by the police and her family to come out peacefully. Arenas' body worn video, which was over two hours in length, best depicted the many tactics he undertook in attempting to coordinate the resolution of the scenario without the use of any force. His demeanor was calm throughout the incident. With the utmost professionalism, he coordinated with other officers and family members. However, despite everyone's efforts, Del Real stabbed her son repeatedly with a large kitchen knife. Despite a tenuous position standing on top of a ladder pointing his rifle between metal bars outside the window, Arenas fired two deliberate and precise rounds at Del Real. Arenas stopped the imminent deadly threat she posed to her son and saved his life. Arenas' use of deadly force under the circumstances was necessary, reasonable, and justified in defense of Del Real's son.

CONCLUSION

We conclude that Officer Arenas' use of deadly force was legally justified in the defense of another.