

**Fatal Officer Involved Shooting of Jesse Van Loozen  
Culver City Police Department**

**Officer James Thomas, #1031  
Officer Kywan Ownes, #1190**

**J.S.I.D. File #20-0284**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**August 17, 2022**

**MEMORANDUM**

TO: CHIEF MANNY CID  
Culver City Department  
4040 Duquesne Avenue  
Culver City, California 90232

CAPTAIN Andrew D. Meyer  
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: Fatal Officer Involved Shooting of Jesse Van Loozen  
J.S.I.D. File #20-0284  
C.C.P.D. File #20-0002973  
L.A.S.D. File #020-00066-3199-013

DATE: August 17, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 3, 2020, fatal shooting of Jesse Van Loozen by Culver City Police Department (CCPD) Officers James Thomas and Kywan Owens. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on August 3, 2020, at 3:36 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on police reports, witness interviews, body worn camera (BWC) footage, forensic analysis and the autopsy report submitted to this office by Sergeants Gina Eguia and Robert Martindale, Los Angeles County Sheriff's Department, Homicide Bureau. Officers Thomas and Owens provided voluntary statements which were considered as part of this analysis.

**FACTUAL ANALYSIS**

On August 3, 2020, at approximately 2:26 p.m., uniformed CCPD officers were dispatched to a call regarding a man with a knife on the sixth floor of a parking structure located at [REDACTED] Washington Boulevard, in the City of Culver City. The call indicated that the man was not

threatening anyone with the knife. The call was updated to advise that the man, later identified as Jesse Van Loozen, had locked himself inside the stairwell on the sixth floor.<sup>1</sup>

CCPD Officers Brian Rivas, Derek Scharlin, Kywan Owens and Julian Espitia arrived to the scene, heard the fire alarm and observed water rushing from the stairwell on the first floor. Personnel from the Culver City Fire Department (CCFD) were also present having been dispatched due to the fire alarm activation. CCFD personnel were unable to investigate the alarm or the source of the water because Van Loozen was reportedly armed with a knife.<sup>2</sup>

Rivas, Scharlin, Owens, and Espitia took the elevator to the sixth floor which is on the roof of the parking structure. Van Loozen yelled at the officers from the opened stairwell when they exited from the elevator. Van Loozen said he was armed with a knife and told the officers he did not want them to come near him.



A view of the enclosed stairwell exit on the sixth floor rooftop from the elevator.

The officers attempted to engage Van Loozen in conversation to get him to exit the stairwell unarmed. Officers suspected that Van Loozen may be suffering from mental health issues. Van Loozen yelled nonsensical and unintelligible things to the officers from inside the stairwell. Van Loozen opened and closed the stairwell door several times. Officers observed what appeared to be smoke coming from the bottom of the door the first time. The next time Van Loozen opened

---

<sup>1</sup> A security officer from the parking structure contacted Van Loozen in the stairwell while investigating a fire alarm activation. Van Loozen admitted setting off the alarm, displayed a knife to the security officer and said he would “take care of it.” Van Loozen shut the stairwell door and security contacted the police.

<sup>2</sup> The subsequent investigation revealed that Van Loozen had opened the valve of a standpipe, causing water to cascade from the fifth and sixth floors, flooding the stairwell and other areas of the parking structure.

the door he was holding a fire extinguisher, accounting for the “smoke.” Rivas requested CCPD Mental Health Evaluation Officer James Thomas respond to the scene.

Rivas briefed Thomas when he arrived to their location. Thomas approached the closed stairwell door on the roof and attempted to engage Van Loozen in conversation. Van Loozen repeatedly said he was not a pedophile. He accused Thomas of being a terrorist. He claimed that the Santa Monica Police Department had an assassination hit on him. When Thomas asked Van Loozen to put the knife down, Van Loozen replied, “I can’t.” Thomas attempted repeatedly to push open the door to have better contact with Van Loozen, but Van Loozen held the door closed from the other side.

Scharlin and CCPD Officers Enrique Hernandez and Jaime Zuckerman entered the stairwell and slowly made their way toward Van Loozen. Initially, the officers could not see Van Loozen, but they heard him constantly yelling. It was difficult to hear everything he said due to the cascading water, however, what they did hear was mostly incoherent.

Officers devised a plan to have Hernandez, Zuckerman and Scharlin ascend the stairwell toward Van Loozen and distract him, allowing Thomas to open the stairwell door. Officers believed it would be safer to make contact with Van Loozen in the open space of the rooftop than the confines of the stairwell.

Van Loozen became more agitated as the officers approached him from below. Once Hernandez, Zuckerman and Scharlin reached the fifth-floor landing they were able to see Van Loozen. Van Loozen was holding the door to the roof shut from inside the stairwell and holding a black pipe in his left hand. Hernandez warned officers over the radio that Van Loozen had a pipe. Around this time, Van Loozen began yelling that he needed a hostage and repeatedly said he was going to stab someone.

Meanwhile, Thomas repeatedly pushed open the stairwell door, but Van Loozen used his body weight to close it. During this “tug-of-war” over the door, Thomas observed the pipe in Van Loozen’s left hand and a silver, metal object in his right hand that he believed was a knife. As Hernandez and Zuckerman stepped from the fifth-floor landing toward the sixth floor, Van Loozen suddenly opened the door and burst through the stairwell exit toward the officers on the roof.

#### Statement of CCPD Officer James Thomas

Thomas was standing directly in front of the door when Van Loozen charged through it. Van Loozen was holding the pipe in his left hand at chest level. Van Loozen then slashed the knife in his right hand toward Thomas, coming within a foot or two of the officer’s face. Thomas heard an officer to his left yell, “He’s got a knife!” Simultaneously, Thomas stepped back while drawing his service weapon and fired three rounds at Van Loozen. Due to the speed with which Van Loozen charged at him with the knife, Thomas fired the first two rounds at hip level, immediately after removing his gun from the holster. Thomas told investigators, “[K]nives don’t have safeties. They don’t jam and they always work...one lucky swipe and he hits something that can cause me to bleed out.” Thomas stated that had he not fired his weapon he believes that

Van Loozen would have stabbed him or struck him with the pipe because they were in such close proximity to one another.

Statement of CCPD Officer Kywan Owens

Owens was standing to the right of the stairwell exit when Van Loozen charged through the door. At the time, Owens' service weapon was holstered because he and Espitia were designated the "hands on" arresting officers. Owens immediately drew his firearm because he believed Van Loozen was armed with a knife. Owens did not see the knife, however the reporting party stated Van Loozen had a knife, he personally heard Van Loozen admit he was armed with a knife and an officer yelled, "He has a knife!" as Van Loozen exited the stairwell. Under the circumstances, Owens believed he and his fellow officers were in immediate danger of getting stabbed and he fired two rounds at Van Loozen.

Still Photographs Captured from CCPD Officer Brian Rivas' BWC



The position of the officers as Van Loozen opens the stairwell door with the pipe visible in his left hand.



Van Loozen charging Thomas with the knife raised and Thomas drawing his weapon while retreating.

#### Statement of Sergeant Jeff Zerbey

Thomas was leaning against the slightly ajar stairwell door when Zerbey arrived to the roof. The door suddenly burst open and Van Loozen sprinted toward the officers with a knife in his right hand. The blade was protruding from the bottom of his hand. Gunshots were fired within seconds of Van Loozen exiting the door. Van Loozen fell to the ground on top of the knife. Zerbey could see the knife as Van Loozen moved around on the ground. Officers handcuffed Van Loozen and Zerbey immediately put his boot onto the knife. Officers rendered aid to Van Loozen before the CCFD arrived and transported him to the hospital.

#### Recovered Weapons



Van Loozen's knife.



The pipe used by Van Loozen.

#### Statement of CCPD Officer Beau Railsback

Railsback was armed with a 40mm less lethal launcher (40mm) which launches foam rubber projectiles. Railsback was five to ten feet from the left side of the door when he heard Van Loozen say something about stabbing someone. Moments later, Van Loozen rushed from the stairwell toward the officers. Van Loozen was holding a knife in his right hand and a black pipe or wood object in his left hand. Railsback feared that Van Loozen was about to kill him. Railsback fired one less than lethal round at Van Loozen, but does not know if the round struck him. Railsback then heard gunshots. Railsback, Thomas and Owens rendered aid to Van Loozen until paramedics arrived.

#### Gunshot Injury to CCPD Officer Brian Rivas

Rivas was struck in the upper left leg by inadvertent police gunfire during the shooting. Rivas was transported to Cedars-Sinai Medical Center. A bullet core was removed from his leg during surgery.

A Senior Criminalist from the LASD Scientific Services Bureau, Firearms Identification Section, conducted a forensic examination of the bullet core removed from Rivas' leg. It was concluded that the lead bullet core had no microscopic comparison value and a specific caliber could not be determined. However, based on the bullet core's diameter and weight, the core was not consistent with a .45 auto caliber bullet.

Thomas was armed with a Glock, model 34Gen5, 9mm Luger caliber semiautomatic firearm, loaded with 9mm rounds.

Owens was armed with a Glock, model 21Gen4, .45 caliber semiautomatic firearm, loaded with .45 auto caliber rounds.

## Autopsy Report

Van Loozen was transported to Ronald Reagan UCLA Medical Center where he was subsequently pronounced deceased. Los Angeles County Deputy Medical Examiner Richard Ou, M.D., performed a postmortem examination of Van Loozen on August 7, 2020, and ascribed his death to gunshot wounds. Van Loozen sustained a gunshot wound to the lower left back and to the rear of his left arm. The wound to the back was rapidly fatal. These two gunshot wounds traveled from back to front, left to right and upwards. Van Loozen sustained a third gunshot wound to the back of his left lower leg. This wound traveled from back to front, right to left and upwards.

## **LEGAL ANALYSIS**

A peace officer is justified in using deadly force upon another 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; 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).

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions 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.

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Penal Code section 835a(a)(2).

‘Totality of the circumstances’ means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force.” Penal Code section 835a(e)(3).

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. Penal Code section 189.5; *People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.

Actual danger is not necessary to justify the use of force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon these circumstances. The right to self defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal.App.2d 577, 580.

## **CONCLUSION**

The evidence examined shows that Van Loozen was armed with a knife and pipe when he ran through the stairwell doors directly toward the officers surrounding the exit. The BWC footage shows how close Van Loozen and the knife came to Officer Thomas. The events that occurred on the sixth-floor rooftop illustrate a “tense, uncertain and rapidly evolving” situation that forced police officers to make split-second judgments about the use of deadly force. The totality of circumstances in this case clearly shows that the use of deadly force was necessary to defend Thomas and the other officers from the imminent danger of serious bodily injury or death that Van Loozen posed when he charged at them with the knife and pipe.