

**Fatal Officer Involved Shooting of Dylan Christopher  
Harmer**

**Azusa Police Department**

**Officer Joseph Stewart, #1184**

**Officer Jeffrey Wold, #1181**

**J.S.I.D. File #21-0311**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**August 26, 2024**

## MEMORANDUM

TO: CHIEF ROCKY WENRICK  
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Dylan Christopher Harmer  
J.S.I.D. File #21-0311  
L.A.S.D. File #021-00088-3199-013

DATE: August 26, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 4, 2021, fatal shooting of Dylan Christopher Harmer by Azusa Police Department (APD) Officers Joseph Stewart and Jeffrey Wold. We conclude that the evidence supports a reasonable belief that the use of deadly force was necessary.

The District Attorney's Command Center was notified at 3:08 a.m. on August 4, 2021, of the shooting. The District Attorney's Response Team responded and was briefed at the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant Brandon Dean.

The following analyses is based upon investigative reports, recordings of interviews of eyewitnesses, communications by Glendora Police Department dispatchers, photographs taken by investigators, video recordings captured by surveillance cameras, non-compelled statements made by APD Officers Stewart and Wold to LASD Sheriff's Homicide Investigators, and the post-mortem medical examination by the Los Angeles County Medical Examiner-Coroner. The investigative files were submitted to the District Attorney's Office on August 4, 2022. At the time of the incident, Azusa Police Department officers did not wear body worn video cameras.

### **FACTUAL ANALYSIS**

At 12:28 a.m. on August 4, 2021, Glendora Police Department officers responded to a call for assistance regarding an armed domestic violence suspect. There, responding officers encountered a man armed with a pistol who threatened to shoot the officers and then fled into the

neighborhood. Glendora police established a containment of the neighborhood in an attempt to capture the suspect.

Glendora police dispatch broadcasted a request for assistance from neighboring police jurisdictions. Officers from the Covina and Azusa police departments responded.

At about 1:06 a.m., Glendora police officers broadcasted that a call had been received reporting a man with a gun at an Albertson's Market, located at the intersection of Glendora Avenue and Historic Route 66 (Foothill), approximately one-half of a mile away from the site of the original request for assistance. Responding Azusa Police Department Officer Jeffrey Wold had just traveled through that intersection when he heard the second broadcast. He made an immediate U-turn on Historic Route 66 and stopped just east of the intersection, facing west. Azusa officer Joseph Stewart then arrived at the intersection and ultimately positioned his patrol SUV north of Historic Route 66 facing south.

The officers saw Harmer standing in the eastbound traffic lanes of Historic Route 66, just west of Glendora Avenue. Harmer held what appeared to be a pistol. Stewart and Wold commanded that Harmer stop, turn around, and get to the ground. While the officers were shouting commands at Harmer that he "drop the gun," he approached a car stopped at the traffic light, pointed the pistol at the driver, and shouted, "I'll fucking shoot you! I swear to god, I'll shoot you!" Harmer then pulled the trigger of the pistol, but it did not fire. The driver sped east through the intersection toward where Officer Wold was positioned.

Harmer then approached another vehicle, which was also stopped in the eastbound lanes at the traffic light and ordered the driver out while pointing the pistol. The driver exited their vehicle and took cover behind a structure on the north side of Historic Route 66.

After the driver of the second vehicle was clear, Harmer pointed the pistol at both officers. In response, Stewart and Wold fired their duty rifles at Harmer. Harmer was struck by gunfire and treated at the scene by paramedics, then transported to Pomona Valley hospital, where he was pronounced dead.

Investigators recovered the pistol wielded by Harmer. They discovered that it was a pellet-gun replica of a Sig Sauer P226 pistol.



*Figure 1: Replica handgun recovered at scene*

### **Statement of Officer Jeffrey Wold**

Officer Wold told investigators that on August 4, 2021, while on routine patrol at approximately 1 a.m., he received a radio call to assist Glendora Police Department officers with the containment of a domestic violence suspect who pointed a gun at officers and left the location.<sup>1</sup> As he drove to the location, Wold heard a second call stating that a man armed with a gun was at the parking lot of a nearby Albertson's Market, located at the intersection of Glendora Avenue and Historic Route 66 (Foothill). Wold drove to that location and saw a person later identified as Harmer standing in the street. Wold thought the person was possibly the suspect from the original call. Harmer raised his hand and pointed a handgun in Wold's direction. Wold exited his patrol SUV with his department issued rifle, took cover behind the vehicle's door, and ordered Harmer to drop his gun. Wold requested additional assistance via radio and broadcast that a suspect was pointing a gun at him. Wold said that Harmer began walking back and forth while glaring at him. Wold said he believed that Harmer was attempting to move to a better shooting angle. Wold said that as he moved to different points behind his vehicle, Harmer moved as well, as though tracking him. Wold told investigators that he feared he "was going to get shot."

Wold moved behind his patrol vehicle for cover. He said that Harmer then walked to a civilian car stopped at an intersection and pointed his gun at the driver. Harmer unsuccessfully attempted

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<sup>1</sup> The dispatcher did not state that the "gun" was a replica.

to open the car's passenger door. Wold said that he believed Harmer was attempting to take the vehicle, and broadcast that Harmer was trying to carjack a citizen. As the driver of the car sped away, Wold said that he heard Harmer scream, "I'm going to shoot the next motherfucker that comes here!"

At this time, Officer Stewart arrived in his SUV patrol vehicle. Fearing that Harmer would shoot at Stewart, Wold broadcast Harmer's threat to shoot the next person who came to the location. Wold heard Stewart issue commands ordering Harmer to drop his gun. Instead, Harmer walked toward a second civilian's car, also stopped at the same intersection. Harmer tried to open the driver's door of this vehicle, leading Wold to broadcast that Harmer was attempting to carjack a second car.

Wold told investigators that he saw Harmer extend his arm and point the gun at Stewart. Wold said that he heard a "popping" noise and believed that Harmer shot Stewart. In response, Wold said he fired his rifle two to four times at Harmer.

### **Statement of Officer Joseph Stewart**

Officer Stewart told sheriff's investigators that while at the Azusa Police Station, he heard a request for assistance broadcast over the radio. The broadcast stated that a suspect in a domestic violence investigation pointed a gun at Glendora Police Department officers and fled the scene. Glendora PD requested assistance from nearby police departments in forming a containment of the area.

Stewart left the station and received further information via radio from Officer Wold that the suspect was seen at a nearby Albertson's Market and had pointed a gun at Wold. Stewart said that he drove to the market. As he arrived, he saw a person, later identified as Harmer, standing in the middle of the street. Harmer pointed a gun in Stewart's direction. Stewart said that he feared that Harmer would shoot him, so he immediately made a U-turn and repositioned his vehicle to a position of cover. Stewart retrieved his duty rifle and broadcast that Harmer pointed a gun at him.

Stewart heard over the radio that a carjacking was occurring. He shouted to Harmer several times to drop the gun. Harmer again pointed the gun at Stewart, causing Stewart to again fear for his life.

Stewart said he initially took cover behind his car's door, but then stood up and saw Harmer point his gun at a car that stopped in the intersection. Stewart said he again shouted to Harmer to put down the gun, but Harmer instead turned and again pointed the gun at Stewart a third time. Stewart said that he again feared for his life and the safety of any nearby bystander. In response to Harmer pointing the gun at him, Stewart fired his rifle three to four times. After firing, Harmer fell to the ground. Subsequently, Stewart and other officers approached Harmer. Stewart saw a gun near Harmer's hand and kicked it away.

### **Statement of Witness ■■■.**

Witness ■■■. told investigators that on August 1, 2021, at approximately 1 a.m., she drove her Honda Civic toward the intersection of Route 66 and Glendora Avenue in the city of Glendora. As she approached the intersection, she saw a person, later identified as Harmer cross the street in front of her, outside the cross walk. She stopped at the intersection and noticed police officers approaching from different directions. The officers yelled to Harmer to stop, turn around and get down. Harmer quickly kneeled but stood up again as though he picked up something from the ground. Harmer had an object in each hand. ■■■. believed that one of the objects was a handgun. Harmer momentarily pointed the objects at the officers, but then focused his attention on her. Harmer pointed an object at her that she believed was a handgun, and shouted, "I'll fucken shoot you! I swear to God, I'll shoot you." Harmer came close to her windshield and reached for her front passenger door. ■■■. stated she was extremely scared and tried to not make eye contact with Harmer. She said that she attempted to protect herself from getting shot by leaning away, towards the driver's door as Harmer came closer to her front passenger's door. ■■■. accelerated her car and drove away. She heard a loud noise and thought Harmer fired at her.

Through her rearview mirror, ■■■. saw Harmer walk toward another vehicle which had stopped in another lane. She saw Harmer point at the front passenger's side of that car and heard him yell something. She next heard four to five gunshots.

### **Statement of Witness ■■■.**

Witness ■■■. told investigators that on August 4, 2021, at approximately 1:00 a.m., he stopped at a red light in the left lane of Route 66, waiting to make a left turn on to Glendora Avenue. A Honda Civic stopped to ■■■.'s right, headed in the same direction. A male, later identified as Harmer, carrying a handgun and knife approached the Honda Civic from the passenger's side door. Harmer ordered the Honda's driver to exit the car. Harmer pulled the gun's trigger, but the weapon did not fire. The Honda's driver sped away.

■■■. said that Harmer next pointed the gun at him and ordered him to exit his car. Harmer stood approximately three feet from the passenger's door of ■■■.'s car. ■■■., fearing that he would be shot, exited his car and walked to the sidewalk. As ■■■. walked, Harmer told him to tell the police to stop following him (Harmer).

■■■. said that he saw several police officers. They ordered Harmer to get on the ground and release the gun. Harmer refused, pointed his gun at the police and yelled at the officers to let him go. After one to two minutes and hearing repeated commands, ■■■. said he heard a gunshot, followed by several others.

### **Post-Mortem Examination Results**

A post-mortem medical examination of Harmer was conducted on August 9, 2021. The Los Angeles County Medical Examiner-Coroner reported that Harmer suffered three gunshot wounds. The projectile causing gunshot wound number one entered the right chest, traveled

front to back, right to left, and slightly upward. The wound penetrated Harmer's heart and both lungs and was fatal.

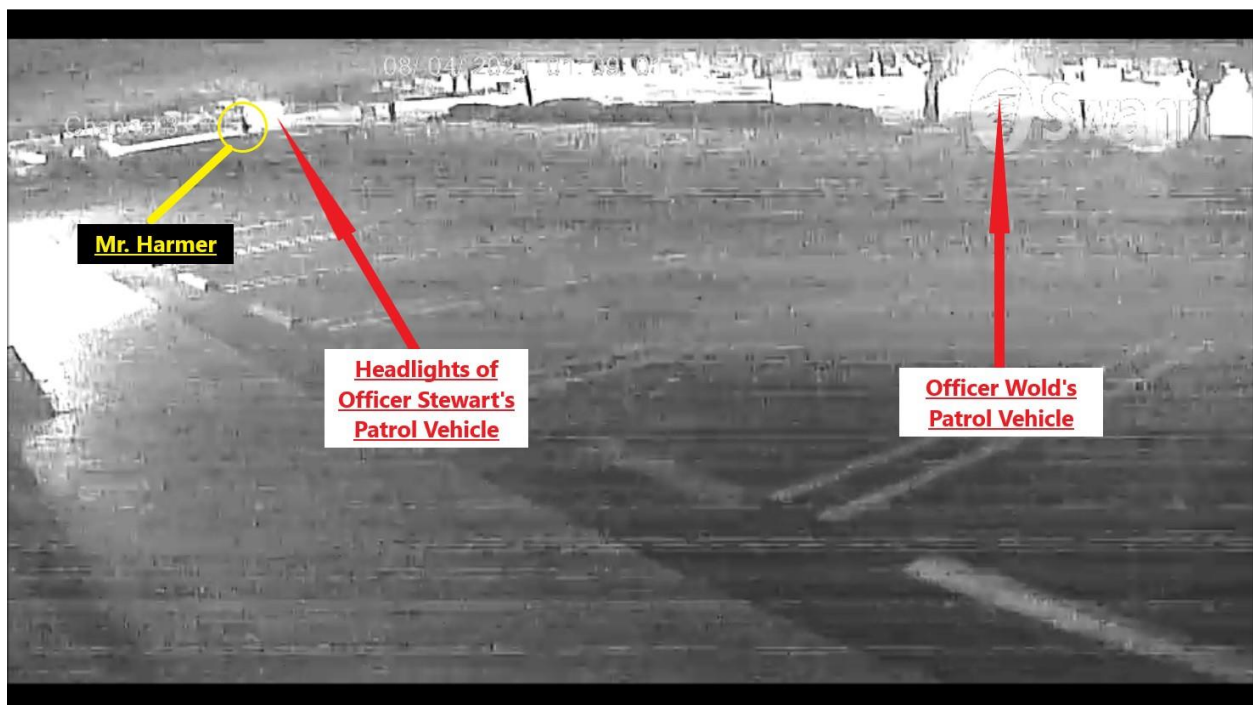
The projectile causing gunshot wound number two entered Harmer's left abdomen, traveling front to back, right to left and slightly downward. This wound was non-fatal.

The projectile causing gunshot wound number three entered Harmer's right knee, fracturing his femur, and cutting an artery and vein. The projectile traveled front to back, right to left and slightly downward. This wound was fatal.

### **Video Recordings of the Shooting**

There were seven security cameras recording what occurred at the southwest corner of Historic Route 66 and Glendora Avenue where Harmer was shot. All of these cameras captured the movements of Harmer immediately before and after, and presumably during, the shooting. However, investigators could not locate recordings of the period from 1:08:34 a.m. to 1:09:14 a.m. by five of the cameras. Harmer was shot between 1:09:00 a.m. and 1:09:02 a.m.

One provided video recording does contain these 40 seconds. However, because of the distance of the camera from Harmer and the quality of the video it can be ascertained only that Harmer was walking east on Historic Route 66 toward Glendora Avenue when he fell to the ground at about 1:09:02 a.m. There was no audio on this recording.



*Image capture at approximate time of shooting (1:09:01 a.m.)*

## **LEGAL ANALYSIS**

### **The Law**

California law allows a peace officer to use deadly force 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 sections 835a(c)(1)(A) and 196(b)).

Under Penal Code section 196 the use of deadly force by a person is reasonable “when facts known to the person would persuade someone of reasonable caution that the other person is going to cause death or great bodily injury to another.” (See CalCrim 507 (2021); *People v. Martin* (1985) 168 Cal.App.3d 1111, 1124.)

In a criminal prosecution of a peace officer for the use of deadly force, the People have the burden of proving beyond a reasonable doubt that the force was unlawful. (1 CalCrim 507 (2021)).

### **Analysis**

In the current case, Officers Wold and Stewart confronted an individual armed with what appeared to be a semiautomatic handgun and was possibly the armed domestic violence suspect who was at large after pointing a gun at another police officer. The individual, later identified as subject Dylan Harmer, pointed the weapon at both of them, attempted to enter the cars of drivers stopped at a traffic light, and threatened to shoot the “next motherfucker that comes here.” Civilian witnesses corroborated the officers’ statements. All involved persons, including the officers, stated that they feared that Harmer would open fire. Both officers stated that they used deadly force when Harmer refused commands to drop his weapon and pointed it at Stewart a final time, because they feared it was necessary to defend against an imminent threat of death or serious bodily injury to themselves or others. Under these circumstances, their stated fear was reasonable. This conclusion is not altered by the hindsight knowledge that the apparent pistol was a pellet gun.

## **CONCLUSION**

For the foregoing reasons, this office finds that, based on the circumstances and evidence, Officers Jeffrey Wold and Joseph Stewart acted in lawful self-defense when they employed deadly force.