

Fatal Officer Involved Shooting of Carlos Carrillo
Los Angeles Police Department

Officer Adan Urena #37460

J.S.I.D. File #12-0799



JACKIE LACEY

District Attorney

Justice System Integrity Division

September 3, 2020

MEMORANDUM

TO: COMMANDER TIMOTHY NORDQUIST
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: Fatal Officer Involved Shooting of Carlos Carrillo
J.S.I.D. File #12-0799
F.I.D. File #F085-12

DATE: September 3, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 6, 2012 fatal shooting of Carlos Carrillo by Los Angeles Police Department (LAPD) Officer Adan Urena. We have concluded Officer Urena acted lawfully in self-defense.

The District Attorney's Command Center was notified of the shooting at approximately 8:06 a.m., on December 6, 2012. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, transcripts of interviews, firearm analysis reports, autopsy reports, crime scene photos and diagrams, and witness statements submitted to this office by LAPD Force Investigation Division Lieutenant Arturo Sandoval. Officer Urena's compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

On December 6, 2012, at approximately 5:20 a.m., Jennifer N. called 9-1-1 to report her ex-boyfriend, Carlos Carrillo, had threatened her and cut her with a knife.¹ LAPD Communications Division (CD) issued a broadcast at 7:28 a.m., describing the suspect and location on Whitley Avenue in Hollywood, and indicating the suspect had "forced his way into apartment with a knife."

¹ Jennifer N. had been dating Carrillo for approximately three years and had cohabitated with him for two years at a previous address. Jennifer N. ended the relationship approximately a year before this incident due to Carrillo's heroin addiction. A few days before the incident, however, Carrillo entered Jennifer N.'s apartment through an open window and remained at the location.

Officers Gabriel Ruiz and Cuitlahuac Dominguez acknowledged the call for service over the air and requested an air unit. CD advised that the air units were down due to weather.

Officers Christopher Phelan and Adan Urena also acknowledged the call for service, and indicated to CD they would provide backup to Ruiz and Dominguez. While en route to the location, Phelan read the comments of the call to Urena. Urena informed Phelan he had responded to a similar call at the same apartment complex two days prior. The suspect in the previous incident had waved a knife at his neighbor in a threatening manner. The description of the suspect in the current incident matched the description of the suspect from the December 4, 2012 incident.²

At 7:29 a.m., CD broadcast, “be advised the suspect is the ex-boyfriend, he entered through the window, attempted to stab the PR with a knife. The PR is now standing by in the front of the location. The suspect is still believed to be inside the apartment.”

Phelan and Urena arrived at the location and observed Jennifer N. standing inside the lobby area of the apartment complex. Jennifer N. informed the officers that Carrillo was her ex-boyfriend, and that he had broken into her apartment and cut her with a knife. Jennifer N.’s hands were bloody, and she had sustained a 3/8-inch laceration to her right hand. Jennifer N. told the officers Carrillo was the only person inside her apartment, and that he was under the influence of heroin. She further indicated she had left the apartment door unlocked.

Due to the nature of the call and additional information provided by Jennifer N., Urena and Phelan waited for additional units to arrive before attempting to make entry into the apartment. Officers Manuel Solis and Erin Gnekow arrived at the scene, followed by Sergeant Mark Cohan and Officers Ruiz and Dominguez. The officers briefed one another with the information known at the time, and began formulating a tactical arrest plan using the lethal and non-lethal weapons available to them.

As the officers entered the apartment complex and walked toward the elevator, Solis assigned duties to those officers: he assigned himself the beanbag shotgun; Gnekow was assigned a shotgun; and Ruiz was assigned a TASER. Gnekow and Urena were both designated as contact officers with Urena taking the point position. Additionally, all officers were armed with department-approved handguns.

The officers approached the apartment door, and Urena confirmed the officers were ready to deploy prior to entering the apartment. Urena opened the apartment door and entered while simultaneously stating, “Police Department! Get your hands up!” Gnekow and Phelan followed Urena into the apartment. Carrillo was standing in front of a mattress toward the rear of the studio apartment. Carrillo was in a fighting stance and had a knife in his right hand. He held the knife at shoulder height with the blade facing outward in the direction of the officers. Based on Carrillo’s eyes, which were “very, very wide,” it appeared Carrillo was under the influence of a controlled substance.

² Urena and Officer Laura Mackiewicz had responded to the location on December 4, 2012. They interviewed reporting party Gary L. at that time. After a search for the suspect proved negative, Urena completed a brandishing report.

Phelan and Gnekow positioned themselves behind the kitchen counter, approximately 14 feet away from where Carrillo was standing. Solis positioned himself approximately 15 to 20 feet from Carrillo. Urena stood in front of Solis.³ Cohan and Ruiz remained at the apartment's doorway.

Phelan pointed his department-issued pistol at Carrillo's chest due to "a reasonable belief that the tactical situation [he] was involved in could escalate to the use of deadly force."⁴ Phelan, Gnekow, and Urena gave Carrillo multiple commands to drop his knife.

Carrillo did not comply with the officers' commands. Solis chambered a round into his beanbag shotgun. Solis maintained his position behind Urena and both began advancing toward Carrillo. Urena continued to give commands to Carrillo, as Solis disengaged the safety, placed his finger on the trigger, and said, "Beanbag standby. Beanbag standby." He pointed the beanbag shotgun at Carrillo. Carrillo, still holding the knife, stepped away from the mattress and advanced approximately five to seven feet in Urena's direction. In response, Urena fired his duty weapon at Carrillo three times.⁵

Carrillo continued to hold onto the knife for approximately five seconds before collapsing onto the ground. Carrillo's knife was recovered from the scene, and was found to have a blade measuring 3.75 inches.

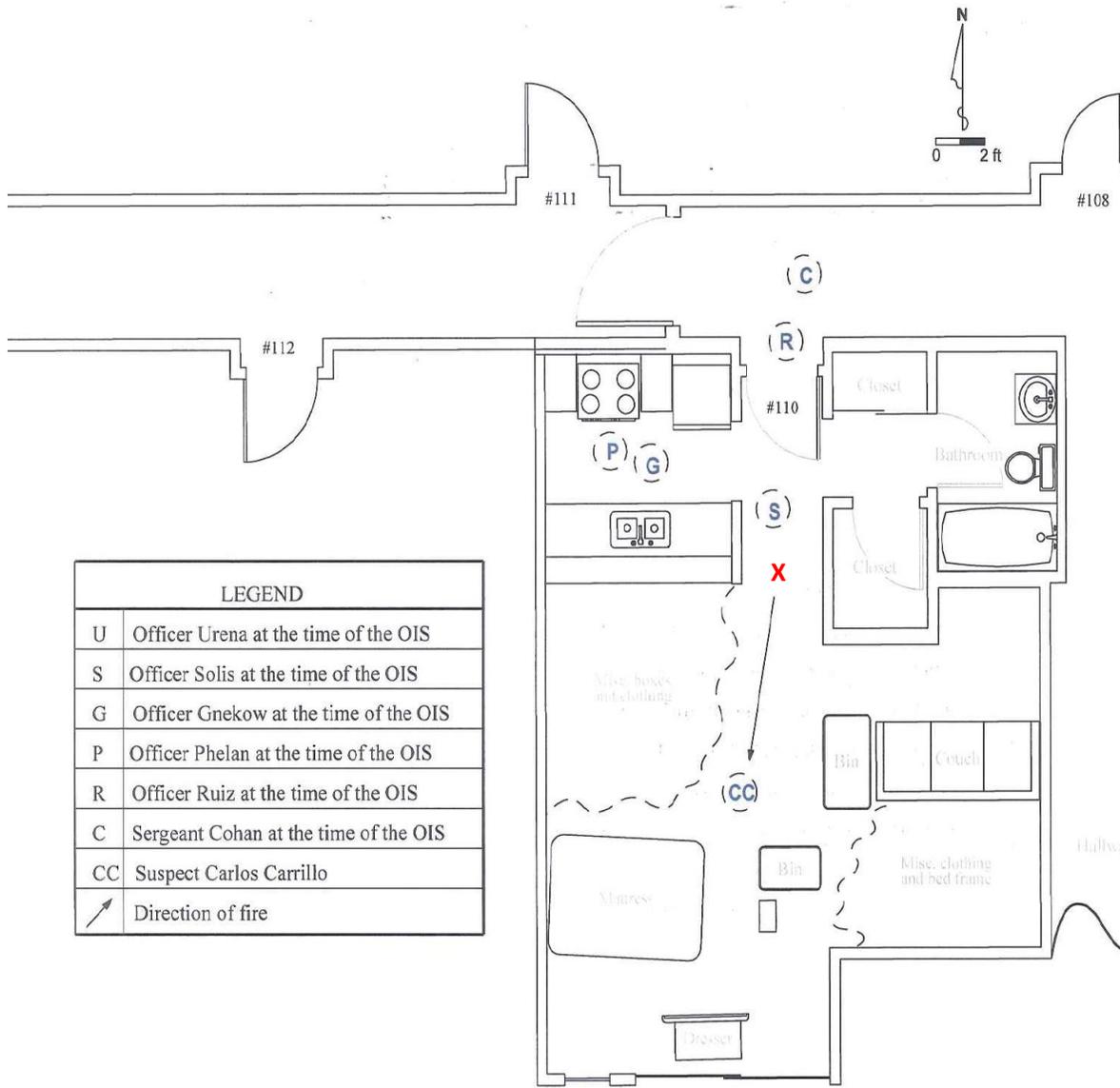


Carrillo's knife.

³ The other officers were not asked to approximate Urena's distance from Carrillo. Solis's position, and his statement that Urena was standing in between him and Carrillo, suggest that Urena was standing fewer than 20 feet away from Carrillo before Carrillo advance toward Urena.

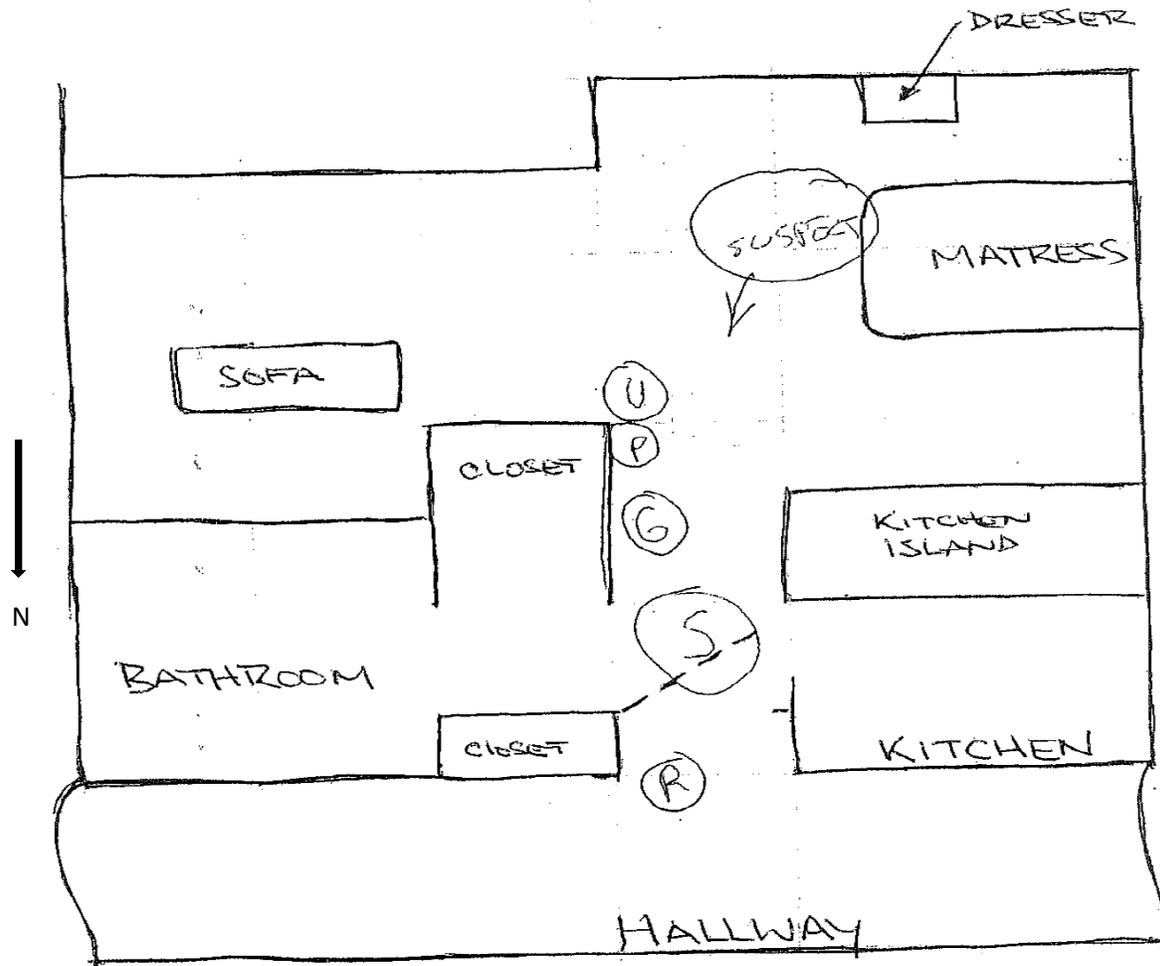
⁴ Phelan's belief was based on "the blood on the victim's hands, her statements at the time, and that burglars and domestic violence suspects are often armed, which she said he had a knife[.]"

⁵ Urena was armed with a department-approved .40 caliber Glock Model 22 semiautomatic pistol.



Scene diagram provided by investigators.⁶

⁶ The diagram provided by investigators does not indicate where Urena was standing at the time of the shooting. The investigative reports and officers' interviews place him standing south of Solis at the time of the shooting. A red "X" has been used to depict his approximate location.



Scene diagram provided by Ruiz. Ruiz placed a "U" to indicate where Urena was standing at the time of the shooting.

Los Angeles Fire Department (LAFD) personnel arrived at the scene and pronounced Carrillo deceased at 7:45 a.m. A subsequent autopsy revealed Carrillo sustained three gunshot wounds: one fatal wound to his posterior neck, one non-fatal wound to his right thigh, and one potentially fatal wound to his left abdomen. Subsequent toxicology testing indicated the presence of the following substances in Carrillo's blood at the time of his death: Diphenhydramine, Doxylamine, Dextromethorphan, Papaverine, Amphetamine, Methamphetamine, 6-Monoacetylmorphine, Codeine, and Morphine.

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 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 police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3^d 325, 333.

An officer has “probable cause” in this context when he knows facts which would “persuade someone of reasonable caution that the other person is going to cause serious physical harm to another.” CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody “appears to the officer likely to inflict great bodily injury on himself or those acting with him.” *Id.* at 1146; *quoting People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

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.*

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal.App.2^d 575, 589. “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.” *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

In the instant matter, officers responded to a call indicating a suspect had forced his way into his ex-girlfriend’s apartment and cut her with a knife. When officers arrived at the location, they made contact with Jennifer N. Jennifer N.’s hands were bloody, and the officers observed a laceration to one of her hands. The officers entered the apartment and observed Carrillo with a knife in his hand,

pointing the blade toward the officers. Multiple officers gave Carrillo repeated commands to drop his knife. Carrillo ignored the commands, and advanced toward Urena, who was standing 15 to 20 feet away from him. Reasonably in fear for his life, Urena fired his weapon at Carrillo once Carrillo closed the distance to approximately eight to 15 feet from Urena.⁷ Under these circumstances, Urena's use of deadly force was reasonable.

CONCLUSION

We find that Officer Urena acted lawfully in self-defense when he used deadly force against Carlos Carrillo. We are closing our file and will take no further action in this matter.

⁷ Urena's initial position was approximately 15 to 20 feet from Carrillo. Carrillo advanced approximately five to seven feet in Urena's direction, thus placing him approximately eight to 15 feet away from Urena at the time Urena fired his weapon.