

**Fatal Officer Involved Shooting of Pablo Garcia  
Los Angeles County Sheriff's Department**

**Deputy Brian Ciscel, #602957**

**J.S.I.D. File #19-0212**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**September 18, 2023**

# MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER  
Los Angeles County Sheriff's Department  
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Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Pablo Garcia  
J.S.I.D. File #19-0212  
L.A.S.D. File #019-00041-3199-013

DATE: September 18, 2023

The Los Angeles County District Attorney's Office Justice System Integrity Division has completed its review of the May 21, 2019, fatal shooting of Pablo Garcia by Los Angeles County Sheriff's Department Deputy Brian Ciscel. We have concluded that the shooting was not unlawful.

The District Attorney's Command Center was notified at 2:25 p.m. on May 21, 2019, of the shooting. The District Attorney's Response Team responded and was briefed at the scene by Los Angeles County Sheriff's Department Lieutenant Brandon Dean.

The following analyses are based upon recorded interviews of civilian witness, video recordings of the shooting, photographs taken at the scene and the Los Angeles County Medical Examiner-Coroner's autopsy report, submitted to this office by Los Angeles County Sheriff's Department Homicide Bureau Sergeant Recchia on December 4, 2019. The deputies were not equipped with body-worn cameras.

No peace officer statements identified to the District Attorney as having been compelled were reviewed for these analyses.

## SUMMARY

At mid-day on Tuesday, May 21, 2019, LASD Deputy Ciscel responded to a domestic disturbance call in the city of Lynwood. While talking with the reporting party, Pablo Garcia approached Deputy Ciscel with a long-handled claw hammer. Deputy Ciscel backed away and repeatedly directed Mr. Garcia to stop and to drop the hammer. Instead, Mr. Garcia continued pursuing Deputy Ciscel with the hammer while shouting. When Mr. Garcia came to within approximately ten feet Deputy Ciscel fired three shots, mortally wounding Mr. Garcia. The entire incident was captured on video, but not audio, recordings.

## FACTUAL ANALYSIS

### The Shooting

The facts in this segment of the Factual Analysis were captured on audio and video recordings or are based upon the uncontroverted statements of [REDACTED], [REDACTED], [REDACTED], Deputy Christian Hernandez and Deputy Ciscel.

At 12:24 p.m. the Los Angeles County Sheriff's Department received a 9-1-1 call from a home on the northeast corner of Lilita Street and Bullis Road. The reporting party, [REDACTED], told the dispatcher her brother was high on drugs, very drunk and being very aggressive.

At 12:33 p.m. [REDACTED] again called 9-1-1 and reported that her brother was now inside of the house and being very aggressive. While on this second 9-1-1 call, Deputy Ciscel arrived. The dispatcher told [REDACTED] to go outside and talk to the deputy.

Deputy Ciscel was the first deputy to arrive. He got out of his patrol SUV and met [REDACTED] and her parents, [REDACTED] and [REDACTED], in front of the house. The front gate opened onto the corner of Lilita Street and Bullis Road. Deputy Ciscel spoke briefly with the family, then the parents went inside of the house.

The house's front and side lawn were surrounded by a white wrought iron fence with vertical pickets. [REDACTED] remained inside the fence and talked to Deputy Ciscel, who remained on the sidewalk outside of the fence. As they spoke Deputy Ciscel walked north on the sidewalk while [REDACTED] walked along side of him inside the fence to the Bullis Road side of the house. Deputy Ciscel and [REDACTED] stopped approximately twenty feet south of the driveway gate onto Bullis Road. As they spoke [REDACTED] exited the house and opened the driveway gate and beckoned in the direction of Deputy Ciscel and re-entered the house.

The house was separated from an accessory dwelling unit (ADU) located at the rear of the property by a small patio. The view of the patio was shielded from Bullis Road by a tall hedge and solid gate. [REDACTED] pointed the ADU out to Deputy Ciscel and told him that her brother was in the ADU.

[REDACTED] told Deputy Ciscel that her parents had called her earlier in the day because their son (her brother) was drunk, under the influence of drugs and being violent. They asked her to come from her home in Chino Hills in an effort to calm him down.

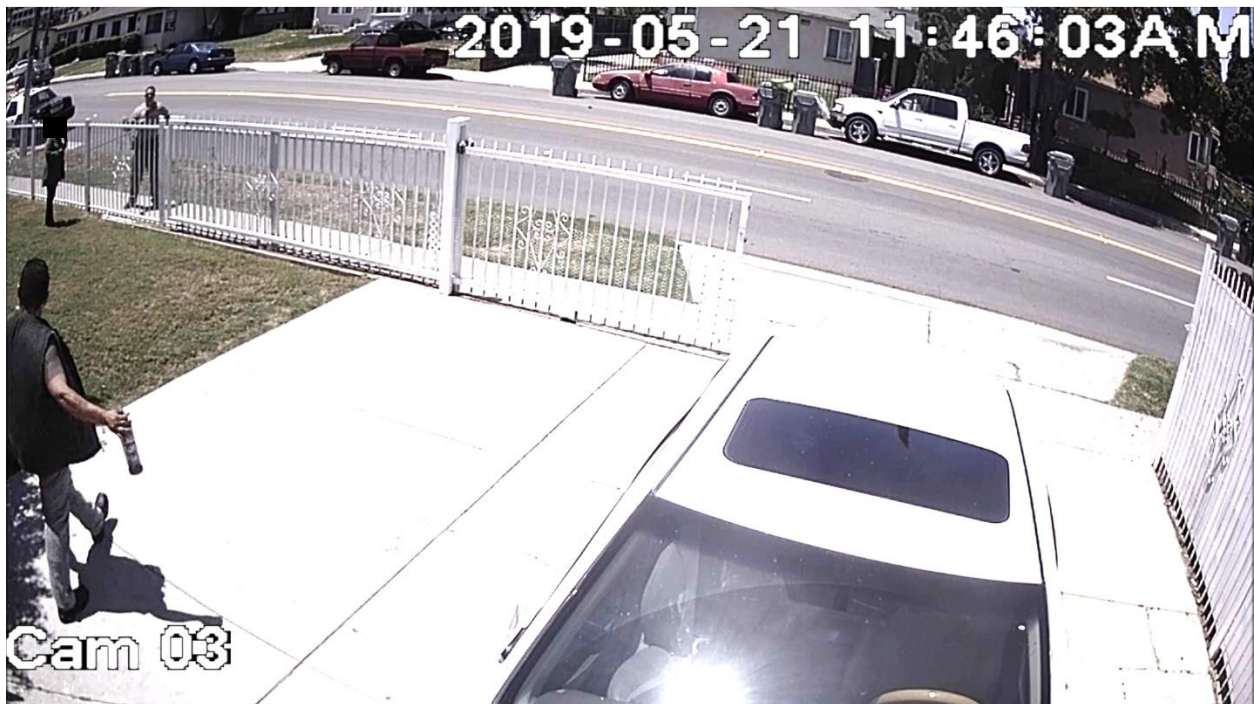
After [REDACTED] arrived, her brother continued with his violent behavior, throwing a large screen computer monitor at her, grabbing her hair and pushing her against a wall. He then became involved in a dispute with her father and threatened him. She convinced him to go to the ADU and then called 9-1-1 and reported his behavior.

[REDACTED] told Deputy Ciscel that her brother had a knife inside of the ADU, but she believed she had concealed it from him. Deputy Ciscel told her he would wait for backup before approaching her brother, since he might be armed. The sound of Mr. Garcia throwing things around inside of the ADU could be heard from where [REDACTED] and Deputy Ciscel stood.



*Photo #1 - Residence and accessory dwelling unit as seen from Bullis Road.*

Deputy Ciscel spoke with [REDACTED] at the fence for approximately two and one-half minutes, during which Deputy Hernandez arrived in a patrol car and parked at the corner of Lilita Street and Bullis Road. Deputy Ciscel communicated with Deputy Hernandez and resumed talking to [REDACTED]. As they spoke, Mr. Garcia came out of the ADU and through the patio gate brandishing a metal long-handled claw hammer in his left hand and a large near-empty glass bottle of vodka in his right.



*Image Capture #1 - Mr. Garcia after exiting the patio gate.*

He came quickly at [REDACTED], who was inside the fence, and Deputy Ciscel, who was still outside the fence on the sidewalk. Mr. Garcia appeared to be extremely agitated.



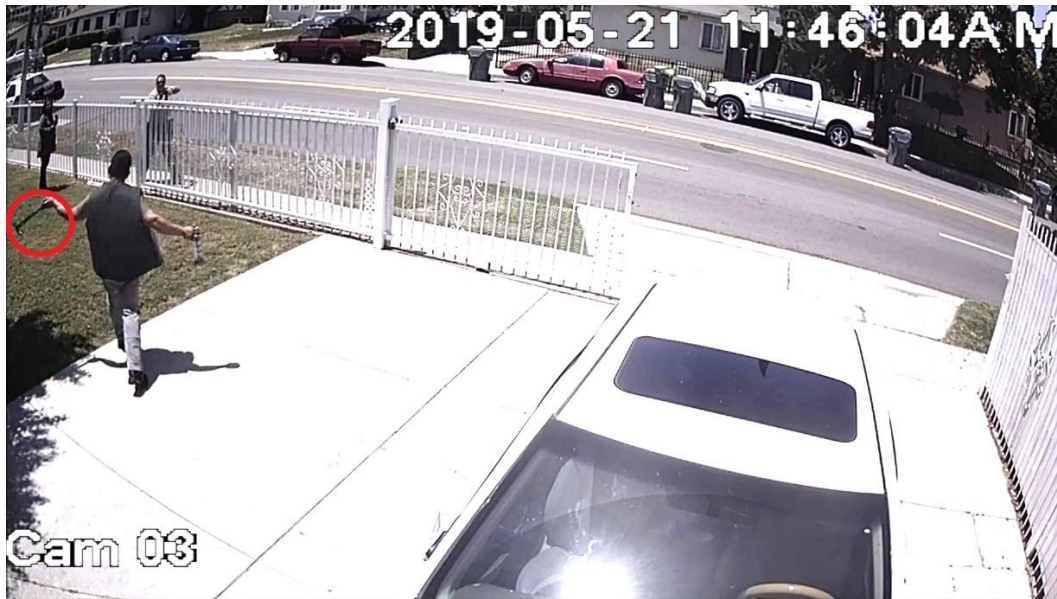


Image Capture #2 - Mr. Garcia approaches Deputy Ciscel and [REDACTED] with hammer in striking position.

Separated by the fence, Deputy Ciscel was unable to immediately assist [REDACTED], but drew his pistol, pointed it at Mr. Garcia and backed away from the fence. While shouting commands to Mr. Garcia that he “stop,” “back away,” and “drop the hammer,” Deputy Ciscel slowly moved toward the open gate.

Distracted from [REDACTED] by Deputy Ciscel, Mr. Garcia walked to the fence toward Deputy Ciscel while [REDACTED] fled south inside the yard. As Mr. Garcia approached the fence, Deputy Ciscel continued to move toward the gate opening.

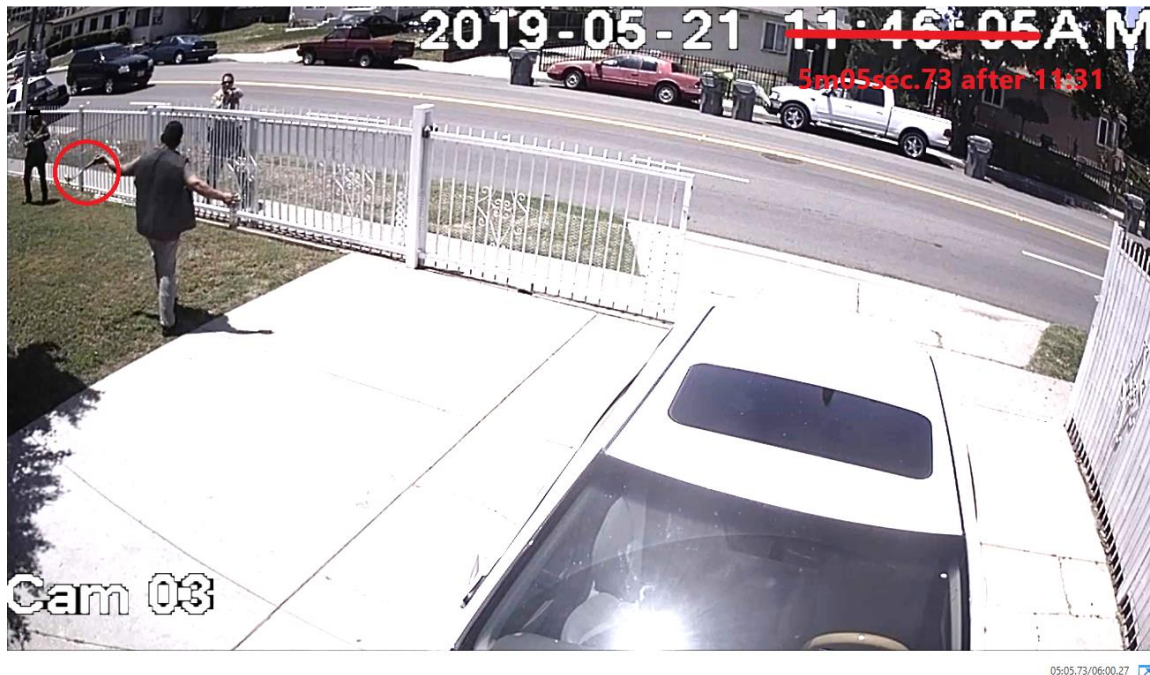
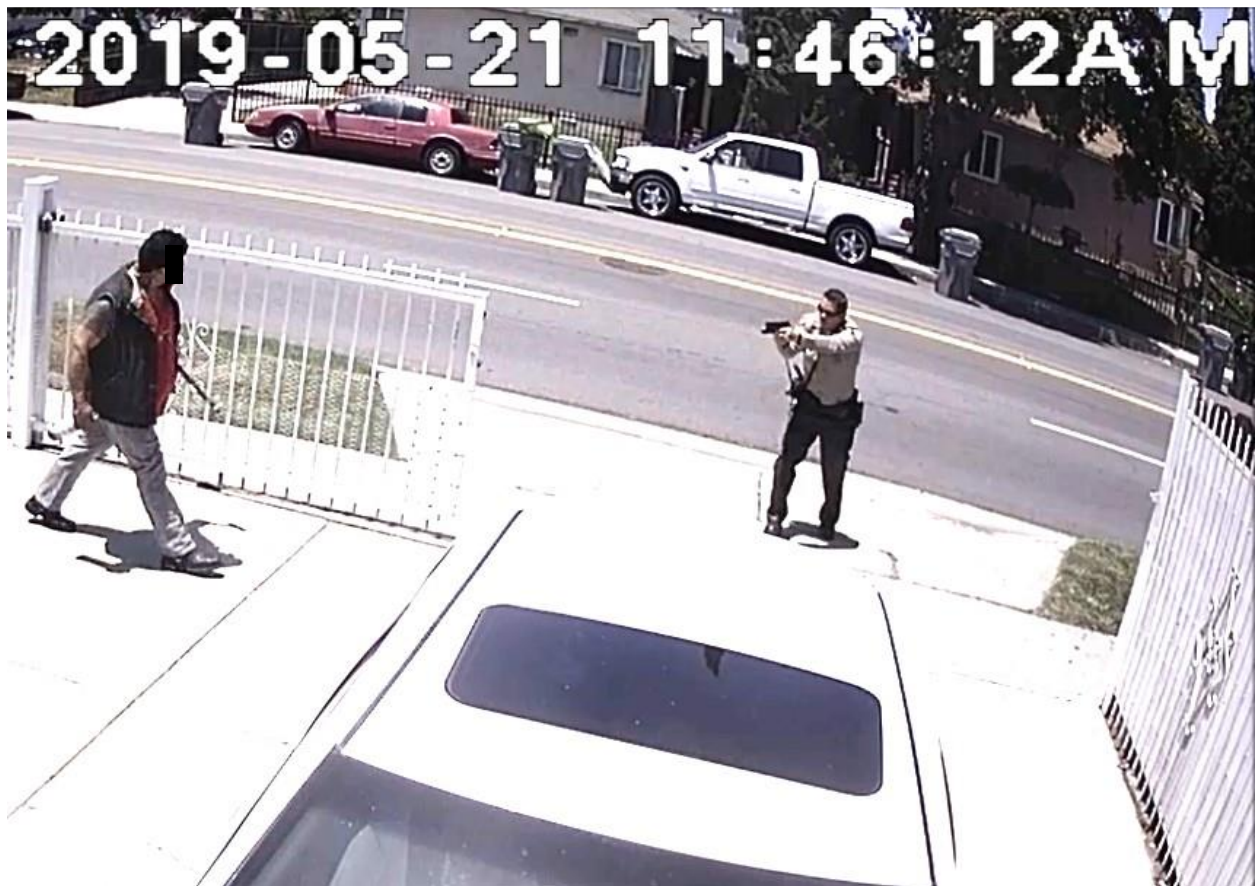


Image Capture #3 – Mr. Garcia turning toward Deputy Ciscel.

When Deputy Ciscel reached the gate opening, Mr. Garcia strode toward him, brandishing the hammer. According to Deputy Ciscel, Mr. Garcia shouted “Fuck you. Fuck you, pig! I’m going to kill you!” [REDACTED] heard her brother shout, “Shoot me then, motherfuckers, shoot me then!”

When Deputy Ciscel reached the driveway gate opening, Mr. Garcia quickly strode toward Deputy Ciscel with the hammer and bottle.



*Image Capture #3 - Mr. Garcia advances toward Deputy Ciscel with hammer still in hand.*

When Mr. Garcia came within ten feet of Deputy Ciscel at the gate opening, Deputy Ciscel fired three shots in rapid succession as he stepped backward. Mr. Garcia flinched but kept moving forward until the third shot.





*Image Capture #4 - First shot fired by Deputy Ciscel at Mr. Garcia.*



*Image Capture #5 - Second shot fired.*



*Image Capture# 6 – Third shot.*

At 12:37 p.m. Deputy Hernandez broadcast that a deputy involved shooting had taken place. Paramedics responded and treated Mr. Garcia at the scene. They transported him to St. Francis Medical Center, where he died at 12:58 p.m.

## **Evidence**

### **Documentary Evidence**

*Audio Recording.* The only contemporaneous audio recording of this event is the recording of the 9-1-1 call made by [REDACTED] to the Los Angeles County Sheriff's Department.

*Video Recording.* The residence had a video security system with six cameras, all of which were recording from the time Deputy Ciscel arrived until the recordings were downloaded by Sheriff's Department investigators. The cameras recorded to a digital video recording device located in the house. Only two cameras captured relevant video. Camera 5 covered the small patio between the ADU and the house. Camera 3 covered the side yard and driveway along Bullis Road from the intersection of Lilita Street to the north property line. The entire shooting was captured by these video recordings.

Sheriff's Department investigators downloaded the video recordings onto an external drive which was booked into evidence. A review of the recordings from cameras 3 and 5 on the external drive revealed discrepancies in the system time stamp displayed in the upper right-hand corner of each



video. Each video commenced with a time stamp of 11:31:00 a.m. and ended with a time stamp of 11:46:59 a.m. However, the Camera 3 recording segment which captured the shooting was six minutes and .27 of a second long. The Camera 5 recording segment which captured the exit of Mr. Garcia from the ADU was six minutes and .10 of a second long. In both video recording segments, at two minutes and one second elapsed time, the time stamp advanced from 11:33:00 a.m. to 11:34:01 a.m. Again, four minutes and one second after the commencement of each video the time stamp advanced from 11:36:00 a.m. to 11:46:01 a.m. However, both recordings appeared to be continuous.

Sheriff's Department investigators noted these discrepancies and removed the digital video recording system from the house for analysis. The Department's investigators were unable to determine why the time of day in the timestamps on the downloaded video recordings advanced.

### **Physical Evidence**

*Hammer.* Sheriff's Department investigators recovered the hammer wielded by Mr. Garcia when he was shot from the driveway which exited onto Bullis Road. According to Stiletto, the manufacturer, this hammer has an 18-inch Titanium handle and a striking force equivalent to a 28-ounce hammerhead.



*Photo #2 - Stiletto TB II 15-ounce Titanium Ripping Claw Hammer with 18 Inch Curved Handle.*

*Bottle.* Sheriff's Department investigators recovered from the driveway which exited onto Bullis Road, the bottle carried by Mr. Garcia. It was a glass bottle of *Smirnoff* brand Vodka. The bottle appears to have broken upon Mr. Garcia's fall as shards from the neck of the bottle were found a short distance from where the bottle came to rest. There was no liquid on the driveway.



*Photo #3 - Bottle carried by Mr. Garcia and neck shards (near placard).*

*Firearms Evidence.* Sheriff's Department investigators recovered three shell casings from the driveway apron on Bullis Road. These casings were compared to exemplars fired from Deputy Ciscel's Smith & Wesson M&P 9 semi-automatic pistol. It was determined that these shell casings had been ejected from the same weapon as the exemplars.



*Photo #4 - Shell casings ejected from Deputy Ciscel's Smith & Wesson M&P 9 semiautomatic pistol.*

Two bullet fragments were recovered from the driveway immediately adjacent to the gate track. These fragments are possibly from the same bullet. Two bullets were recovered by the Deputy Medical Examiner during Mr. Garcia's autopsy and he suffered one through-and-through wound (see discussion in *Post-Mortem Examination*).



Photo #5 Spent bullet (6) and copper cladding (7) recovered in driveway.

### **Evidence from Los Angeles County Medical Examiner-Coroner**

*Postmortem Examination.* An autopsy on Mr. Garcia was performed by the Los Angeles County Medical Examiner-Coroner. The conducting Deputy Medical Examiner reported that Mr. Garcia had three bullet wounds. The order of entry was not reported.

Bullet wound number one entered Mr. Garcia's upper right middle chest and traveled left to right, front to back at a 45-degree angle and upward at a 5-degree angle. This bullet was recovered and placed in evidence. This wound was determined by the deputy medical examiner to be rapidly fatal.

Bullet wound number two entered Mr. Garcia's left middle abdomen, traveled right to left, front to back at a 45-degree angle and downward at a 30-degree angle. This bullet was recovered and placed in evidence. This wound was not considered by the Deputy Medical Examiner to be rapidly fatal.

These two bullets recovered during the autopsy do not appear to have been compared to exemplars and are not referenced in any of the other reports provided to the District Attorney by the Sheriff's Department.

Bullet wound number three entered Mr. Garcia's right posterior arm and exited his right antecubital fossa (interior of arm opposite of elbow). The bullet traveled right to left at a 45-degree angle and downward at a 45-degree angle. Metallic debris but no bullet was recovered by the Deputy Medical Examiner (see evidence items 6 and 7 in *Firearms Evidence*). This wound was not considered by the Deputy Medical Examiner to be rapidly fatal.

*Toxicology Analyses.* Blood samples from Mr. Garcia were screened by the Forensic Science Laboratories of the Los Angeles County Medical Examiner-Coroner for drugs and alcohol. Mr. Garcia's blood was positive for cannabinoids and cocaine. His blood alcohol level was .344g% (legal intoxication is .08g%).



## **Eyewitness Interviews**

There were three eyewitnesses to the encounter between Mr. Garcia and Deputy Ciscel. Each provided Sheriff's Department investigators with voluntary statements.

██████████ was in her home on Bullis Road across the street from the driveway when the shooting occurred. She was interviewed by Homicide detectives. ██████████ understood and spoke only Spanish. A Sheriff's Department deputy translated the questions by the detectives and the answers by ██████████

██████████ was looking out her living room window and saw the police come. She saw that Deputy Ciscel was standing outside of the fence when Mr. Garcia came out. Mr. Garcia had his hands in the air. She couldn't tell whether he had anything in his hands but didn't think so. Mr. Garcia walked, with his hands up, toward Deputy Ciscel, who then shot him four times. Because her door was closed she could not hear whether either Mr. Garcia or Deputy Ciscel said anything.

██████████ is the reporting party and was interviewed by Homicide detectives.

██████████ stated that her parents had asked her to come from her home in Chino Hills to their house because her brother, Mr. Garcia, was intoxicated, on drugs, screaming and yelling and being aggressive and violent.

When ██████████ arrived, Mr. Garcia was inside of the house with her parents. He was very angry. He was screaming, pounding on the table, slamming doors and calling his parents names.

██████████ succeeded in escorting Mr. Garcia out of the house and into his room into the ADU behind the house. She tried to calm him but he continued being angry and talking nonsense. After a while talking to Mr. Garcia, ██████████ left the ADU went back inside the house. Mr. Garcia followed her and continued yelling at her father inside the house for making him [Mr. Garcia] smash the phone because the father had threatened to call the police.

██████████ was able to get Mr. Garcia out of the house again by threatening to get "all of his stuff" out of the ADU and throw it away. She left the house for the ADU. Mr. Garcia followed her, grabbed her by the hair and pushed her up against the wall. He told her she'd better not, or he'd "fuck" her up. Mr. Garcia raised his fist like he wanted to hit her. Her father came out and told Mr. Garcia to leave her alone. Her mother was screaming.

██████████ told her parents to ignore Mr. Garcia and coaxed him again into his ADU. There she told Mr. Garcia that his drinking, drug use and the material he viewed on his computer were causing him problems. He picked up the monitor and threw it out the door, smashing it.

██████████ went back into the house. Fearful of what her brother might do, she called 9-1-1.

The police did not come quickly and Mr. Garcia came back into the house. ██████████ again called 9-1-1. While she was on the phone with the 9-1-1 dispatcher Deputy Ciscel arrived. ██████████ told Mr. Garcia to return to his room and she went outside with her parents and talked briefly with the

deputy in front of the house. Her parents went back into the house and she and Deputy Ciscel walked to the side yard.

While [REDACTED] was talking with Deputy Ciscel, Mr. Garcia could be heard shouting and throwing things around while he was in the ADU. Deputy Ciscel told [REDACTED] that he would have to wait for backup before he approached Mr. Garcia.

While they stood talking, Mr. Garcia came out of the ADU and walked out through the gate. He was brandishing a “stick” with a hammer head on it in his left hand and in his right hand a bottle. He raised both up and shouted, “Shoot me then, motherfuckers, shoot me then!” Deputy Ciscel moved away from her toward the driveway.

[REDACTED] screamed repeatedly “Pablo, no, stop!” while Mr. Garcia walked toward Deputy Ciscel waving the hammer and the bottle. Deputy Ciscel commanded that Mr. Garcia “Get away, stop, move away!” but Mr. Garcia did not. Instead, he continued toward Deputy Ciscel and that was when he was shot. [REDACTED] ran into the house.

*Christian Hernandez (Deputy).* Deputy Hernandez was the second deputy to arrive. He armed himself with a less-lethal TASER brand device and walked on the east sidewalk of Bullis Road toward Deputy Ciscel. He saw Mr. Garcia wielding a large hammer in his right hand and a bottle in his left hand (the video recording shows Mr. Garcia with the hammer in his left hand and the bottle in his right).

Deputy Hernandez reported that as Mr. Garcia walked toward Deputy Ciscel he said “Fuck you. Fuck you, pig! I’m going to kill you!” Deputy Ciscel gave Mr. Garcia commands to put the weapon down and to get back, but Mr. Garcia did not comply. Deputy Hernandez then observed Deputy Ciscel fire three shots. Mr. Garcia fell to the ground and Deputy Hernandez called for emergency medical response.

*Brian Ciscel (Deputy).* Deputy Ciscel was interviewed by Homicide detectives. He was the first deputy to arrive at the scene. He contacted three people in front of the residence who appeared to be very distressed. Two of them went back into the house after he arrived while the third, [REDACTED], remained outside and talked to him.

Deputy Ciscel saw that [REDACTED] was frightened as she spoke to him. She told him Mr. Garcia was acting erratically throwing things, threatening her parents, and threatening her. She told him Mr. Garcia was inside of the ADU.

Deputy Ciscel asked [REDACTED] if Mr. Garcia was alone, did he have any weapons and had he hurt anyone. [REDACTED] said he was alone, that there was a knife in the ADU. She said she had hidden it and did not think he could find it, but that it was in the ADU. She also told Deputy Ciscel that Mr. Garcia had pulled her hair and threatened her. Deputy Ciscel told her he was going to wait for his partner to arrive before he approached Mr. Garcia.

Deputy Ciscel continued to speak with [REDACTED], asking her what the desired outcome for her would be. As they spoke, Deputy Hernandez arrived. Then Deputy Ciscel saw Mr. Garcia open the gate in the patio area and come out holding a large hammer and a bottle. Mr. Garcia walked toward [REDACTED]

looking very angry. Deputy Ciscel told investigators that as Mr. Garcia approached [REDACTED], he exclaimed “You fucking bitch!” Deputy Ciscel was separated from Mr. Garcia and [REDACTED] by the wrought iron fence so he went toward the driveway so he could get around the fence while telling Mr. Garcia “Drop the hammer!” That’s when Mr. Garcia said “You fucking pig! I’m going to kill you!” raised his arms and started walking toward Deputy Ciscel. Deputy Ciscel repeated “Drop the hammer! Drop the hammer!” but Mr. Garcia continued walking to him. Deputy Ciscel was fearful that Mr. Garcia was going to attack him within the hammer.

Deputy Ciscel maintained eye contact with Mr. Garcia, who raised the hammer and continued walking. When he came within five to ten feet Deputy Ciscel fired two rounds. Mr. Garcia still moved forward. Deputy Ciscel fired one more round and Mr. Garcia went to the ground.

Deputy Ciscel approached Mr. Garcia, kicked away the hammer and tried to handcuff him. Mr. Garcia was still strong enough to resist and Deputy Hernandez came over to assist. Deputy Ciscel told investigators that while handcuffing Mr. Garcia, Mr. Garcia looked him in the eye and said “That’s what I wanted, I wanted you to kill me.”

## LEGAL ANALYSIS

### The Law

Homicide is the killing of one human by another.<sup>1</sup> Pursuant to California statute, homicide is not unlawful if the homicide is justifiable.<sup>2</sup> California statute provides that homicide is justifiable when committed by a public officer who is lawfully attempting to detain a person.<sup>3</sup>

When the issue of justification is raised by the evidence the People have the burden of proving beyond a reasonable doubt that the homicide was not justifiable.<sup>4</sup>

The issue of justification is raised by the legally relevant evidence in this case. The video recording depicts an armed Mr. Garcia advancing toward [REDACTED], and Deputy Ciscel and continuing to pursue Deputy Ciscel as Deputy Ciscel distracted Mr. Garcia away from [REDACTED].

Penal Code section 196, (as enacted in 1872 and in effect in 2019),<sup>5</sup> applies to public officers acting lawfully under color of authority. The plain language of this statute reads:

*Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either—*

- 1. In obedience to any judgment of a competent court; or,*
- 2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,*

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<sup>1</sup> *People v. Antick* (1975) 15 Cal. 3d 79, 87 (reversed on other grounds).

<sup>2</sup> California Penal Code section 199.

<sup>3</sup> Penal Code sections 196 and 197.

<sup>4</sup> Penal Code section 189.5; *People v. Moye* (2009) 47 Cal.4th 537; *People v. Banks* (1976) 67 Cal.App.3d 379, 384.

<sup>5</sup> Penal Code section 196 was amended effective January 1, 2020.



3. *When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.*

On its face Penal Code section 196 authorizes the use of deadly force in apprehending a felony suspect. California courts have subsequently limited the circumstances in which the use of deadly force by public officers is a justification for homicide.<sup>6</sup> California case law established that the test under the 2019 Penal Code section 196 for determining whether a homicide by a public officer while performing their lawful duty was justifiable was whether the circumstances "reasonably create[d] a fear of death or serious bodily harm to the officer or to another."<sup>7</sup>

Under California law, a hammer is a deadly weapon when used in an attack.<sup>8</sup> California courts have specifically stated that an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack. In these circumstances, the Courts cannot ask an officer to hold fire in order to ascertain whether the suspect will, in fact, injure or murder the officer."<sup>9</sup>

Under Penal Code section 196 the use of deadly force by a public officer 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."<sup>10</sup>

The burden on the prosecution in a criminal case is to establish beyond a reasonable doubt that, based upon the facts known to Deputy Ciscel, a reasonable person in the same situation *could not* have harbored the beliefs held by Deputy Ciscel.<sup>11</sup>

## Analysis

Deputy Ciscel was a Los Angeles County Sheriff's Department deputy. It was in his capacity as a Deputy Sheriff that he responded to the home on Lilita Street where he was confronted by Mr. Garcia.

In the course of Deputy Ciscel's official investigation, Mr. Garcia came toward [REDACTED], and Deputy Ciscel armed with a hammer and holding a near-empty bottle of vodka. Deputy Ciscel was being confronted by a person who had been reported to him as being drunk, under the influence of drugs, angry, aggressive, threatening, violent and assaultive. Mr. Garcia's presentation and demeanor were consistent with the reports. Further, Mr. Garcia refused to heed his sister's pleas that he stop and defied Deputy Ciscel's commands that he stop, put the hammer down and back away. Mr. Garcia continued to advance and shout defiantly in the face of Deputy Ciscel's display of deadly force.

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<sup>6</sup> *People v. Ceballos* (1974) 12 Cal.3d 470.

<sup>7</sup> *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333; accord, *Reynolds v. County of San Diego* (1994) 858 F.Supp. 1064, 1072.-1075; *People v. Rivera* (1992) 8 Cal. App. 4th 1000, 1007.

<sup>8</sup> *In re Bartholomew D.* (2005) 131 Cal.App.4th 317, 323.

<sup>9</sup> *Martinez v. County of L.A.* (1996) 47 Cal.App.4th 334, citing *Reynolds v. County of San Diego*, 858 F. Supp. at 1074-1075.

<sup>10</sup> 1 CalCrim 507 (2019), Judicial Council of California; see *People v. Martin* (1985) 168 Cal.App.3d 1111, 1124.

<sup>11</sup> *People v. Merkouris* (1956) 46 Cal.2d 540, 561-562.

Under these circumstances Deputy Ciscel's belief that he would be killed or injured by Mr. Garcia was a reasonable belief. The use of deadly force by Deputy Ciscel was a reasonable response.

## **CONCLUSION**

The direct and the circumstantial evidence here and the inferences which can be drawn from that evidence establish that the homicide of Mr. Garcia by Deputy Ciscel was not unlawful.