

**Non-Fatal Shooting Officer Involved Shooting of
Rafael Salazar**

Los Angeles County Sheriff's Department

Deputy Jaime Gallegos #628507

Deputy Carlos Gomez #645631

J.S.I.D. File #22-0279



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

September 19, 2024

MEMORANDUM

TO: ACTING CAPTAIN ARTURO R. SPENCER
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: Non-Fatal Officer Involved Shooting of Rafael Salazar
J.S.I.D. File # 22-0279
L.A.S.D. File #022-10756-2871-051

DATE: September 19, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 16, 2022, non-fatal shooting of Rafael Salazar by Los Angeles County Sheriff's Department (LASD) Deputies Jaime Gallegos (Gallegos) and Carlos Gomez (Gomez). We have concluded that the deputies acted in lawful self-defense at the time they fired their service weapons, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this non-fatal officer involved shooting on August 16, 2022, at approximately 2:57 a.m. The District Attorney Response Team responded to the location and was provided a briefing and walk-through of the scene.

The following analysis is based on reports, radio transmissions, 9-1-1 calls, recorded interviews, photographs, medical records, body-worn camera video (BWV), and surveillance video submitted to this office by LASD Homicide Bureau Sergeant Vincent Choi and Detective Steve Blagg on December 21, 2022. Gallegos and Gomez gave voluntary statements, which were considered in the analysis.

INTRODUCTION

On August 16, 2022, LASD Compton Station deputies were dispatched to the Star Mobile Home Park in Gardena regarding a family disturbance call. The 9-1-1 caller stated that her father was at her residence violating the restraining order.

When Deputy Jaime Gallegos (Gallegos) and his partner Deputy Carlos Gomez (Gomez) arrived at the location, they observed a woman (later identified as [REDACTED]) running out of a mobile home screaming. The deputies saw a man, later identified as 41-year-old Rafael Salazar (Salazar), standing on the raised porch of the mobile home firing a handgun at [REDACTED], as she ran from the

mobile home. ■■■ was struck by a round in her lower leg as she ran towards the deputies seated in their patrol car. While Salazar stood on the porch aiming his handgun at the deputies, the deputies fired multiple rounds at Salazar, hitting Salazar in the lower leg.

Salazar fled inside the mobile home, which was still occupied by ■■■'s children, including her minor son. Additional deputies responded to the location and set up a containment perimeter around the mobile home. Salazar surrendered a short time later and received treatment for non-life-threatening gunshot wounds to his right calf. Forensic investigators found Salazar's semi-automatic handgun inside a laundry basket in the residence.

FACTUAL ANALYSIS

On August 2, 2022, ■■■ obtained a domestic violence restraining order against Salazar, her domestic partner, and the father of their two children. The restraining order called for a 100-yard stay away from ■■■, her work location, and her mobile home residence.

On August 16, 2022, at 12:27 a.m., ■■■'s daughter, ■■■, called 9-1-1 and told the operator that her father was outside their mobile home, violating the restraining order. LASD dispatch relayed the information to the deputies that the "Informant's mom has a restraining order against dad [and he is] outside."

On September 29, 2022, Gallegos and Gomez gave voluntary statements to investigators. Gomez told the investigators that they responded to the mobile home park at approximately 12:29 a.m. Gallegos was driving the patrol car, and Gomez was seated in the front passenger seat.¹

Gomez stated that Gallegos drove into the mobile home park without lights and sirens, "[T]wo to three miles per hour." When they reached the end of the mobile home park, Gomez saw a female run past the patrol car's front passenger side door. Gomez stated he observed that the woman was "[H]ysterically, crying . . . and screaming" while running toward his vehicle.

Gallegos stated he was still seated in the patrol car when he saw a woman crying and screaming run past the rear passenger side door. Gomez stated Gallegos was "inching" the patrol car forward when Gomez looked towards the mobile home and saw Salazar on the enclosed porch of the mobile home, reaching over the lattice fence and pointing a firearm at them. Both Gomez and Gallegos told investigators that they saw the "muzzle flash" of Salazar's handgun and heard a "pop" when Salazar fired it in their direction. Gomez believed that Salazar was shooting at them. Gallegos estimated that Salazar fired his handgun at them one to two seconds after their arrival.

After he saw the muzzle flash and heard the pop, Gallegos put the patrol car into park, "[E]ight to 12 feet from the mobile home," and exited. Gallegos saw that Salazar was still pointing the

¹ Both deputies were dressed in "Class A" uniforms with LASD patches on their shoulders and badges and name plates on their chests. Gallegos was driving a marked black-and-white patrol car equipped with an overhead light bar.

gun at them, and he feared that Salazar was going to shoot at them again. Gallegos exited the vehicle and fired two rounds from his service weapon toward the porch.²



Figure 1: Gomez's BWV after he fired his service weapon and exited the car, depicting the mobile home and lattice enclosed porch where Salazar fired his handgun.

Seconds after Gomez saw the muzzle flash, while still in the patrol car, Gomez unholstered his service weapon and fired four shots toward Salazar on the porch.

BWV depicted Gomez seated in the patrol car with his arms extended as he fired his service weapon through the open window. Gomez exited the vehicle and saw ■■■. sitting behind the patrol car, crying. ■■■. told Gallegos that her children, ■■■ (19 years old) and U.S. (13 years old) were inside the mobile home. Gomez exited the patrol car (*Figure 1*) and moved ■■■. behind the driver's side of the patrol car for her safety.

Gomez told investigators when he fired back at Salazar, Salazar retreated behind the enclosed porch. BWV depicts Salazar surrendering approximately eight minutes after he shot at the deputies. Gallegos stated that Salazar exited the residence and told the deputies, "I'm sorry. I fucked up." When deputies conducted a protective sweep of the mobile home, Gomez told investigators that they found ■■■. inside, crying and holding onto her brother. ■■■. told Gallegos

² The entire incident was not captured on BWV because the deputies were still seated in the patrol car when Salazar shot in their direction. The onset time of Gallegos' BWV is 00:34:51. Gallegos' BWV camera depicted the incident after Gallegos fired his service weapon. The onset time for Gomez's BWV is 00:33:58. Gomez's BWV depicts him firing his service weapon from a seated position inside the patrol car.

her dad threw something in her room. Criminalists later searched the area and found Salazar's gun in a laundry basket.

Civilian Witness Statements

■

While ■ was in the ambulance, she told Deputy Mejia (Mejia) that Salazar did not respect the restraining order and came over to her home that evening. When Salazar began arguing with ■, her daughter ■ called 9-1-1. ■ stepped outside the mobile home to get away from Salazar when deputies arrived. As she "walked" over to talk to them, she heard a gunshot and felt pain in her leg. ■ stated that after she fell to the ground, the deputies "began to shoot." ■ told Mejia that she believes Salazar does "crystal" (methamphetamine).

■ was treated by Dr. Buryles at Harbor General Hospital. ■ had one "through and through" gunshot wound, which entered and exited her inner left calf. She was treated and discharged from the hospital later that afternoon.

■ told investigators that on August 6, 2022, ■'s son told her that Salazar showed him a firearm. Several days later, on August 12, ■ received a phone call from her sister, ■. ■ told ■ that Salazar came to her home and shot and killed the family dog. ■ told ■ that Salazar shot into ■'s son's unoccupied car and then ran away.³

On August 16, when ■ arrived home from work at approximately 11:20 p.m., Salazar began arguing with her, accusing her of being a "prostitute" and [having sexual relations] with other men. ■ told investigators they argued for about 20 minutes, when Salazar stepped outside to turn off his truck. While he was out of the home, ■ told ■ to call the police.

■ told investigators that she was upset and wanted to distance herself from Salazar, so she went outside. When she walked outside the trailer, she saw the deputies. The deputies were still seated in their patrol car when she ran towards the deputies to tell them about the restraining order. When she was approximately 10-12 feet away from her residence, she felt a "hot" painful injury to her left leg that prevented her from running. ■ estimated that Salazar shot her within "seconds" after she exited the residence and ran for the deputies.

■ realized she had been shot when she saw the deputies draw their weapons. ■ told them, "My kids are in there!" ■ stated that the deputies moved her behind the patrol car. While she was behind the patrol car, she heard five gunshots, but she could not see what happened.

Three days before the incident, ■ stated that Salazar came to her house under the influence and asked her, "Do you want a bullet, or do you want me to take one (a bullet)?" ■ believes that Salazar planned this incident and wanted the officers to shoot and kill him.

³ The incident occurred on August 11, 2022, at 3:35 a.m. and was reported to Los Angeles Police Department, report number 221815657. ■ told LASD investigators that she saw Salazar with a gun when he shot at their home, shot her family pet, and shot her son's car.

On August 16, 2022, at 12:27 a.m., ■■■ called 9-1-1 and told the dispatch operator that her dad was violating the restraining order, outside their mobile home. The operator asked if Salazar carried any weapons. ■■■. told the operator, “I think he does.”

■■■. was inside the mobile home when her mother went outside. She heard four to five gunshots. ■■■. said her father ran back inside the residence and threw an unknown object toward a laundry basket in her room. ■■■. said Salazar told ■■■. that he had shot her mother in front of the police but did not know if she was hit [with a bullet]. Salazar apologized to ■■■. for shooting her mother. Salazar was in ■■■’s room for approximately three minutes before surrendering to the police. ■■■. believed Salazar had thrown a small dark gray gun into the laundry basket.

Rafael Salazar

Deputy Leonel Mejia Vasquez (Vasquez) escorted Salazar to the hospital for treatment. At the hospital, when Vasquez asked for Salazar’s name, Salazar told Vasquez to tell the deputies that he was sorry. Salazar told Vasquez that he left the “pistola” (Spanish for gun) in his daughter’s room and that he said goodbye to his daughter. Salazar told Vasquez that the gun was plastic and said, “la dispare” (Spanish for “I shot it”).

Investigators interviewed Salazar after his release from the hospital. Salazar said that on the night of the incident, he fired his gun at the ground to scare ■■■. because he believed ■■■. was dating a (sheriff’s) deputy and thought she was running outside to meet someone. Salazar admitted receiving a copy of the restraining order and understanding what it meant.

Salazar stated he had been using methamphetamine regularly for two months and smoked it daily. Salazar told the investigators he usually takes “five hits” of methamphetamine every three to four hours each day.

Forensic Evidence

Firearm Analysis

Criminalists processing the scene found Salazar’s handgun inside a laundry basket located in ■■■’s bedroom. (*Figure 2*) The magazine was empty, but there was a live misfired 9mm round in the chamber of the gun. (*Figure 3*)

Additionally, LASD forensic investigators collected and booked two fired cartridge cases, located around the mobile home porch.

An LASD Forensic firearm analyst inspected the handgun used by Salazar and identified it as an unserialized “Polymer 80, model 940SC, 3.43” with a 10-round capacity magazine.⁴

⁴ Unserialized handguns are often referred to as “ghost guns” because they do not have serial numbers or other traceable markings and are generally of unknown origin or ownership.



Figure 2: Salazar's Polymer 80, model 940SC, with the misfired round, circled in yellow.



Figure 3: Salazar's Polymer 80, model 940SC, with the magazine removed.

Medical Records

On August 16, 2022, Salazar was treated at Harbor UCLA Medical Center. According to the medical record notes, Salazar was treated for two gunshot wounds to his right calf (medial and

lateral aspects). Salazar was treated for “soft tissue” injuries and released later that day to LASD deputies for booking.

LEGAL ANALYSIS

A peace officer is justified in using deadly force 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 another person; 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) &(B).

Deadly force shall be used “only when necessary, in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“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).

When considering the totality of the circumstances, 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, are taken into consideration. Penal Code section 835a(a)(4) and (e)(3). 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 section 835a(a)(4).

In this matter, the evidence shows that Salazar argued with ■■■. and accused her of sleeping with other men. When ■■■. walked outside her home, Salazar followed her out with a handgun. Even though Gallegos and Gomez had arrived in a marked black and white patrol car, their presence at the location did not deter Salazar from aiming at ■■■. and shooting at her as she ran in the dark towards the deputies.

Gallegos and Gomez both saw the muzzle flash and heard the “pop” sound when Salazar shot his handgun in their direction. They observed that after the muzzle flash and the “pop” noise, Salazar continued to point his handgun toward the deputies as ■■■. ran screaming in their direction. The evidence supports Gallegos and Gomez’ belief that Salazar was firing at them as they sat in the patrol car. In response to Salazar firing his handgun in their direction, Gallegos and Gomez fired their service weapons, reasonably believing that their lives and the life of ■■■ were in danger when Salazar shot at ■■■.

Based on the totality of the circumstances, the facts support Gallegos and Gomez's reasonable fear and belief that deadly force was necessary to defend themselves and others against the imminent threat of death or serious bodily injury.

CONCLUSION

For the foregoing reasons, we find that Deputies Gallegos and Gomez acted lawfully in self-defense and defense of others when they used deadly force against Rafael Salazar.