

**Non-Fatal Officer Involved Shooting of Juan Lopez
California Highway Patrol**

Officer Samuel Oregel, #21889

J.S.I.D. File #23-0097



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District Attorney

Justice System Integrity Division

October 1, 2024

MEMORANDUM

TO: CHIEF CHRIS MARGARIS
California Highway Patrol
Southern Division – Major Crimes
411 North Central Avenue
Glendale, CA 91203

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

SUBJECT: Non-Fatal Officer Involved Shooting of Juan Lopez
J.S.I.D. File #23-0097
C.H.P. File #MCU-120-509-23

DATE: October 1, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney’s Office has completed its review of the March 30, 2023, non-fatal shooting of Juan Lopez by California Highway Patrol (CHP) Officer Samuel Oregel. We have determined that Officer Oregel acted in lawful self-defense when he fired his weapon.

The District Attorney’s Command Center was notified of this shooting on March 30, 2023, at approximately 9:19 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by CHP Sergeant Matt Lentz.

The following analysis is based on reports and other materials, including 9-1-1 calls, radio communications, recorded interviews, a CHP dash camera video, and photographs submitted by CHP’s Southern Division, Major Crimes Unit on February 1, 2024. The voluntary statement of Oregel was considered in this analysis.

FACTUAL ANALYSIS

On March 30, 2023, CHP Officer Oregel was assigned to the West Los Angeles Office. He was dressed in a standard CHP uniform and driving a distinctively marked police car. Oregel was not equipped with a body-worn camera.

At approximately 7:14 p.m., three callers reported a “homeless tent” and adjoining brushfire off the northbound on-ramp to the Interstate 405 at Rosecrans Avenue. At approximately 7:18 p.m., Oregel arrived at the location and broadcasted on the radio a “pedestrian,” later identified as Lopez, had started a fire. At approximately 7:23 p.m., Oregel radioed that the pedestrian was “throwing bricks.” Shortly thereafter, Oregel radioed, in a somewhat unintelligible radio communication, that Lopez had something in his hands. At approximately 7:25 p.m., Oregel radioed, “Shots fired! Shots fired!”

Oregel fired five rounds from his service weapon at Lopez – five expended cartridge casings were retrieved from the scene. Nearby Hawthorne Police Department (HPD) officers immediately responded to the scene and provided first aid to Lopez. HPD officers were equipped with body-worn cameras, which captured Lopez handcuffed on the ground with a fire nearby. Lopez remained conscious and responsive at the scene. Lopez was transported to the hospital and survived his injuries – four gunshot wounds to the lower back and pelvis area. Lopez was cleared for booking the same evening.



HPD officer’s body-worn camera captures Oregel standing above Lopez, who was handcuffed on the grassy encampment area near the fire.

Statement of Officer Oregel

On April 3, 2023, investigators interviewed Oregel. The interview was recorded. Oregel stated that he responded to a radio call regarding a fire reported on the right shoulder of the Rosecrans Avenue on-ramp to the Interstate 405. He parked his patrol car along the shoulder and walked up the embankment to a grassy area next to a wall. Oregel observed Lopez “crouched” near the fire and advised Lopez to extinguish it. Lopez initially indicated he understood and agreed. However, Lopez shuffled some items around and began to walk away from the fire. Oregel started kicking dirt on the fire to help extinguish it, and Lopez became agitated – he yelled and became upset. Lopez picked up a “broken” brick and immediately “threw it at [Oregel]” from approximately 20 to 25 feet away. The brick missed Oregel and landed near the fire.



Broken brick near the extinguished fire.

Lopez started to move towards Oregel and grabbed a “two by four,” a piece of wood approximately two inches by four inches and the length of a bat. Concerned about his safety, Oregel drew his service weapon and told Lopez to drop the piece of wood. He also told Lopez that he was placing him under arrest. Lopez walked past the fire and continued toward Oregel to within approximately 10 feet. Oregel stated he backed up until he no longer felt safe because he was at the top of the steep embankment. Oregel told Lopez several times to drop it, and “pleaded” with him not advance any further otherwise he’d have to shoot him. Lopez continued to approach Oregel and repeated several times for Oregel to go ahead and shoot him. Lopez raised the piece of wood over his head and Oregel discharged his weapon approximately four times at Lopez’s “center mass.” The dash camera video, or MVARs, from Oregel’s police car appears to capture the silhouette of the raised piece of wood on the edge of the frame.



MVARs captures object (circled) raised near the time of the officer involved shooting.



HPD officer's body-worn camera showing Lopez in handcuffs near the encampment and the piece of wood Lopez retrieved as identified by Oregel.

Statement of Lopez

On March 31, 2023, several hours after the shooting, investigators interviewed Lopez. The interview was recorded, and investigators admonished Lopez of his *Miranda* rights. Lopez stated that he was homeless and a methamphetamine user. He started a fire that got a "little big" at his camp adjoining the freeway, and a police officer arrived and asked him to extinguish the fire. Lopez stated he had smoked "crystal" approximately three hours before the officer had arrived, but that he was not under the influence.

Lopez stated that he obtained a brick to put out the fire, but then changed his mind and told the officer that he would put out the fire later when he was ready. Lopez was annoyed and angry at the officer. Lopez wanted to throw the brick at the officer but changed his mind and threw it at the fire.

Lopez also stated that he retrieved a piece of wood to extinguish the fire. He walked toward the officer with the piece of wood in his hands. The officer warned him that he was going to shoot him if he took another step toward him. Lopez took another step toward the officer anyway because he believed it was illogical that the officer would shoot him. Lopez stated that he believed the officer thought that Lopez was going to hit him seconds after he threw the brick down. The officer shot him approximately five times. He stated he did not have anything in his hands when the officer shot him from approximately 12 feet away.

Criminal Charges

Lopez was charged in case number SA108119 with several counts relating to the instant circumstances. In August 2023, he was sentenced on Counts 3 and 4, the crimes of felony Resisting an Executive Officer in violation of Penal Code section 69 and felony Recklessly

Causing a Fire in violation of Penal Code section 452(c). The court placed Lopez on two years of felony probation, and he was required to serve 302 days in the county jail.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer is justified in using deadly force upon another person only 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. A peace officer who attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force. Penal Code § 835a(b), (c)(1)(A), and (d).

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 § 835a(e)(2). “Totality of circumstances” means 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. 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 § 835a(a)(4) and (e)(3).

Here, Oregel and Lopez gave similar accounts of what transpired before the officer involved shooting. Lopez denied attempting to physically harm Oregel but verified that he armed himself with a brick and threw it in Oregel’s direction. He also verified that he picked up a piece of wood as he advanced toward Oregel despite repeated warnings to stop. Regardless of Lopez’s true intentions, the available evidence supports Oregel’s belief that Lopez assaulted him with a brick and a piece of wood. Lopez’s words and actions reasonably indicated he had the present ability to injure Oregel. Although he denied he had anything in his hands when Oregel shot him, Lopez stated that Oregel warned him not to advance any further or else he would have to shoot him. Lopez admittedly did not believe Oregel and continued advancing toward him. As Lopez advanced, Oregel retreated until he reached the edge of the embankment where he had no further room to retreat without potentially causing himself great bodily injury. Oregel’s attempts at retreat further bolster his stated belief that Lopez intended to, and had the present ability to, cause Oregel harm. The totality of the circumstances support Oregel’s stated belief that he was in imminent danger of great bodily injury with the piece of wood.

CONCLUSION

Based on the totality of circumstances, the evidence supports a reasonable belief by Officer Oregel that deadly force was necessary to defend against an imminent threat of death or serious bodily injury.