

Fatal Officer Involved Shooting of Jonathan Magana
Los Angeles Police Department

Officer Steven Jenkins #26806
Officer Daniel Cota #35677
Officer Steven Wills #33368
Officer Alan Ramirez #33872
Officer Christopher Jones #39399
Officer Ruben Chavez #38836
Officer Adrian Bonilla #39681

J.S.I.D. File #23-0075



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

October 1, 2024

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
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 Jonathan Magana
J.S.I.D. File #23-0075
L.A.P.D. File #F011-23

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 8, 2023, fatal shooting of Jonathan Magana involving Los Angeles Police Department (LAPD) Officers Steven Jenkins, Daniel Cota, Steven Wills, Alan Ramirez, Christopher Jones, Ruben Chavez, and Adrian Bonilla. We have concluded that the officers acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 9:20 p.m. on March 8, 2023. The District Attorney Response Team (DART) responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, crime scene diagrams, photographic and video evidence, including body worn video, and witness statements submitted to this office by LAPD Force Investigation Division Detective Mi Yeon Kim on July 3, 2024. Compelled statements of the above-listed officers were not considered in this review. Compelled statements of other officers were considered in this review.

FACTUAL ANALYSIS

██████████ Reports Extortion by Magana

In January 2023, ██████████ the owner of the property located at ██████████ in Los Angeles, went to the LAPD Hollenbeck Community Police Station to report that a squatter, later identified as Magana, was living in a storage area of her apartment complex and refused to leave. On March 7, 2023, ██████████ again went to LAPD Hollenbeck to make a report that Magana had extorted her on February 7, 2023. ██████████ said Magana appeared at her office and displayed a firearm while blocking the exit. Magana demanded that she pay him \$3,000. ██████████ wrote

Magana a check, and Magana subsequently cashed it. [REDACTED] positively identified Magana in a photographic lineup, and investigators prepared to arrest Magana. On prior occasions, Magana had provided the address of [REDACTED] Los Angeles, as his address of residence.

Background of Magana

Prior to Magana's alleged extortion of [REDACTED] warrants were outstanding for his arrest. [REDACTED]

Search for Magana

Magana was a parolee at large with an outstanding felony warrant and the subject of an armed extortion investigation. Aware of both the extortion of [REDACTED] and Magana's other outstanding warrants, on March 8, 2023, LAPD officers and detectives formulated a plan to locate and arrest Magana. Hollenbeck Area robbery detectives enlisted the help of the Hollenbeck Area's Narcotics Enforcement Detail (NED) and Gang Impact Team (GIT) to conduct surveillance on Magana's residence. Uniformed Gang Enforcement Detail (GED) officers would be requested if Magana was located. At approximately 4:05 p.m., two detectives driving south on [REDACTED] from [REDACTED] spotted Magana walking in the east-west alley to the rear of [REDACTED]. Magana appeared to turn north toward [REDACTED] and did not exit the alley. Investigators set up a perimeter and a K-9 team was summoned to assist with the search in the alley. It was determined by the search team that Magana had entered the lower level of the apartment building at [REDACTED].

Building Entry and Officer-Involved Shooting

At 6:04 p.m., the search team of officers entered the main entry room (see Figure 1) after an initial entry was made by a police dog. As the search progressed, officers entered the partition room and noticed that the east wall of the partition room had holes in it that allowed the officers to view further into the unit towards the east room. The police dog was allowed to progress into the rooms east of this partition wall but was distracted by several items on the floor. At approximately 6:10 p.m., Magana was observed laying on a bed in what is referred to in Figure 1 as the bedroom.¹ The police dog was called back and leashed. Magana was given commands to get up, but he did not respond.

¹ Although [REDACTED] reported to police that there was a squatter living in a "storage area" of her apartment complex, the portion of the complex occupied by Magana appears to have been under construction and contained a bathroom, bedroom, and water heater.

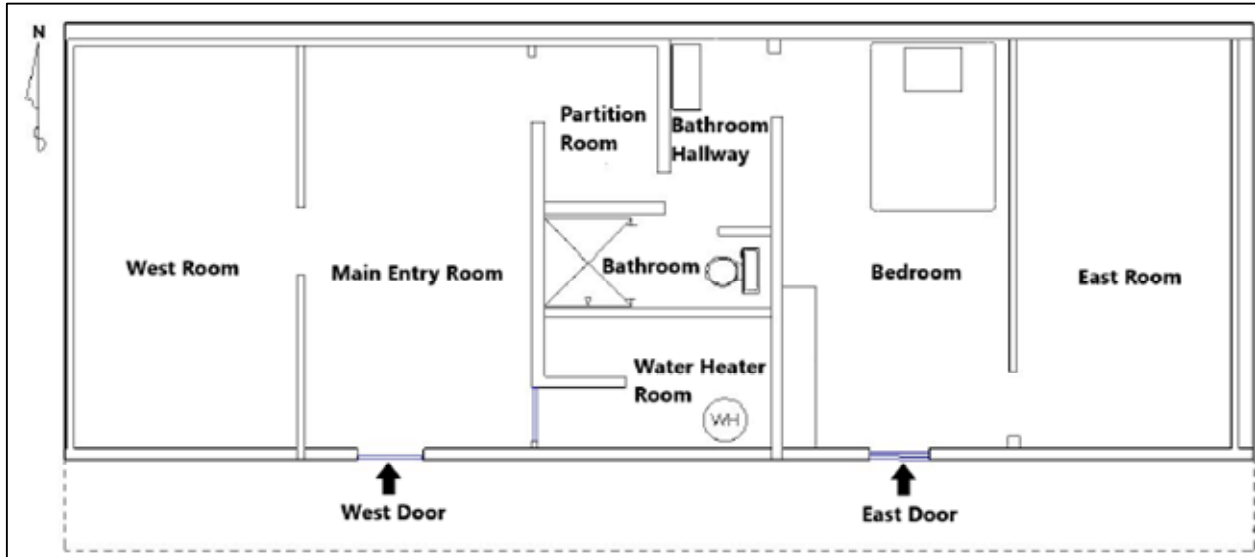


Figure 1: Depiction of location officers entered and found Magana during incident.

At 6:17 p.m., a beanbag shotgun was requested. Bonilla fired one beanbag round above Magana to gain his attention. Cota then said, “Hey, that was a beanbag we just shot at you. The next one might hit you and it’s going to hurt, so just give up.” Another beanbag round was fired, without a reaction from Magana.

Deployment of OC Canisters

Approval to deploy Oleoresin Capsicum (OC) canisters was given by Sergeant Carlton Jeter. At 6:24 p.m., Cota gave Magana a further use of force warning, telling Magana that if he did not comply, gas would be used, which could cause Magana’s eyes, lungs, and mouth to burn. The search team inside the apartment donned gas masks.

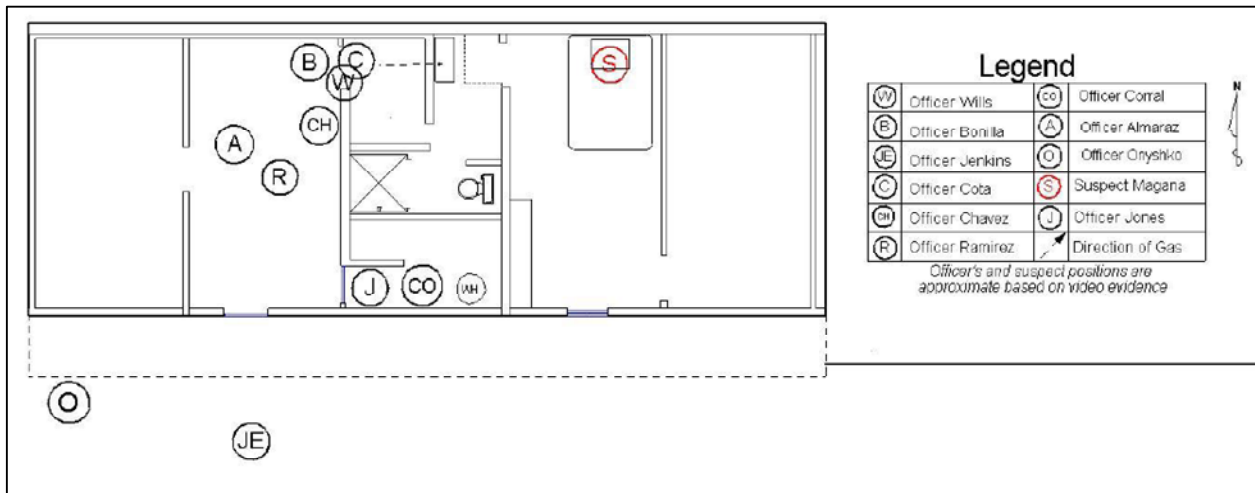


Figure 2: Approximate positions, based on BWV, of officers and Magana (S) at time OC canisters were deployed into room occupied by Magana.

Cota positioned himself in the partition room with two OC canisters. Also present inside the apartment were Officers Hans Almaraz and Maricela Corral, Wills, Bonilla, Chavez, Ramirez, and Jones. Positioned outside the apartment in the alley were Jenkins and Officer Thomas Onyshko. At 6:31p.m., Cota tossed two OC canisters into the room where Magana lay on the bed. Seconds later, Magana began moving, and was directed by Wills to show his hands. Wills told the rest of the officers Magana appeared to be “going to the right.” Magana did not respond to Wills’ command and went south within the bedroom toward the east door of the apartment. Cota informed Magana that he would not be able to exit from that door. Officers had observed, prior to making their entry, that the east door was closed and had an additional metal security door that was closed and locked. Without further response from Magana, two more OC canisters were deployed into the southern portion of the bedroom. These canisters did not fall into the intended room, so two more canisters were retrieved. Magana was out of sight within either the bedroom or east room of the apartment. At 6:34 p.m., Cota obtained the third set of OC canisters and walked back to the north portion of the partition room behind Wills. Cota threw both canisters into the bedroom.

Officer-Involved Shooting

Cota’s BWV footage shows that just as Cota threw in the second of the two OC canisters, a loud gunshot and what appeared to be a muzzle flash emanated from just beyond the partition wall. Magana was firing a handgun from within the bedroom. Wills was struck by Magana’s gunfire. This prompted several officers to return fire into the bedroom. As the shooting continued, every officer, except for Wills, who was unable to move from the partition room due to his injuries, quickly exited the apartment into the alley through the west door. Once in the alley, several officers continued to fire into the apartment, including through the east door, which was closed. Approximately 25 seconds elapsed between the first shot by Magana to the last shot fired by officers. From the alley, officers did not have a line of sight into the east portion of the apartment to determine Magana’s position or if he was still able to fire his weapon.

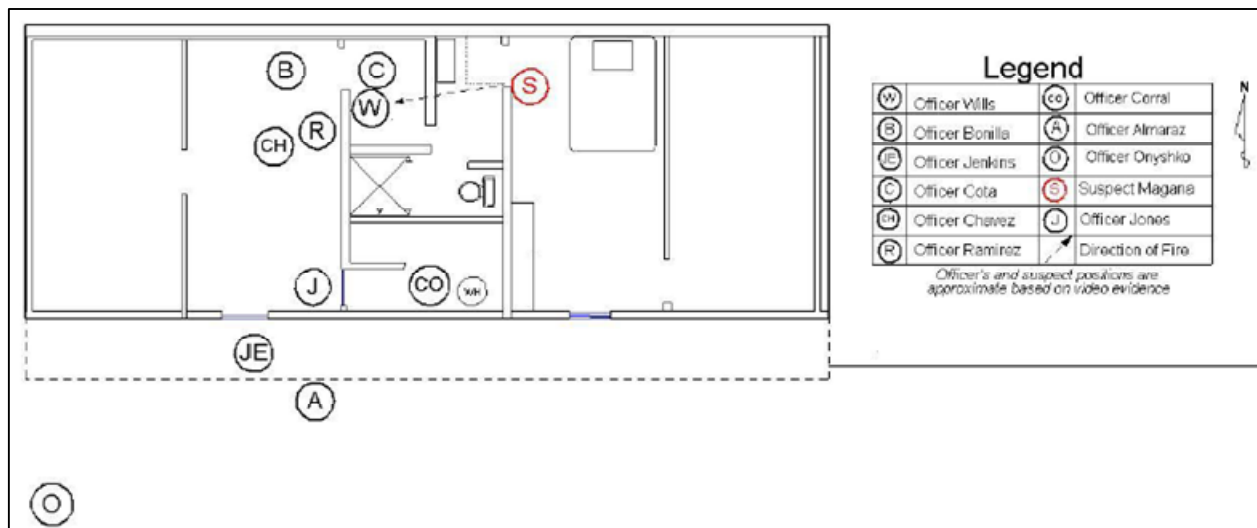


Figure 3: Approximate position of officers and Magana (S) within apartment at time Magana began firing.

Seven officers fired a total of 90 rounds. Wills fired 28 rounds from his rifle as he lay injured in the partition room. The remaining officers fired the following number of rounds from their pistols: Bonilla, ten; Jenkins, 21; Jones, 15; Cota, seven; Ramirez, one; and Chavez, eight.



Figure 4: Still frame image from Cota's BWV. Just after Cota threw the second of two OC canisters into the bedroom, a muzzle flash emanated from the bedroom where Magana was located. The image to the right is a close-up of the area in a red border in the left image. The yellow arrow denotes the muzzle flash.

Injuries to Officers

Wills sustained five gunshot wounds. One bullet struck Wills in the left forearm near the elbow, fracturing his humerus. A second bullet entered his abdomen above his hip. A third bullet hit his right knee. Bullets also struck Wills in the upper right thigh and right shin.

Ramirez was struck by bullet fragments in his lower abdomen. The fragments did not penetrate his abdominal wall. Bonilla was struck by a bullet in his left arm. The bullet entered his armpit and exited through his shoulder.

Physical Evidence

Magana was found mortally wounded by gunfire in the bedroom from which he had fired at officers. Within arm's reach of Magana's body, two semiautomatic handguns were recovered: A 9mm Glock 43 and a Polymer 80 9mm "ghost gun." Both guns were located near Magana's body near the doorway between the bedroom and the bathroom hallway (see Figure 1). Ten expended 9mm cartridge cases were also located within the bedroom. The Polymer 80 9mm handgun had what appeared to be blood on the front of the slide and barrel.

Ballistics Analysis

The firearms of the involved officers, and the two firearms recovered from the room in which Magana was found, were test-fired in a lab to perform a ballistic comparison. Based on the analysis, investigators determined that the injuries sustained by Wills, Ramirez, and Bonilla were caused by shots fired by Magana. Nine expended cartridge cases recovered from the bedroom were determined to have been fired by the Glock 9mm handgun recovered from the bedroom. Seven fired bullets, including four that were recovered from the floor of the main entry room, were determined to have been fired by the same Glock 9mm handgun. One of the expended cartridge cases recovered from the bedroom was determined to have been fired from the Polymer 80 9mm handgun.

Autopsy

An autopsy was performed on March 13, 2023. Magana had three gunshot wounds: One to the right side of his head, one to the right side of his buttocks, and a graze wound to his left knee. The bullet that struck Magana in the head traveled through his brain before exiting the left side of his head. The wound to Magana's head was determined to be self-inflicted. Soot consistent with residue from a gunshot was present at the site of the entry wound. The manner of death was suicide. Toxicological analysis of Magana's blood revealed the presence of cocaine and methamphetamine.

LEGAL ANALYSIS

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary either to: (1) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) 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 § 835a(c)(1)(A) & (B).

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).

In assessing 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 § 835a(a)(4) & (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 § 835a(a)(4).

The evidence shows that Magana, who was on parole for a crime of violence and was being sought for having committed two other crimes of violence, refused to comply with officers' lawful orders that he surrender. When the officers employed means to draw Magana out of the location in which he was barricaded, Magana fired nine gunshots at officers, striking three of them, and fired a tenth gunshot to take his own life. At the time Magana began firing, officers' ability to see into the room Magana was in was extremely limited. Although Magana stopped firing, a reasonable officer could conclude that Magana remained a deadly threat and was pausing to reload or move to a different location inside the room, making it reasonably necessary for the officers to continue firing. Though almost all the officers were able to retreat from the apartment and into the alley, due to his injuries, Wills remained in a vulnerable position in the partition room. The officers' use of deadly force appears by the evidence to be strictly based on Magana's decision to use deadly force upon the officers rather than surrender.

Under these circumstances, an objectively reasonable peace officer could fairly conclude that Magana had the present ability, opportunity, and intent to cause immediate death or serious bodily injury to the peace officers at the scene. Accordingly, it was reasonable for the officers to believe that it was necessary to use deadly force.

CONCLUSION

We find that Officers Jenkins, Cota, Wills, Ramirez, Jones, Chavez, and Bonilla acted in lawful self-defense and defense of others when they each used deadly force against Magana.