

**Fatal Officer Involved Shooting of Hermenegildo Gonzalez Jr.
Los Angeles Police Department**

Officer Christopher Gonzalez, #44010

J.S.I.D. File #21-0307



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

October 16, 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 Hermenegildo Gonzalez Jr.
J.S.I.D. File #21-0307
F.I.D. File #F041-21

DATE: October 16, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 26, 2021, fatal shooting of Hermenegildo Gonzalez Jr. (the subject) by Los Angeles Police Department (LAPD) Officer Christopher Gonzalez. We have concluded that the officer acted in lawful defense of another when he fired his weapon, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to another person

The District Attorney's Command Center was notified of this incident at 7:32 a.m. on July 26, 2021. The District Attorney's Response Team responded to the scene and was provided a briefing by Los Angeles Police Department Detective Jose Robledo.

The following factual analysis is based on body worn camera videos (BWCV), surveillance videos, LAPD communications recordings, evidence collected, and reports submitted on July 27, 2022, by the LAPD Force Investigation Division (FID). Compelled statements were not considered in this evaluation.

FACTUAL ANALYSIS

At approximately 6:01 a.m. on Monday, July 26, 2021, Los Angeles Police Department Officers Rory Chancy and Christopher Gonzalez responded to a broadcast by LAPD dispatch of a "hot prowl" in an apartment located in the [REDACTED] block of Barry Avenue in Los Angeles. A "hot prowl" is defined as a break-in to a location at which a person other than one of the intruders is inside.

The apartment was located on the second floor at the top of a stairway. The living room window opened onto the landing at the top of the stairs. According to BWCV from both Chancy and Gonzalez' body worn cameras, and Chancy's statement to investigators, Chancy, followed by Officer Gonzalez, reached the top of the stairs and could see that the living room window of the apartment had been broken out. Just feet inside of the window, they saw resident [REDACTED] walking

toward the officers, sobbing. The subject was behind her. According to Officer Chancy, [REDACTED] was shaking and crying and stated, "Help me. I think he's going to kill me." (This statement was not captured by either officers' BWCV).



Image Capture 1 - Subject Gonzalez, [REDACTED] and Officer Gonzalez.

Chancy ordered the subject to show his hands. Gonzalez ordered the subject to drop the knife. The subject replied, "No." He approached [REDACTED], placed his left hand on her left shoulder, crouched behind her, and held the knife to her neck using his right hand.



Image Capture 2 – The subject and [REDACTED], as viewed from Officer Gonzalez's body-worn-camera.

Again, Officer Gonzalez ordered the subject to drop the knife. [REDACTED] moved forward and stumbled over a floor fan, falling slightly forward and briefly exposing the subject. Officer Gonzalez fired one shot. The subject fell to the floor.

A Los Angeles County Fire Department Rescue Ambulance was called to the scene. Paramedics declared the subject dead.

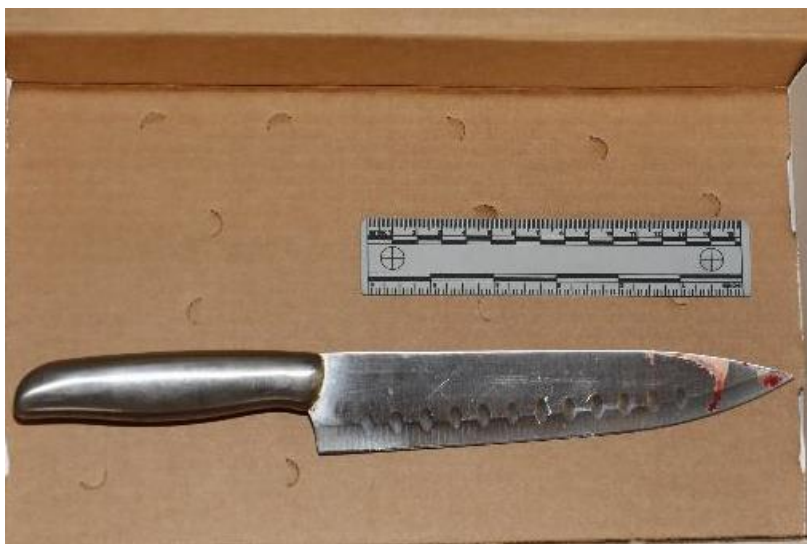


Image Capture 3 – Knife held by decedent

Witness Statements

██████████

██████████ told officers that the subject was her son. He was on parole after serving nearly 30 years in prison resulting from a conviction for first degree murder. After his release from prison approximately three years earlier, the subject lived with ██████████ in the apartment where this incident occurred. Approximately two weeks earlier, ██████████ asked the subject to leave because he was verbally abusive. ██████████ took the subject's house key.

At approximately 4:30 a.m. on July 26, 2021, the subject awakened ██████████ by banging on the front living room window of her apartment.¹ ██████████ attempted to ignore him, but after approximately 45 minutes, she opened her front door and spoke to the subject through a security screen door. ██████████ told the subject to leave or she would call the police. He responded by threatening to kill himself. ██████████ said that she closed the inner door, whereupon the subject broke the front window of her apartment and entered. ██████████ screamed and attempted to telephone both 9-1-1 and her daughter. She was unable to complete either call.

██████████ said that the subject put his arms around her and told her to stop screaming. He took ██████████ into the kitchen and obtained a knife, and said, "I'm going to kill myself." ██████████ said that she continued to scream, and he covered her mouth and told her to stop screaming. He uncovered ██████████ mouth and led her to her bedroom. There, the subject told ██████████ that he was going to kill himself in her bedroom unless she drove him "out of state."

After briefly attempting to dissuade the subject, ██████████ obtained her car keys. She said that the subject retrieved her pill box and followed her into the living room. There, ██████████ said police officers appeared and illuminated the room. She said that the subject released her, and she went to the front door to admit the officers. She heard one say, "Drop the knife," followed by a gunshot. ██████████ said, "don't shoot him, don't shoot him."² Officers entered and took her out of the apartment.

Other Witnesses

Witness ██████████ lived in the building and told investigators that he heard a window break and a woman screaming. The police arrived and he heard officers order the subject to "drop the knife," followed by a gunshot. Witnesses ██████████ and ██████████ told investigators that they heard portions of these events. ██████████ reported hearing a woman crying. ██████████ and ██████████ both stated that they heard "let her go" twice, followed by a gunshot.

¹ ██████████ told interviewers that the previous evening, the subject came to her apartment and asked to come in. He was barefoot. And stated that "a gang was going to kill him." ██████████ said she gave him a pair of shoes and socks and told him to leave. He left, but later returned.

² On both officers' BWCV, ██████████ is sobbing and, after the gunshot, says "don't shoot him, don't shoot him please don't, don't kill him, you shouldn't have done that, . . . I was opening the door, why did you do that. . . you didn't have to shoot him. . ."

Los Angeles County Medical Examiner-Coroner's Postmortem Examination

A post-mortem examination was conducted on Subject Gonzalez on July 30, 2021. The conducting Deputy Medical Examiner-Coroner determined the cause of death to be a single gunshot wound to the subject's head. A toxicology analysis detected methamphetamine in the subject's bloodstream.

LEGAL ANALYSIS

California law provides that, "[A] 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. . . .[t]o defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code sections 196(b) and 835a(c)(1)(A).

In this case, officers responded to a call regarding a "hot prowl burglary" at a local apartment building. At the location, they discovered a broken window leading into the unit and observed the subject holding a knife to the neck of a distraught elderly woman later identified as [REDACTED]. Although not captured on the BWCV, Officer Chancy stated that he heard [REDACTED] state that the subject was going to kill her. Based on this evidence, Officer Gonzalez could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to another person. We reach this conclusion notwithstanding [REDACTED]'s statements after Officer Gonzalez fired that it was not necessary to shoot the subject because she was coming to open the front door to the apartment. Based on the BWCV evidence, the subject followed [REDACTED] as she walked forward and appeared to remain a threat to her safety.

CONCLUSION

The evidence here establishes that Officer Gonzalez lawfully used deadly force in defense of another.