

**Non-Fatal Officer Involved Shooting of Jerald Hardcastle
Los Angeles County Sheriff's Department**

**Deputy Daniel Rodriguez, #540399, Deputy Juan Cruz,
#626045, Deputy Richard Simms, #676780, and Deputy
Aaron Agajanian, #638502**

J.S.I.D. File #24-0019



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

October 16, 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 Jerald Hardcastle
J.S.I.D. File #24-0019
L.A.S.D. File #024-01013-0455-023

DATE: October 16, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 27, 2024, non-fatal shooting of Jerald Hardcastle by Los Angeles County Sheriff's Department (LASD) Deputies Daniel Rodriguez, Juan Cruz, Richard Simms, and Aaron Agajanian.

We have concluded the deputies acted in lawful self-defense and defense of another when they fired their weapons, reasonably believing, based on a 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 shooting on January 27, 2024, at approximately 8:06 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Michael Gomez.

The following analysis is based on body worn camera video (BWV), cell phone video, reports, photographs, and voluntary statements from the four deputies who fired their weapons. These materials were submitted to this office by the LASD Homicide Bureau on August 29, 2024.

INTRODUCTION

On January 27, 2024, at approximately 5:40 p.m., deputies in uniform and driving marked patrol cars responded to an armed robbery call from a liquor store in the City of Norwalk. According to BWV and deputy statements, deputies encountered Jerald Hardcastle (later identified as the suspect) standing in a parking lot next to the liquor store. Deputies commanded Hardcastle to surrender. Hardcastle produced a shotgun and raised it above his head with both hands. Ignoring commands to drop the weapon, BWV shows that Hardcastle instead lowered the rifle stock toward his shoulder and appeared to bring his hand near the trigger. Several deputies opened fire and continued to fire as Hardcastle went down behind a parked car, holding the shotgun, and attempted to point the shotgun over the hood of the car at deputies.

Hardcastle suffered one gunshot wound to his pinky finger. Investigators recovered a loaded shotgun from the scene, inoperable from gunfire damage.

Stemming from this incident, Hardcastle was charged in case 24BFCF00057, Norwalk Branch, with robbery, assault with a firearm on a peace officer, and ex-felon in possession of a firearm. The case is pending trial.

FACTUAL ANALYSIS

Video Footage

According to BWV and a bystander's cell phone video, Hardcastle stands against a wall in front of a row of angled parked cars when deputies surround him and detain him at gunpoint. Deputies issue commands to surrender. Hardcastle ignores their commands for several minutes. He holds no weapons in his hands.

After several minutes, a team of deputies, lined shoulder to shoulder, approaches Hardcastle on foot. Hardcastle crouches behind the passenger side of an SUV as deputies stand on the driver's side. Hardcastle stands up holding a rifle aimed skyward. Deputies retreat several feet behind another car. Hardcastle stands at the passenger door and raises the rifle parallel to the ground above his head in both hands. With the SUV between himself and the deputies, Hardcastle is partially concealed from the deputies.



Figure 1: Still frame from Cruz's BWV showing Hardcastle holding a rifle above his head.



Figure 2: Still frame from Agajanian’s BWV showing Hardcastle lower the rifle stock and clasp the rifle grip with his right hand as Cruz fires his first shot.

Deputies order Hardcastle to drop his weapon. Instead, Hardcastle repositions the weapon as though preparing to aim and fire at deputies: he lowers the butt of the rifle to his shoulder area, pointing the muzzle skyward; he wraps his right hand around the rifle grip, close to the trigger; he clasps the hand-guard portion of the barrel with his left hand.

Cruz immediately fires two shots that appear to strike the SUV windshield (Agajanian stated that he fired at this time as well, but it is not apparent from the footage). Hardcastle drops or falls to the ground behind the SUV. Several more deputies fire as Hardcastle, behind the SUV, erratically moves the rifle back and forth with the muzzle pointed skyward, visible above the SUV hood. As deputies continue to fire, Hardcastle appears to attempt to point the weapon at deputies as he crouches behind the SUV.



Figure 3: Cell phone video showing Hardcastle duck behind SUV and raise rifle toward deputies as they fire at him.

Deputies cease fire as Hardcastle remains hidden from view and his muzzle remains pointed skyward but stops moving. Several deputies walk around the rear of the SUV (flanking Hardcastle). Hardcastle drops his weapon and raises his hands. Several deputies attempt to handcuff Hardcastle. He stands but is taken to the ground. Hardcastle resists efforts to handcuff him, appearing to stiffen his arms. A deputy drive stuns him with a taser. Hardcastle yells, “I’m done!” He is taken into custody without further incident.

Deputy Statements

In separate voluntary statements to investigators, Rodriguez, Simms, Agajanian, and Cruz gave similar accounts of the incident.

Rodriguez told investigators that he responded to the scene after hearing a radio call for an armed robbery that just occurred by a man with a shotgun. Hardcastle matched the suspect description. When Rodriguez arrived on scene, Hardcastle was standing empty handed against the east wall of the liquor store across from a row of unoccupied parked cars. Rodriguez repeatedly commanded Hardcastle to raise his hands, turn his back to them, and slowly walk toward them. Hardcastle did not obey. Multiple deputies approached Hardcastle with a tactical shield. Hardcastle crouched behind a parked car then stood up holding a shotgun over his head, which Rodriguez interpreted as an escalation.

The deputies gave somewhat varying descriptions of what Hardcastle did just before shots rang out. Rodriguez and Simms said Hardcastle moved the butt of the shotgun to his shoulder or otherwise placed it in firing position. Agajanian and Cruz said he jerked the shotgun forward or pointed it at them.

Cruz and Agajanian immediately fired several rounds in response. Rodriguez and Simms held their fire but heard gunshots.

After the initial shots, Hardcastle dropped behind the parked car, gaining cover. All four deputies said they saw Hardcastle try to point the shotgun at them over the hood of the car as he was crouched behind it, and all fired shots in response.

Physical Evidence



Figure 4: Hardcastle's shotgun, recovered from the scene.

Hardcastle was transported to the hospital by rescue ambulance and treated for one gunshot wound to his left pinky finger.

From the scene investigators recovered a loaded shotgun (inoperable due to gunfire damage).¹

Based upon the shell casings recovered at the scene and post incident examinations of the deputies' weapons, during the incident Cruz fired 18 rounds from his 9mm pistol, Rodriguez fired two rounds from his 9mm pistol, and Simms fired one round from his 9mm pistol. Reports do not indicate whether Agajanian's weapon, a .223 rifle, was examined post incident. However, based upon the shell casings recovered at the scene and Agajanian's statement, he fired 19 rounds.

Liquor Store Robbery

According to the store employees, interviewed after the incident, Hardcastle (identified by field show up) attempted to pay for \$194 worth of merchandise, but his debit cards were declined. Hardcastle produced a shotgun and demanded the money from the cash register. Employees gave Hardcastle \$600. Hardcastle left the location with the merchandise and cash.

¹ Hardcastle was also in possession of several bags, including a duffel bag and backpack. Inside of the bags investigators found, among other things, shotgun ammunition and two AK-47 rifles.

THE LAW

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 to 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) & (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). Moreover, “[a] peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested.” Penal Code section 835a(d).

ANALYSIS

Deputies responded to the scene of a reported robbery by a man armed with a shotgun. They encountered Hardcastle, who appeared to be empty handed. He matched the suspect description and was later identified by witnesses as the perpetrator. Hardcastle ignored repeated commands to surrender. When deputies approached him on foot, he ducked behind a car and reappeared holding a shotgun over his head. Deputies commanded him to drop the gun, but Hardcastle instead lowered the shotgun stock to his shoulder with his hand near the trigger, as though preparing to aim and fire at deputies, prompting them to fire at him in response. Deputies continued to fire as Hardcastle fell or ducked behind a car—providing cover to him—and then raised the shotgun over the hood of the car, apparently trying to aim it at deputies.

Considering the totality of the circumstances known to the deputies at the time, including those leading up to the incident, it was reasonable for them to believe that deadly force was necessary to defend against an imminent deadly threat when Hardcastle, holding a shotgun, ignored commands to disarm and instead moved the weapon into firing position—lowering the stock to his shoulder and bringing his hand near the trigger. Further, the deputies were reasonable to believe the threat was ongoing, and to continue firing, as Hardcastle gained cover behind a car and attempted to point the shotgun at them.

CONCLUSION

Based upon the foregoing, the deputies acted lawfully in self-defense and defense of another at the time they fired their weapons, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.