

**Fatal Officer Involved Shooting of Jarrid Hurst**

**Los Angeles Sheriff's Department**

**Deputy Carlos Jover #600166  
Deputy Nathan Abarca #605569**

**J.S.I.D. File #20-0194**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**October 18, 2021**

**MEMORANDUM**

TO: CAPTAIN JOE MENDOZA  
Los Angeles County Sheriff's Department  
Homicide Bureau  
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Monterey Park, California 91755

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

SUBJECT: Fatal Officer Involved Shooting of Jarrid Hurst  
J.S.I.D. File #20-0194  
L.A.S.D. File #020-05733-1418-013

DATE: October 18, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 7, 2020, fatal shooting of Jarrid Hurst by Los Angeles County Sheriff's Department (LASD) Deputies Carlos Jover and Nathan Abarca. We have concluded that both deputies acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 3:19 a.m., on June 7, 2020. 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, the autopsy report, crime scene diagrams and sketches, photographic and video evidence, and witness statements submitted by LASD Homicide Detectives Kasey Woodruff and Silvano Garcia, Jr. No body worn video exists in this case.

**FACTUAL ANALYSIS**

On June 7, 2020 at approximately 2:12 a.m., Union Pacific Railroad freight train LOF 74 was traveling eastbound on open track through the City of Industry at approximately 45 miles per hour. Engineer Kristina S. occupied the right side of the lead locomotive cab while extra board brakeman Willie B. occupied the left side of the cab. Brakeman Ryan W. was riding in the second locomotive. Both Kristina S. and Willie B. saw Hurst walking along the north side of the track near milepost 20. Kristina S. blew the train's horn as a warning. Hurst turned and looked briefly over his shoulder at the approaching train. However, Hurst was too close to the track and was struck by the passing train. The lead engine's onboard surveillance video camera captured

Hurst as he was overtaken.<sup>1</sup> Although the moment of impact is not visible in the video footage, a thud is discernible from the soundtrack corroborating Willie B.'s statement about an audible collision.



**Figure 1:** Hurst was captured on the train's surveillance video walking beside the track as the train approached. The time on the surveillance video at the approximate moment of impact was 2:12:43 a.m.

Willie B. broadcast an emergency radio call that the train had struck a pedestrian and the crew stopped the train.<sup>2</sup> Willie B. and Ryan W. exited the locomotives approximately a half mile ahead of where the incident occurred. They walked back along the north side of the track to look for Hurst. Kristina S. called 9-1-1.

A number of LASD patrol units responded to dispatch traffic of a train possibly striking a pedestrian, including Jover and Abarca who responded to Railroad Street. Jover and Abarca encountered Willie B. and Ryan W. walking back along the tracks searching for the pedestrian. The group proceeded together using flashlights and directional lanterns in an effort to locate Hurst. While walking, they saw a hat near the rail. Ryan W. spotted Hurst kneeling a short distance away, holding his left hand to the left side of his head. Ryan W. said, "Hey, I think this is the guy." The group could see that Hurst had blood on his face. Jover asked, "Hey buddy, are



**Figure 2:** Photograph of the knife used by Hurst.

<sup>1</sup> The area was canvassed extensively, but no other surveillance video of the scene was located.

<sup>2</sup> Per Ryan W., the train was traveling at approximately 43 miles per hour at the time the emergency call went out. Accordingly, and as depicted by the surveillance video, it took a full minute to stop the train.

you okay?” Hurst looked up, got to his feet, and began yelling profanities. Both Willie B. and Ryan W. recalled him saying, “I’m going to get you motherfuckers!” Hurst then charged towards them with his right hand clutching a knife that he raised above his head.

When Hurst charged, Willie B. and Ryan W. turned and ran in the opposite direction. Jover and Abarca back-peddled and yelled, “Stop running!” and “Drop the knife!” When Hurst did not stop, the deputies fired their service weapons.<sup>3</sup> Jover estimated that he fired from a distance of approximately seven feet. Abarca estimated that he fired from a distance of approximately ten feet.

After being struck by gunfire, Hurst collapsed to the ground still clutching the knife in his right hand. Despite continued commands to drop the knife after being shot, Hurst maintained his hold on the weapon. Other deputies in the area heard the gunfire and converged on the scene. Jover and Abarca waited a few minutes for another deputy to bring a ballistic shield to facilitate a safe approach. However, when Hurst stopped moving and the shield had not yet arrived, Abarca and Jover formulated and successfully executed a plan to disarm Hurst so that first aid could commence. Deputy Tawnia Rojas then proceeded to administer first aid by applying a chest seal and tourniquet. Paramedics from the Los Angeles Fire Department Engine Company 118 arrived and took over administration of medical aid.<sup>4</sup> Hurst was transported to Pomona Valley Hospital where he succumbed to his wounds and was pronounced deceased by Dr. Michael Jimenez.



**Figure 3:** Bloodstain is visible near center of photograph. Items of Hurst’s clothing are depicted by markers 17 and 18. The knife is denoted by evidence marker 16. A hat was located near the track (inset photograph showing evidence marker 23). Other depicted items nearby were related to first aid treatment.

<sup>3</sup> A 2:28 a.m., LTAC radio broadcast contained the statement “998” (a code referencing an officer involved shooting). Multiple LASD deputies in the area at the time shots were fired corroborated details of Jover’s and Abarca’s accounts, e.g., yelling, a charge, Jover and Hurst back-pedaling, and commands to stop followed by gunfire.

<sup>4</sup> A 2:36 a.m., LTAC radio broadcast confirmed the application of a tourniquet and paramedics on scene attending to Hurst.

Jover's service weapon, a Sig Sauer 9mm semiautomatic pistol, was examined and found to contain one live round in the chamber and twelve rounds in the magazine. Based on Jover's statement that he routinely carries his firearm loaded with 20 rounds, it appears that Jover fired eight rounds. Abarca's service weapon, a Smith and Wesson M&P 9mm semiautomatic pistol, was examined and found to contain one round in the chamber and an additional ten rounds in the magazine. Based on Abarca's statement that he normally carries his weapon loaded with a total of 17 rounds, it appears that Abarca fired seven rounds. Two distinct groups of shell casings were located near the scene and provided evidence of the deputies' positions when they fired. The first group of casings, numbering seven, was located about ten feet north of the train track. The second group, eight in number, was located approximately ten feet north of the first group.<sup>5</sup>



**Figure 4:** The first group of shell casings was marked with evidence markers one through seven and the second group was marked eight through 15. The red oval indicates the area where Hurst collapsed after being shot.

On June 9, 2020, Deputy Medical Examiner Martina Kennedy performed an autopsy on Hurst's body. Kennedy concluded that death resulted from multiple gunshot wounds. Five gunshot wounds were described in the autopsy report. Only one of the gunshot wounds was specifically denoted as fatal. The fatal wound entered Hurst's right upper chest, traveled front to back, right to left, and downward. Two bullet fragments were recovered in association with the fatal wound. A toxicology report confirmed that methamphetamine and marijuana were present in Hurst's bloodstream. The report also noted that Hurst had numerous blunt force injuries, including abrasions to the face and forehead as well as contusions and abrasions on his back, abdomen, and legs. While the report did not opine the cause of these blunt force injuries, they appear consistent with someone struck by a moving train.

A folding knife was found with the blade in the open position close to where Hurst fell. The DNA section of the LASD Scientific Services Bureau performed analysis on two swabs taken from the knife. One of the swabs sampled a bloodstain on the knife's handle. The other swab sampled the handle from areas absent of obvious blood. In both cases, DNA profiles generated by the swabs (and compared to a reference sample) were found with overwhelmingly probabilities to have originated from Hurst rather than some other unknown individual.

<sup>5</sup> The investigative report provided by LASD contained no ballistic reports.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082; *see also*, CALCRIM No. 505.

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 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).

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 is taken into consideration. Penal Code section 835a (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(4).

In evaluating whether a police officer's use of force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations: "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

The evidence in this investigation shows deputies responding to a call of someone struck by a train - a type of call not normally expected to produce an armed encounter with an aggressive assailant. When asked if he was okay, Hurst unexpectedly charged, knife in hand, while shouting in a threatening manner. Given the short distance between Jover, Abarca, and their assailant, the deputies had little time to react. Civilian witnesses turned and ran. The deputies gave Hurst verbal commands to drop the knife and stop. Hurst pressed the attack, appeared bent on causing harm, and

was armed with a deadly weapon. Consequently, Hurst was shot a short distance away. Given the totality of the circumstances of this tense, uncertain, rapidly evolving and perilous situation, Jover and Abarca's decision to use deadly force was reasonable.

## **CONCLUSION**

We find that Deputies Jover and Abarca acted in lawful self-defense and defense of others when they used deadly force against Jarrid Hurst.