

**Fatal Officer Involved Shooting of Rosendo Olivio**  
**Los Angeles Police Department**

**Officer Faviola Salinas, #40061**  
**Officer Kyle Locke, #37794**

**J.S.I.D. File #21-0541**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**October 21, 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 Rosendo Olivio  
J.S.I.D. File #21-0541  
F.I.D. File #F063-21

DATE: October 21, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 18, 2021, fatal shooting of Rosendo Olivio by Los Angeles Police Department (LAPD) Officers Faviola Salinas and Kyle Locke. It is our conclusion that Officers Salinas and Locke acted in lawful self-defense and defense of others at the time they fired their weapons.

The District Attorney's Command Center was notified of this shooting on December 18, 2021, at approximately 12:09 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports and materials submitted to this office on February 22, 2023, and August 22, 2024, by Detective John Machiarella of the LAPD, Force Investigation Division. The materials included body worn camera video (BWV), and third-party video that captured the incident. Salinas and Locke's departmentally compelled statements were not considered in this analysis. Other officers' departmentally compelled statements were considered.

### **FACTUAL SUMMARY**

On December 18, 2021, at approximately 10:05 a.m., [REDACTED] called 9-1-1 and reported that Rosendo Olivio was screaming at [REDACTED]'s sister and threatening to kill her. [REDACTED] subsequently told the 9-1-1 operator that Olivio had physically assaulted her sister, hitting her and dragging her down the stairs.

BWV depicts LAPD Officers Faviola Salinas and Kyle Locke arriving at an apartment complex in Los Angeles and contacting Olivio who was seated in the courtyard of the apartment complex. Additional LAPD officers arrived. Olivio was handcuffed and patted down for weapons. Salinas knocked on multiple doors of the apartment complex, however no one answered. LAPD Communications advised Locke that █████ did not wish to meet with the officers. After running Olivio for any outstanding warrants, Locke removed the handcuffs from Olivio. Olivio left the location on foot.

Approximately 14 minutes later Olivio returned to the apartment complex. Olivio was armed with a knife and screaming that he was going to “burn the place” and that he was “gonna kill everyone.” █████ smelled the odor of gasoline and called 9-1-1 again.

LAPD Communications broadcast that Olivio had returned to the location and was throwing gas and attempting to burn down the building. Locke and Salinas responded, along with LAPD Officers Yvette Davis, George Thammasnong, Blaine Hankel, and Derek Weikert.

BWV shows that Salinas and Locke were the first officers to arrive at the scene. As Salinas and Locke approached the apartment complex, █████ walked from the front of the apartment building towards the officers and said, “He’s grabbing the knife right now.” █████ further stated, “Just be careful because he’s going to attack. He’s going to attack.”

BWV shows Olivio, standing inside the vestibule of the apartment complex, shouting, “What the fuck do you want?” Salinas responded, “It’s LAPD.” Salinas unsnapped and separated the Velcro cover on her taser.

Olivio



Still frame from Salinas’s BWV showing Olivio exiting the apartment complex vestibule.

Olivio shouted, "Fuck you!" Salinas replied, "Come on." Olivio shouted, "What's up?" Locke stated, "Hey, put the lighter down, come on man." Olivio replied, "Fuck you. You have two options. The house is surrounded with nothing but gas fluids. Whether you fucking approach me or I'll light this motherfucker up."

BWV shows Thammasnong and Davis arrive at the scene, park their patrol vehicle, and walk towards the apartment complex.

The rest of the interaction between Olivio and the officers was captured on the officers' BWV. Olivio stood at the top of a short set of stairs leading from the apartment complex vestibule down into the courtyard. Olivio bent down and appeared to be attempting to light something on fire on the ground. Salinas stated, "Stop that." Olivio replied, "Fuck you and fuck them too." Olivio stood up and pointed a "torch" style lighter at the officers.

Olivio was armed with a knife in his left hand. Locke stated, "He's got a knife in his hand." Salinas stated, "Yeah, on it." Olivio raised both of his hands in the air and stated, "What's up? What the fuck you gonna do about it?" Olivio lowered his hands and began to descend the stairs. Locke stated, for a second time, "He's got a knife."

Olivio advanced towards the officers with the knife in his left hand. Salinas yelled, "Rosendo, back up!" Olivio threw down the "torch" lighter and switched the knife from his left to his right hand as he continued to advance towards the officers. Salinas, Locke, Thammasnong and Davis unholstered their duty weapons.



Still photo of 3<sup>rd</sup> party video surveillance showing [REDACTED], Olivio, Salinas, Locke, Thammasnong, and Davis in the apartment complex courtyard.

Olivio continued to close the distance between himself and the officers, yelling, “Shoot, shoot!” Salinas yelled at Olivio to back up, and Thammasnong yelled, “Put it down.” When Olivio was approximately ten feet away from the officers Locke fired his duty weapon four times and Salinas fired her duty weapon once.

Olivio was struck 5 times. As Salinas and Locke were firing their weapons, Olivio retreated and fell to the ground on the apartment complex stairway. Olivio remained holding the knife in his right hand.

Officers approached and moved Olivio out of the apartment complex courtyard. As the officers moved Olivio the knife fell from his right hand onto the steps. Hankel briefly picked up the knife and then placed it down on the bottom step away from Olivio.

Los Angeles Fire Department (LAFD) personnel arrived and rendered aid to Olivio. Despite life-saving measures, Olivio was pronounced dead at the scene at approximately 11:09 a.m.

On December 21, 2021, an autopsy was conducted. Deputy Medical Examiner Doctor Abubakr Marzouk determined that Olivio sustained five gunshot wounds. Olivio was struck twice in the chest, once in the left flank, once in the right forearm, and once in the left forearm. Marzouk determined the cause of death to be multiple gunshot wounds. A toxicology screen was conducted and detected the presence of ethanol and cannabinoids.

Salinas was armed with a 40 caliber Smith & Wesson Glock Model 22 pistol. She discharged one round during the incident.

Locke was armed with a 40 caliber Smith & Wesson Glock Model 22 pistol. He discharged 4 rounds during the incident.

Investigators recovered Olivio's knife from the bottom step of the apartment complex courtyard.



Still photo of Olivio's knife recovered from the apartment complex courtyard.

Investigators recovered five 40 caliber cartridge casings, three fired bullets, and a "torch" style lighter.

## CIVILIAN STATEMENTS

████

████ was inside her residence inside the apartment complex at the time of the incident. █████ could not see Olivio but heard him refusing to comply with the officers' commands. █████ heard the officers tell Olivio to drop the knife. █████ heard Olivio refuse and heard Olivio tell the officers to shoot. █████ heard gunshots.

████

████ is █████ and █████'s father. █████ was standing across the street from the apartment complex during the incident. Prior to the incident █████ observed Olivio pouring a liquid around the building out of a container that appeared to contain a type of fuel. █████ observed LAPD officers arrive. █████ observed Olivio armed with a knife. █████ observed Olivio approach the officers with the knife, heard the officers order Olivio to stop, and observed Olivio refuse and continue to approach the officers. █████ observed the officers fire their weapons at Olivio.

████

████ was standing on the street next to the apartment complex and observed LAPD officers arrive. █████ observed an officer yell at Olivio to stop. █████ observed the officers unholster their pistols and heard Olivio yell, "Shoot me, shoot me!" █████ believed Olivio had a pocketknife in his hand but could not be sure. █████ walked towards the officers and observed the officers fire their weapons. After the incident █████ observed Olivio had a knife in his hand.

████

████ was █████'s roommate. █████ was inside his apartment when the incident occurred. █████ stated Olivio had stayed at his (████'s) and █████'s apartment sporadically over the prior six months. At the time of the incident, █████ was wearing headphones with the volume loud. █████ heard gunshots and laid down on the floor.

## LAW ENFORCEMENT STATEMENTS

*LAPD Officer Yvette Davis*

Davis responded to the apartment complex in response to the second call for service at that location. Davis stood behind Locke and Salinas and observed Olivio holding a torch-style lighter in his hand. Davis heard Locke state, "He has a knife." Davis observed Olivio rapidly descend the stairs until he was approximately seven to 10 feet away. Davis heard Olivio shouting, "Just shoot me already." Davis observed Salinas and Locke fire their weapons. Davis stated she believed that Olivio would have stabbed the officers had Locke and Salinas not fired their weapons.

*LAPD Officer George Thammasnong*

Thammasnong responded to the apartment complex in response to the second call for service at that location. Thammasnong observed Olivio shouting while standing at the top of the patio stairwell in the apartment complex courtyard. Thammasnong observed Olivio holding a torch-style lighter and yelling that he (Olivio) would burn the building down. Thammasnong turned around to retrieve a less-lethal beanbag shotgun but heard shouting and turned back around. Thammasnong observed Olivio now armed with a knife and approximately eight feet away from Locke and Salinas. Thammasnong unholstered his duty weapon and observed Locke and Salinas fire their weapons.

## **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 of self-defense or the defense of others 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. 4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal. 4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal. 4th 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 §§ 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).

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 §§ 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 available evidence in this case indicates that as soon as Salinas and Locke arrived at the location, █████ warned them that Olivio was arming himself with a knife at that moment and that Olivio was going to attack. Olivio then aggressively approached Locke and Salinas armed with a knife. Olivio angrily disobeyed Salinas's commands to drop the knife and back away. Instead,



he quickly closed the distance from 20 feet to approximately seven or eight feet, holding a knife yelling, "Shoot me!"

Based on the available evidence, Salinas and Locke could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of great bodily injury or death to themselves or another.

## **CONCLUSION**

Salinas and Locke acted in lawful self-defense and defense of others when they fired their duty weapons at Olivio.