

**Non-Fatal Officer Involved Shooting of Katlan Marshall**  
**Los Angeles County Sheriff's Department**

**Deputy Jose Ramirez, #503608**  
**Deputy Tyler Wilson, #602406**

**J.S.I.D. File #21-0555**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**October 24, 2022**

## MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER  
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 Katlan Marshall  
J.S.I.D. File #21-0555  
L.A.S.D. File #021-12504-1622-051

DATE: October 24, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 29, 2021, non-fatal shooting of Katlan Marshall by Los Angeles County Sheriff's Department (LASD) Deputies Jose Ramirez and Tyler Wilson. We have concluded that Ramirez and Wilson acted lawfully.

The District Attorney's Command Center was notified of the shooting on December 29, 2021, at 2:10 p.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, audio recordings of interviews, crime scene diagrams, video evidence, photographs, and witness statements submitted to this office by LASD Detective Steve Blagg and Sergeant Vincent Choi. The voluntary statements of the deputies were considered in this analysis.

### **FACTUAL ANALYSIS**

On December 29, 2021, at approximately 12:49 p.m., LASD communications received multiple 9-1-1 calls from [REDACTED], regarding a family disturbance. During these calls, [REDACTED] informed the law enforcement technician (LET) that an argument with her [REDACTED], Katlan Marshall, was escalating, and that Marshall was having a "mental breakdown." [REDACTED] requested that deputies respond to the location and remove Marshall from the home. Marshall could be heard screaming in the background, and deputies were requested to respond to a family disturbance call at [REDACTED]'s home in the city of Carson. All responding deputies drove marked black and white patrol vehicles and wore distinctive LASD uniforms. Most responding deputies were equipped with body worn video cameras (BWV).<sup>1</sup>

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<sup>1</sup> One deputy neglected to activate his BWV prior to the deputy-involved shooting. While most responding deputies wore BWV, the usefulness of these recordings was limited due to the cameras being obstructed by objects providing cover to the deputies. However, the incident was recorded on the cell phone of a nearby bystander.

Shortly thereafter, the call was upgraded to “emergent,” and deputies were instructed to respond Code-3 after ██████ informed the LET that Marshall had armed herself with a knife and handgun.<sup>2</sup> ██████ told the LET that the handgun did not work. Marshall got on the phone during the call and stated, “If the police come here, the only way they are going to take me is [in] a body bag!” Responding deputies were informed of this statement and instructed to “set up and stage” outside ██████’s home.

As deputies responded to the location, communications broadcasted, “DP got on the phone and said the gun didn’t work, but that’s just from the DP on the phone.”<sup>3</sup> Deputies Bao Dang and Oscar Lavenant arrived at the location first and parked their patrol vehicle in the roadway northeast of ██████’s house. Dang and Lavenant exited the vehicle and took cover behind it. Lavenant drew his duty weapon, and Dang had equipped himself with his department-issued rifle. Deputies were then informed that Marshall stated she would not put the gun down, had a knife in her hand, and would stab deputies if they came near her.

██████ opened the garage door and walked down the driveway and toward the deputies. When she reached the northeast corner of the property, ██████ exited the residence’s front door, followed by Marshall.<sup>4</sup> Marshall held a black revolver in her right hand and a large silver kitchen knife in her left hand.



*Figures 1 & 2 – Photographs depicting the handgun and knife held by Marshall during the incident.*

Dang immediately yelled, “Put the gun down!” ██████ stopped walking and stood near the sidewalk adjacent to the property. Dang ordered ██████ to continue walking to him, but she failed to comply and began yelling at Marshall. Multiple additional units arrived at this time, parking their patrol vehicles behind Dang’s patrol SUV and taking cover. Marshall waved her handgun in the air as she argued with ██████ and ██████.

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<sup>2</sup> “Code-3” is the radio code used to describe a mode of response in which an emergency vehicle’s lights and siren are activated.

<sup>3</sup> “DP” is the radio code for disturbing party and, in this instance, referred to Marshall.

<sup>4</sup> ██████ is ██████’s husband and Marshall’s stepfather.



Figure 3 – Still image from a responding deputy's BWV depicting the locations of Marshall, [REDACTED] and [REDACTED].

Deputies Jose Ramirez and Tyler Wilson arrived west of the location, exited their patrol vehicle, and took positions across the street from [REDACTED]'s house. Ramirez was armed with his department-issued rifle and stood behind a red car parked on the north side of the road. Wilson drew his duty weapon and stood behind a black SUV parked on the north side of the road, slightly west of Ramirez' position. [REDACTED] was in the parking lot of a business located to the north and across the street from [REDACTED]'s residence when he heard the commotion and saw police activity. [REDACTED] exited his vehicle and recorded the incident on his cell phone.

Deputies repeatedly yelled orders for [REDACTED] to, "Step away from [Marshall]!" Marshall then extended her arm upward, pointing the revolver toward the sky before methodically bringing her arm down and aiming the handgun toward Dang and other nearby deputies. According to Dang, Marshall yelled, "Fuck you!" as she pointed the firearm at him.



Figures 4, 5 & 6 – Sequential still images taken from [REDACTED]'s cell phone video depicting Marshall raising the revolver (Figure 4), pointing the revolver toward deputies (Figure 5), and [REDACTED]'s outstretched arm signaling deputies to hold their fire (Figure 6).

According to multiple deputies, they did not discharge their weapons at this time because [REDACTED] [REDACTED] were standing too close to Marshall, and the deputies feared unintentionally shooting them.

Marshall lowered the handgun and raised it in the air again, repeating the motion she performed before pointing it at Dang previously. Deputies yelled, “Put it down! Put it down!” Marshall then became distracted by [REDACTED] and began arguing with him. She lowered the firearm and walked west past [REDACTED] toward the driveway. When Marshall reached the driveway, she stood next to a white Jeep, faced Wilson, and aimed the revolver at him.



*Figure 7 – Still image taken from [REDACTED] cell phone video depicting Marshall pointing the revolver at Wilson.*

Ramirez began discharging his rifle at Marshall. According to Ramirez, he feared that Marshall was going to shoot Wilson and therefore fired at Marshall. Immediately following Ramirez’ first discharge, Wilson began firing his duty weapon at Marshall. According to Wilson, when Marshall pointed the revolver at him and he simultaneously heard a shot, “I thought it was for sure me—that she had already put a round out and I was going to have a hole in me.”<sup>5</sup> Ramirez fired six rounds at Marshall, and Wilson fired three. No other deputies fired their weapons.

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<sup>5</sup> At the time, Wilson did not realize the sound he heard was from Ramirez’ rifle. Marshall’s revolver was not loaded, and she did not fire the handgun during the incident.



*Figure 8 – Stock satellite image of the location of the incident. The approximate locations of Marshall (white M), [redacted] (white A), [redacted] (white D), [redacted] (white S), Wilson (green W), Ramirez (green R), Dang (green D), and Lavenant (green L) at the time of the deputy-involved shooting are labeled. Relevant vehicles are depicted by rectangles.*

Two bullets struck Marshall in the chest and one struck her right hip. Marshall ran toward the open garage door and threw the revolver in a hedge before falling face-down onto the garage floor. Deputies approached Marshall and began performing life-saving measures. Los Angeles County Fire responded to the scene, and Marshall was transported to Harbor-UCLA Medical Center, where she was treated for her injuries.

#### Evidence Recovered at the Scene and Ballistics

Marshall’s unloaded Webley & Scott, Model MK1, top-break, .455 caliber revolver was recovered from a hedge in front of the residence. A silver kitchen knife with an eight-inch blade was recovered from the garage floor near where Marshall fell.

Six cartridge casings headstamped “Speer REM 223” that were discharged from Ramirez’ Colt M4 Carbine, 5.56mm caliber semiautomatic duty rifle were recovered from the scene. Three cartridge casings headstamped “FC 9mm Luger” that were discharged from Wilson’s Beretta model 92FS, 9mm Luger caliber semiautomatic duty weapon were also recovered from the scene. Investigators located multiple bullet impacts on the exterior wall of [redacted]’s residence and a tree trunk in the front yard.

## Statement of Katlan Marshall

On December 30, 2021, LASD Investigators interviewed Marshall in her hospital room.<sup>6</sup> Marshall told investigators that on the day of the incident, she and her mother, [REDACTED], had become engaged in a heated argument after her mother entered her room while she was on a Zoom call with her boss. At one point, [REDACTED] threatened to call the police. Marshall told her mother that if she called the police, her (Marshall's) life would be over. Marshall went into her mother's bedroom and retrieved an "old" revolver that she did not think worked. Her mother then called the police. Once her mother called the police and told them she had a gun, Marshall believed her mother "literally just ruined [her] life over a petty argument."

Marshall said at one point, she told the 9-1-1 operator that the only way she was leaving was in a body bag and that she would shoot any officers that came to her house, even though she also told the operator her gun did not work. Marshall thought if the police came to the house, she would be fired from her job, and her life would be over. When the police arrived, Marshall told her mother that it would be "her fault" when the police killed her. When asked if she had wanted to die, Marshall responded, "I don't know. I wanted her ([REDACTED]) to feel real bad."

Marshall exited the house with the gun and a knife because she had heard her mother tell the police that the gun did not work. Marshall figured that having both weapons "ought to do the trick." Marshall did not "care about anything anymore." Once outside, Marshall continuously yelled, "You ruined my life!" at her mother. She pointed the firearm at "the police" but her stepfather was standing close to her, and the police did not shoot her. She walked away from her stepfather and pointed the revolver at "another one," and they shot her. Marshall stated, "I'm not crazy. I just—I don't know what happened. I just got really upset." Marshall apologized for what she did and wanted the officers to know the gun did not work and that she did not intend to shoot them. According to Marshall, she only wanted them to shoot her.

## **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 section 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).

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<sup>6</sup> This interview was audio recorded.

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).

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, 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 with 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.

In this case, deputies responded to a family disturbance call involving a person armed with a knife and a handgun. After arriving, an agitated Marshall pointed a handgun toward Dang and other nearby deputies. Deputies did not discharge their weapons due to the proximity of Marshall to [REDACTED] and [REDACTED]. Marshall then distanced herself from [REDACTED] and [REDACTED] and pointed the revolver at Wilson. While the deputies had been informed that Marshall told the 9-1-1 operator the gun did not work, the deputies had no way of knowing the validity of that claim. Therefore, the deputies could not be expected to wait for Marshall to fire at them before defending themselves. In hindsight, the revolver was unloaded; however, the reasonableness of the deputies' actions are not analyzed with the benefit of hindsight. When Marshall pointed the revolver at Wilson, Wilson and Ramirez were confronted with the apparent threat of imminent deadly force. As such, it was reasonable for them to believe it was necessary to respond with deadly force.

## **CONCLUSION**

We find that Deputies Jose Ramirez and Tyler Wilson acted lawfully when they used deadly force against Katlan Marshall.