

# **Non-Fatal Officer Involved Shooting of Robert Welch**

**Long Beach Police Department**

**Officer Chad Manis, #10553**

**J.S.I.D. File #20-0109**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**October 26, 2020**

## MEMORANDUM

TO: CHIEF ROBERT G. LUNA  
Long Beach Police Department  
400 W. Broadway  
Long Beach, California 90802

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

SUBJECT: Non-Fatal Officer Involved Shooting of Robert Welch  
J.S.I.D. File #20-0109  
LBPD File #2000-17016/20-004

DATE: October 26, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 30, 2020, non-fatal shooting of Robert Welch by Long Beach Police Department (LBPD) Officer Chad Manis.

It is our conclusion that Officer Manis acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on March 30, 2020, at 4:16 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports submitted to our office by LBPD Detective Michael Hubbard. The reports include photographs, videos, audio-recorded interviews of witnesses, radio transmissions, and body-worn camera (BWC) video. The voluntary statement of Officer Manis was also considered in this analysis.

### **FACTUAL ANALYSIS**

#### **The Shooting in the Park**

On March 30, 2020, a 9-1-1 caller reported a shooting in a park. Two of the suspects were on bicycles. Officer Manis, who was in uniform and in a marked patrol vehicle, responded with his partner and saw two men fleeing from the park on bicycles. Manis pursued the men, who split up. Manis continued to pursue one of the men, later identified as Robert Welch.

#### **The Pursuit**

Manis pursued Welch and activated his lights and siren to get Welch to stop. Welch did not comply and continued to flee. After several blocks, Welch crashed his bicycle and ran. Manis stopped his patrol car, exited, drew his service weapon, ran after Welch, and ordered him to stop and show his hands. BWC video of Manis chasing Welch is shown below:



*Figure 1- BWC video of Welch running away from Manis.*

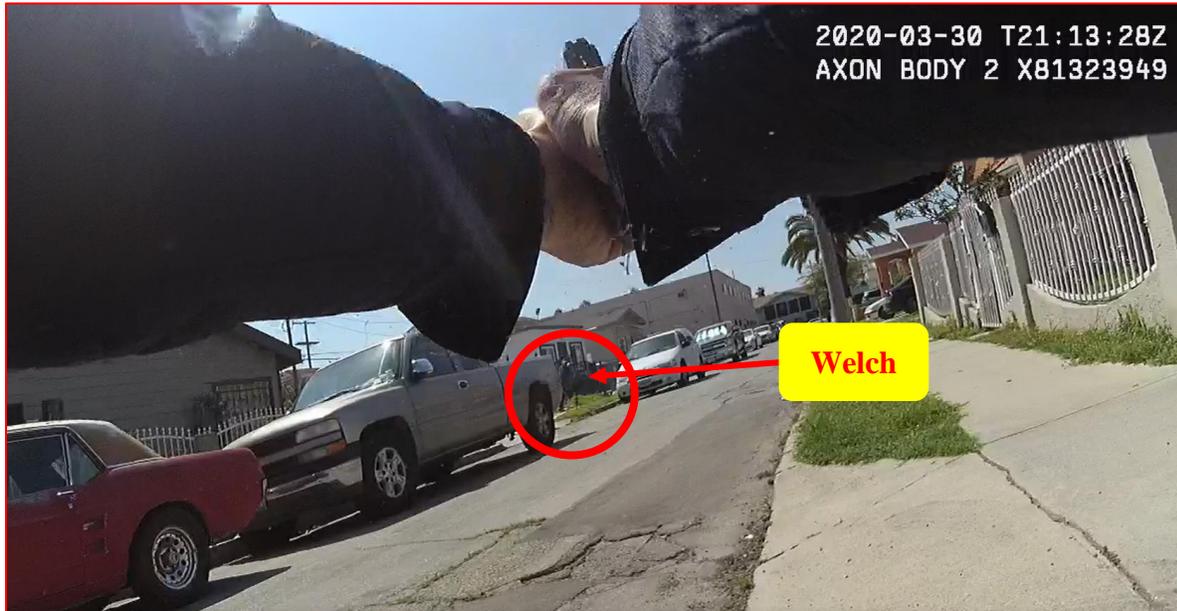
### **The Officer Involved Shooting**

As Manis continued to order Welch to stop and show his hands, Welch suddenly turned toward Manis and fired a handgun at him. BWC video of Welch turning and firing at Manis is shown below:



*Figure 2- BWC video of Welch turning and firing at Manis.*

Manis yelled, “Oh shit!” and dove to the ground. A gun battle ensued. Welch fired two more rounds at Manis, who returned fire as he was seated on the ground. BWC video of Welch firing at Manis, and Manis returning fire is shown below:



*Figure 3- BWC video of Welch and Manis shooting at each other.*

Despite being struck by gunfire, Welch continued to run for several feet then collapsed. He then threw his gun over an adjacent residence.

### **Injuries**

Welch was shot in the torso and had a graze wound to his arm. He was transported to the hospital and survived his injuries.

Manis was not struck by gunfire.

### **Firearms Evidence**

The gun Welch tossed was recovered behind a residence adjacent to where he collapsed. The gun was determined to be a .380 caliber semiautomatic pistol. Three expended .380 cartridge casings were recovered from the scene. Investigators later determined those casings were fired from Welch’s gun. A photo of Welch’s gun is shown below:



*Figure 4 – Photo of Welch’s Gun*

Manis was armed with a .45 caliber semiautomatic pistol. Five expended .45 caliber cartridge casings were recovered from the scene and were later determined to have been fired from Manis' service weapon.

### **Officer Manis' Statement**

Manis and his partner responded to a shooting call in a park. They saw two suspects on bikes fleeing the park. One of the suspects, Robert Welch, accelerated his bicycle away from Manis, who had his lights and siren activated to detain Welch. Welch did not comply and continued to flee. Welch crashed his bicycle and ran. Manis drew his service weapon and chased Welch. Manis heard a gunshot and believed Welch had fired a round at him. Manis dove to the ground to protect himself, immediately sat up, and saw Welch turn toward him, point a black handgun at him, and fire. Manis believed that Welch fired a total of four rounds at him. Manis, in fear for his life, his partner's life, and the surrounding citizens, fired five rounds, from a seated position, at Welch. Welch was struck, continued to run for a short distance, and collapsed. As Manis approached Welch, Welch threw a handgun over an adjacent residence.

### **Robert Welch's Statement**

Investigators interviewed Welch in the hospital after he waived his *Miranda* rights.

Welch said he had a gun with an "easy pull" trigger. He obtained the gun from a drug dealer. Welch denied having problems with anyone in the park. Welch saw the officers behind him but thought they were trying to pass him. Welch thought he might have been "trippin" because he took meth after he took his "psych" medications earlier in the day. Welch admitted to turning toward the officer when he was being chased. He attempted to throw the gun, his finger got caught in the trigger, and it fired, possibly more than once. Then he was shot. Welch said he did not intend to shoot the officer. Welch surmised that he fired because he was "shaky" and his anxiety was too high.

Welch was charged with assaulting Officer Manis with a firearm, and assaulting Manis' partner with a firearm. He pled no contest to both charges and has been sentenced to 25 years in prison.

## **LEGAL ANALYSIS**

### **The Law**

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).

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 on 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 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.

### **Analysis**

The evidence reviewed in this investigation shows that Manis and his partner were chasing Welch, whom they believed was armed, had just been involved in a shooting at a park, and was fleeing. Manis, who was in uniform and in a marked patrol vehicle, activated his lights and siren, and attempted to detain Welch. Welch ignored Manis' commands to stop and show his hands. There is compelling evidence, including video, that Welch, turned and fired a gun three times at Manis. Manis returned fire in order to save his own life, his partner's life, and to protect the citizens in the surrounding area.

### **CONCLUSION**

Based on a review of the evidence presented, there is compelling evidence that Welch presented a deadly threat to Manis and tried to kill him. It was reasonable for Manis to fire his service weapon at Welch, in self-defense and defense of others. We are closing our file and will take no further action in this matter.