

Fatal Officer Involved Shooting of Daniel Hernandez Bravo

Los Angeles Police Department

Luke Coyle, #43567

Kevin Ruiz, #42706

J.S.I.D. File #20-0144



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

October 28, 2021

MEMORANDUM

TO: CAPTAIN RICH GABALDON
Los Angeles Police Department
Force Investigation Division
100 W. 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 Daniel Hernandez Bravo
J.S.I.D. File #20-0144
L.A.P.D. File #F017-20

DATE: October 28, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 30, 2020, fatal shooting of Daniel Hernandez Bravo by Los Angeles Police Department (LAPD) Officers Luke Coyle and Kevin Ruiz. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on April 30, 2020, at 11:09 p.m. The District Attorney Response Team did not respond to the scene due to outstanding suspects in the area, as well as the COVID-19 safety measures in place at the time.

The following analysis is based on police and investigative reports, interviews, body worn video (BWV), Digital In Car Video System (DICVS), photographs, firearm analysis and the coroner's report submitted to this office by the LAPD Force Investigation Division. Coyle and Ruiz provided compelled statements which were not considered as part of this analysis.

FACTUAL ANALYSIS¹

On April 30, 2020, at approximately 9:38 p.m., uniformed LAPD Officers Kevin Ruiz and Luke Coyle were in a marked black and white police vehicle traveling westbound on 23rd Street in the City of Los Angeles. The officers turned right (north) onto Wall Street and began to pass a Mercedes Benz and BMW Sport Utility Vehicle that were stopped at the stop sign, facing south. Ruiz reversed the police vehicle and repositioned it to the front of the Mercedes.²

¹ Unless otherwise noted, the following synopsis of the officer involved shooting is based upon Ruiz and Coyle's BWV and DICVS from their patrol vehicle.

² Due to the fact that Coyle and Ruiz' compelled statements were not considered as part of this analysis, it is not known why the officers reversed their vehicle. The United States Supreme Court held that an individual fleeing from the police is not seized pursuant to the Fourth Amendment unless an officer applies physical force or the individual



Photo taken from the DICVS showing the BMW behind the Mercedes at the stop sign.

Ruiz illuminated the interior of the Mercedes while Coyle illuminated the BMW. As the officers were exiting their vehicle, the BMW reversed northbound at a high rate of speed. Ruiz and Coyle reentered their vehicle and followed the BMW. The BMW collided with a parked vehicle then turned right (west) into an alleyway.³

The BMW came to a sudden stop in the alleyway. Jose H. and Anthony V. exited from the driver's side front and rear doors while Bravo exited from the front passenger door. Jose H. and Anthony V. ran to the front of the BMW as Bravo ran to the rear of the BMW and onto the sidewalk in the direction of the patrol vehicle.

submits to an officer's authority. (*California v. Hodari D.* (1991) 499 U.S. 621, 629.) A Fourth Amendment analysis was not triggered in this case due to the fact that the BMW and its occupants fled from Ruiz and Coyle.

³ The BMW reversed approximately 100 feet before colliding with the parked car.



Photo taken from the DICVS showing Bravo fleeing from the front passenger door of the BMW.

Ruiz yelled, “Let me see your fucking hands!” as he exited the patrol vehicle. Jose H. and Anthony V. ignored Ruiz and ran into an apartment complex. Bravo continued to run east on the sidewalk, parallel to the patrol vehicle, as Coyle exited. A handgun fell to ground in front of Bravo as he passed Coyle. The gun slid along the sidewalk and into an adjacent dirt parkway. The firearm landed approximately 12 feet in front of Bravo.



Photo taken from Coyle’s BWV showing the gun sliding across the sidewalk in front of Bravo.

Coyle pointed his service weapon at Bravo as Bravo ran toward the gun. Bravo bent down and reached toward the gun with his right hand. Coyle immediately yelled, “Drop It!” The instant Bravo’s right hand touched the gun, Coyle fired three to four rounds at him.



Photo taken from Coyle’s BWV showing Bravo running toward the gun in the dirt parkway.



Photo taken from Coyle’s BWV showing Bravo bending down toward the gun.

After Coyle fired his weapon, Bravo's body turned to the right and he lifted his right hand pointing the gun in the direction of the officers. By this time, Ruiz was to the rear of the police vehicle and had drawn his weapon. Ruiz fired one round from his service weapon as Coyle fired another three to four rounds.⁴



Photo taken from Coyle's BWV showing Bravo turned toward his right with the gun raised.

Bravo fell to ground and Coyle and Ruiz covered him with their firearms until responding units arrived. Coyle advised the responding officers that the gun was beneath Bravo. According to the officers who arrived to assist, they observed the handgun near Bravo's right shoulder.

Personnel from the Los Angeles Fire Department responded to the scene and rendered aid to Bravo, however, he was declared deceased at the scene.

Jose H. and Anthony V. were eventually located in the surrounding area and taken into custody. Jose H. and Anthony V. were not interviewed regarding the officer involved shooting because they had fled from the area and did not witness it.

Bravo's Firearm

Bravo was armed with a Walther, Model PPK/S, .380 caliber semiautomatic handgun. There was one live round in the chamber and seven live rounds in the magazine. On December 21, 2017, the firearm was reported lost in San Bernardino County by the registered owner.

It was determined that due to severe rusting, the firearm was not functional. The rust prevented the firing pin from having enough energy to fully strike the primer of the cartridge. The firearm was successfully test fired after it was field stripped and lubricated.

⁴ Coyle moved into Ruiz' line of fire preventing Ruiz from firing any further rounds. Coyle blocks the view of Bravo in Ruiz' BWV. An examination of Coyle's service weapon, and the magazine from a tactical reload, determined that he fired seven rounds.

Autopsy Report

Los Angeles County Deputy Medical Examiner Timothy Dutra, M.D., performed a postmortem examination of Bravo on May 2, 2020. Bravo's death was ascribed to gunshot wounds of the neck and torso. Bravo sustained seven gunshot wounds to the neck, torso, upper arm, shoulder and thigh. The location and trajectory of the gunshot wounds were consistent with the position of the officers in relation to Bravo during the shooting as captured on the BWV. Bravo's blood tested positive for the presence of alcohol, cocaine and marijuana.

THE LAW

A peace officer is justified in using deadly force upon another 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; 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) and (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).

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. Penal Code section 835a(a)(4).

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Penal Code section 835a(a)(2).

"Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force. Penal Code section 835a(e)(3).

"An officer is not constitutionally required to wait until he sets eyes upon the weapon before employing deadly force to protect himself against a fleeing suspect who turns and moves as though to draw a gun." *Thompson v. Hubbard* (2001) 257 F.3d 896, 899. See *Ryder v. City of Topeka* (1987) 814 F.2d 1412, 1419 (concluding that, because a requirement that a suspect actually have a weapon would place police in "a dangerous and unreasonable situation ... whether a particular seizure is reasonable is dependent on the 'totality of circumstances,' and not simply on whether the suspect was actually armed.")

CONCLUSION

The evidence examined in this case shows that Bravo was armed with a handgun when he attempted to flee from the police. Bravo dropped the firearm, and rather than leave it behind on the ground, he chose to retrieve the weapon while in close proximity to Coyle and Ruiz. Bravo's actions placed Coyle in reasonable fear for his life, and the life of his partner, and he responded with reasonable deadly force. After the first volley of gunfire, Bravo raised his right hand in the air, causing the handgun to be pointed toward the officers. Coyle and Ruiz were forced to make a split-second decision under the circumstances, and it was reasonable for them to fear that Bravo was about to fire his weapon at them, making it necessary to defend themselves with deadly force. The fact that the firearm was later found to be inoperable does not change the analysis in this case. Under the quickly unfolding events, it would be difficult, if not impossible, for a reasonable person in the officers' position to evaluate the condition of the firearm.