

**Fatal Officer Involved Shooting of Rickie Starks
Los Angeles County Sheriff's Department**

**Deputy Taylor Ingersoll, #534566
Deputy Edwin Barajas, #537558**

J.S.I.D. File #19-0293



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

October 28, 2021

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
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: Fatal Shooting of Rickie Starks
J.S.I.D. File #19-0293
L.A.S.D. File #019-09696-2814-011

DATE: October 28, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 3, 2019, death of Rickie Starks during an officer involved shooting involving Los Angeles County Sheriff's Department (LASD) Deputies Edwin Barajas and Taylor Ingersoll. It is our conclusion that Barajas and Ingersoll acted in lawful self-defense and defense of others, and that Starks was not struck by deputy gunfire.

The District Attorney's Command Center was notified of the shooting on July 4, 2019, at approximately 2:13 a.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on police and investigative reports, coroner's report, audio recorded interviews, forensic analysis, video surveillance, police radio traffic and photographic evidence submitted to this office by Sergeants Gina Eguia and Robert Martindale, LASD, Homicide Bureau. Deputies Barajas and Ingersoll provided voluntary statements which were considered as part of this analysis.

INTRODUCTION

LASD deputies attempted to initiate a traffic stop on a Cadillac Escalade which resulted in a vehicle pursuit. During the pursuit, a passenger in the Escalade repeatedly fired upon the pursuing deputies with a large caliber, high-powered firearm. The deputies returned fire with their service weapons. Rickie Starks was riding his bicycle when the vehicle pursuit passed him, and he was fatally struck in the chest by a single gunshot. The deputy medical examiner determined that the fatal gunshot wound was consistent with being inflicted by a large caliber high-powered rifle.

FACTUAL ANALYSIS

On July 3, 2019, at approximately 11:19 p.m., uniformed LASD Deputies Edwin Barajas and Taylor Ingersoll observed a black Cadillac Escalade run two stop lights on Rosecrans Avenue at the intersections of Willowbrook Avenue and Alameda Street in the City of Compton. Barajas activated the marked black and white vehicle's overhead lights and siren and attempted to initiate a traffic stop. The Escalade failed to yield and a short, high-speed vehicle pursuit ensued.¹

As the Escalade turned south onto Oleander Avenue from Rosecrans Avenue, Barajas and Ingersoll heard gunfire coming from the vehicle. The Escalade made an immediate right (west) turn onto Spruce Street, at which time an occupant leaned from one of the passenger-side windows and began firing what appeared to be a high-powered rifle at the deputies. Barajas and Ingersoll heard gunfire and saw muzzle flashes as multiple rounds struck their patrol car. In response, Barajas and Ingersoll fired their service weapons through their vehicle's windshield toward the passenger side of the Escalade.

The Escalade turned north onto Aranbe Avenue from Spruce Street as the passenger continued to fire at the deputies. At that time, LASD Deputies Rogelio Benzor and Edgar Cuevas were traveling north on Aranbe Avenue toward Spruce Street.² Cuevas observed an individual hanging from one of the Escalade's passenger windows firing back toward Barajas and Ingersoll's vehicle as the Escalade rounded the corner onto Aranbe Avenue. Benzor did not hear gunfire but observed muzzle flashes and could smell gun smoke as he crossed over Spruce Street. The Escalade passenger continuously fired upon Barajas and Ingersoll as it traveled north on Aranbe Avenue toward Rosecrans Avenue.

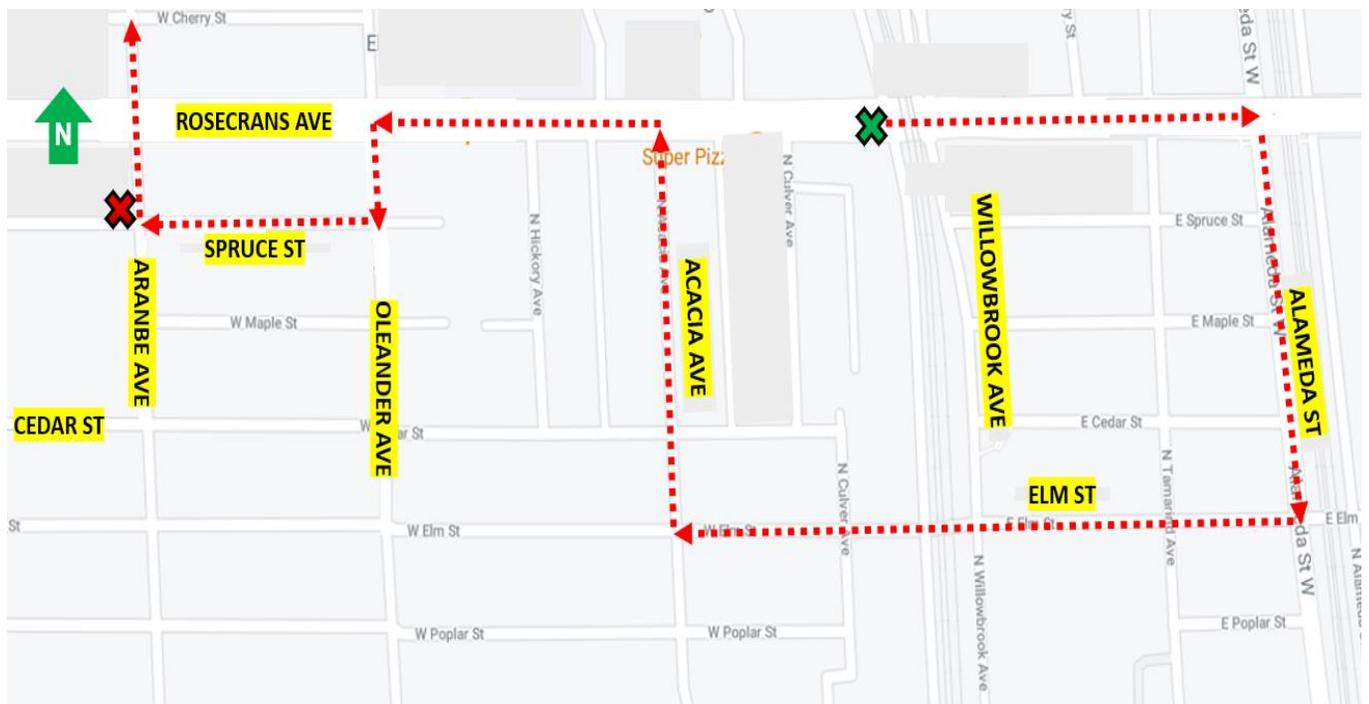
The Escalade traveled several blocks after crossing Rosecrans Avenue and approached Stockwell Street. At that time, Barajas and Ingersoll heard additional gunfire and muzzle flashes coming from the Escalade. Barajas and Ingersoll returned fire as their patrol vehicle was struck with more rounds. Cuevas also heard the additional gunfire and saw the muzzle flashes coming from the Escalade.

As the vehicle pursuit continued, LASD Compton Station received a call regarding a gunshot victim at the corner of Aranbe Avenue and Spruce Street. LASD Deputy Christine Adams responded to the location and observed Starks lying face down with his upper body beneath a car parked on the east side of Aranbe Avenue, immediately north of Spruce Street. Starks was unconscious and appeared to be suffering from a gunshot wound to the abdomen. A bicycle lay on the street behind the parked vehicle. Personnel from the City of Compton Fire Department arrived to the scene and declared Starks deceased.³

¹ Ingersoll broadcast that they were in pursuit of a "reckless deuce" which is police vernacular for recklessly driving while under the influence of alcohol.

² Benzor and Cuevas responded to Ingersoll's radio broadcast of the vehicle pursuit. En route, they heard Ingersoll broadcast that he and Barajas were taking rounds from a high-powered rifle and that they had returned fire. Benzor and Cuevas arrived at Aranbe Avenue and Spruce Street in less than two minutes from when Ingersoll broadcast that they were in pursuit.

³ The Compton Fire Department received the call for service at 11:28 p.m. Barajas, Ingersoll, Benzor and Cuevas told investigators they did not see any pedestrians or bicyclists in the area of Spruce Street and Aranbe Avenue. Surveillance video from a convenience store near the corner of Aranbe Avenue and Rosecrans Avenue captured Starks riding his bicycle in the direction of the pursuit.



The green “X” designates where Barajas and Ingersoll first observed the Escalade. The dashed arrows designate the path of the pursuit. The red “X” designates where Starks fell after being struck by gunfire.

Meanwhile, the pursuit continued on several residential streets before going north on Wilmington Avenue. At Wilmington Avenue and 130th Street, Barajas and Ingersoll’s vehicle became disabled and they were forced to drop from the pursuit. Benzor and Cuevas continued to pursue the Escalade after checking on Barajas and Ingersoll. By that time, the Escalade had gained significant distance and turned eastbound, disappearing from view.

Benzor and Cuevas turned east onto 119th Street and approached Willowbrook Avenue. The deputies observed the Escalade northbound on Willowbrook Avenue. The Escalade slowed, then turned west on 119th Street, and accelerated toward the black and white police vehicle. Benzor and Cuevas exited their vehicle fearing the Escalade intended to crash into them. As the vehicle approached, Benzor and Cuevas observed the barrel of a firearm extending from one of the rear passenger windows and they simultaneously fired their service weapons at the Escalade. The Escalade continued west on 119th Street at a high rate of speed and disappeared from view.⁴

An LASD airship located the Escalade westbound on 120th Street and followed it as it entered the westbound lanes of the 105 freeway. As the airship followed the Escalade overhead, the onboard tactical flight officer observed muzzle flashes coming from the passenger side of the vehicle directed toward the LASD helicopter. The Escalade transitioned to the north 405 freeway and exited at Manchester Avenue in the City of Inglewood. The Escalade came to a stop on Queen Street, a residential neighborhood near the freeway. The airship observed at least one individual, later identified as James Harris, exit the Escalade and head toward an apartment complex. Benzor and

⁴ There is no evidence that Benzor and Cuevas’ rounds struck anyone.

Cuevas was the first unit to arrive to the scene and detained Harris a short distance from the Escalade. Harris had the Escalade's key fob in his possession. No other suspects were located in the area.⁵

Statement of Anthony H.

Anthony H. was in the rear seat of Barajas and Ingersoll's police vehicle during the pursuit. The deputies had arrested Anthony H. for an outstanding warrant and were transporting him to the LASD Compton Station when the incident occurred.

Anthony H. observed the Escalade in front of the patrol vehicle on Rosecrans Avenue. The Escalade sped away when Barajas activated the patrol vehicle's siren. The deputies pursued the Escalade for two to three blocks when someone in the Escalade began shooting at them. Barajas and Ingersoll fired their weapons in response. Anthony H. was certain that the Escalade fired first because the deputies' gunfire was significantly louder. Anthony H. described the gun fired from the Escalade as an "AK" big weapon.

Anthony H. ducked down in the rear seat after hearing the gunfire. At one point, he heard a window in the police car shatter and also heard Ingersoll say he thought he had been hit by gunfire. Anthony H. heard the person in the Escalade repeatedly fire upon the patrol vehicle during the pursuit.

The patrol vehicle eventually came to a stop and the Escalade disappeared from view. Anthony H. was scared throughout the incident but was not injured.⁶

Injuries

Ingersoll sustained a grazing gunshot wound to his left shoulder and shrapnel wounds to his right hand.

Recovered Firearm

On July 4, 2019, at approximately 3:00 a.m., a resident living in the 2000 block of Shauer Street in the City of Compton, located what he believed was a toy or replica gun lying in the street in front of his residence. The next morning, having second thoughts about whether the gun was real, the resident had deputies respond to his home and relinquished the weapon to them. The 2000 block of Shauer Street is located in the vehicle pursuit's path.

The recovered firearm is a Romarm/Cugir, model Draco, 7.62 x 39mm caliber, AK type semiautomatic pistol. This firearm is classified as an assault weapon pursuant to Penal Code section 30515, as it is a semiautomatic pistol that has a second handgrip and the capacity to accept a detachable magazine at some location outside the pistol grip. The assault weapon and magazine were unloaded.

⁵ A review of the dispatch recordings shows that approximately 12 minutes and 46 seconds elapsed between the time Ingersoll broadcast that he and Barajas were in pursuit to when the Escalade stopped on Queen Street.

⁶ Ingersoll told investigators that before the gunfire, it was their intention to relinquish the vehicle pursuit to the first responding unit to arrive to their location.



Recovered Romarm/Cugir Draco.

Cadillac Escalade

The 2018 Cadillac Escalade abandoned on Queen Street had been converted into a bulletproof armored vehicle. The vehicle had been retrofitted with approximately one and a half inch thick bulletproof windows. Steel plates and Kevlar sheets were inserted into the door panels. Additionally, the vehicle's battery and fuse box were encased in steel.

The Escalade sustained bullet strikes along the driver's door, rear cargo area and rear passenger side door.

A Glock 19 9mm semiautomatic firearm and a Rossi .357 Magnum revolver were located in a hidden compartment within the Escalade. Both weapons were loaded.

Ballistic Evidence

One fired 7.62 x 39mm caliber cartridge case was recovered on Oleander Avenue, just south of Rosecrans Avenue.

Two fired 7.62 x 39mm caliber cartridge cases were recovered on Spruce Street between Oleander Avenue and Aranbe Avenue.

Twelve fired 7.62 x 39mm caliber cartridge cases were recovered on Aranbe Avenue between Spruce Street and Rosecrans Avenue.

One fired 7.62 x 39mm caliber cartridge case was recovered under the front passenger seat of the Escalade.

The 16 fired 7.62 x 39mm caliber cartridge cases were submitted to the LASD Scientific Services Bureau, Firearms Identification Section, for comparison to the Romarm/Cugir Draco recovered in the 2000 block of Shauer Street. The 16 fired 7.62 x 39mm caliber cartridge cases were determined to have been fired from the Romarm/Cugir Draco.

The only other casings recovered during the investigation were 28 9mm casings from Barajas and Ingersoll's police vehicle and five 9mm casings on 119th Street. The casings were all consistent with being fired from Barajas, Ingersoll, Benzor and Cuevas' service weapons.

An examination of the deputies' service weapons determined that Barajas fired 18 rounds, Ingersoll fired 14 rounds, Benzor fired three rounds and Cuevas fired four rounds. All four deputies were armed with 9mm semiautomatic firearms.



The 7.62 x 39mm bullet is considerably larger than the 9mm bullet.

Patrol Vehicle Damage

Barajas and Ingersoll's patrol vehicle sustained 24 bullet impacts and seven bullet holes determined to have been caused by rounds fired from the Escalade toward the police vehicle.⁷ The majority of the damage was on the passenger side of the vehicle and to the front bumper. In addition, there were bullet holes caused by rounds coming through the right side of the front windshield, front passenger door handle, rear passenger door, overhead light bar and hood.

Benzor and Cuevas' patrol vehicle sustained a bullet hole to the right front fender.

Autopsy Report

Los Angeles County Deputy Medical Examiner Paul Gliniecki, M.D., performed a postmortem examination of Starks on July 6, 2019. Starks sustained a single, through and through gunshot wound to the chest, as such no projectile was recovered for analysis. A large entry wound was located on the left lateral chest measuring approximately two inches vertically by one and a half inches horizontally. The exit wound was located on the left abdominal region measuring one and one quarter of an inch in length by three sixteenth of an inch in width. The wound trajectory was from left to right, back to front and downward. In addition, there was an abnormal number of peripheral abrasions and contusions surrounding the exit wound on the left side of the body.

⁷ There were additional bullet impacts and bullet holes to the patrol vehicle's windshield and interior that were determined to have been caused by rounds fired by Barajas and Ingersoll.

Death was ascribed to a single gunshot wound to the chest and abdomen resulting in fatal injuries to the left lung, heart, liver and the subsequent rapid loss of blood. The characteristics of the gunshot wound was consistent with a large caliber, high-powered rifle. In addition, the prominent peripheral abrasions and contusions to the left side of the body may have been produced if the body was tightly opposed to an opposing surface.

Criminal Charges

On July 23, 2020, Hayden Taylor, James Harris and Deven Littlejohn were charged with the murder of Starks. They were also charged with four counts of attempted murder of a peace officer and four counts of assault with an assault weapon upon a peace officer. The case is set for a pretrial hearing in Department D of the Compton Superior Court.⁸

It is alleged that Harris was the Escalade's driver and that Taylor fired the Romarm/Cugir Draco assault weapon. Littlejohn was a second passenger in the vehicle. During a Perkins Operation conducted while Taylor was in custody in Riverside County, Taylor admitted to the Perkins agent that he fired upon the deputies during the pursuit because he did not want to go back to jail.⁹

THE LAW

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger. See, CALCRIM No. 505.

When deciding whether the defendant's beliefs were reasonable, consider all the circumstance as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant's beliefs were reasonable, the danger does not need to have actually exist. See, CALCRIM No. 505.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

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

⁸ Case number TA152343.

⁹ Taylor's conversation with the agent was recorded.

rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this case shows that Taylor, a passenger in the Escalade, fired upon Barajas and Ingersoll with a large caliber, high-powered assault weapon when the deputies attempted to initiate a traffic stop. Multiple rounds struck the patrol vehicle and Ingersoll sustained a grazing wound to the shoulder and shrapnel injuries to his right hand. Taylor’s actions placed Barajas and Ingersoll in imminent fear for their lives and they responded with reasonable deadly force when they returned fire with their service weapons.

Tragically, Rickie Starks, an innocent bystander, was fatally wounded by gunfire during the pursuit. Based upon the coroner’s findings, Starks’ single gunshot wound to the chest was consistent with a round fired from a large caliber, high-powered rifle. The Romarm/Cugir Draco fires 7.62 x 39mm rounds, consistent with bullets fired from a high-powered rifle. Barajas and Ingersoll’s service weapons fired a significantly smaller 9mm round.

We conclude that Deputies Edwin Barajas and Taylor Ingersoll acted in lawful self-defense and defense of another when they fired their weapons. We further conclude that the fatal injury sustained by Starks was not the result of deputy gunfire.