

**Non-Fatal Officer Involved Shooting of Daniel Dezotell  
Long Beach Police Department**

**Officer Marco Woods, #11139**

**J.S.I.D. File #21-0484**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**October 30, 2023**

**MEMORANDUM**

TO: CHIEF WALLY HEBEISH  
Long Beach Police Department  
400 West Broadway  
Long Beach, California 90802

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

SUBJECT: Non-Fatal Officer Involved Shooting of Daniel Dezotell  
J.S.I.D. File #21-0484  
L.B.P.D. File #21-0053988

DATE: October 30, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 12, 2021, non-fatal shooting of Daniel Dezotell by Long Beach Police Department (LBPd) Officer Marco Woods. We have concluded the officer acted in lawful self-defense at the time he fired his weapon, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on November 12, 2021, at approximately 11:18 a.m. The District Attorney Response Team (DART) responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on body worn camera video (BWV), a recorded statement by Dezotell, and investigative reports, submitted by LBPd Detective Michael Hubbard, Homicide Detail, Special Investigations Division on March 7, 2022.

**INTRODUCTION**

On November 12, 2021, at approximately 8:25 a.m., an off-duty deputy sheriff called 9-1-1 and reported that a man in a car had a large cut on his arm and was holding a knife. Shortly after, LBPd Officer James Stahmann, in uniform and driving solo in a marked police car, initiated a traffic stop of an Infiniti sedan driven by Daniel Dezotell. Stahmann parked his car behind the Infiniti and attempted, using verbal commands, to persuade Dezotell to exit.

Officer Woods arrived minutes later. He was in uniform and driving solo in a marked police car. Woods took a position behind the open passenger door of Stahmann's car. According to BWV, Woods walked toward the Infiniti with his pistol drawn but retreated back to Stahmann's car, telling Stahmann, "He's got a gun!" Woods repeatedly ordered Dezotell to "drop the gun" and told him he wanted to help Dezotell.

Dezotell was seated in the driver seat of the Infiniti. He ignored their commands and pleas and, according to statements from Woods and Dezotell himself, turned to face Woods through the Infiniti's rear windshield and pointed at Woods what appeared to be a firearm. Woods fired two quick rounds in response. Dezotell was struck once in the head, a non-life-threatening graze wound.

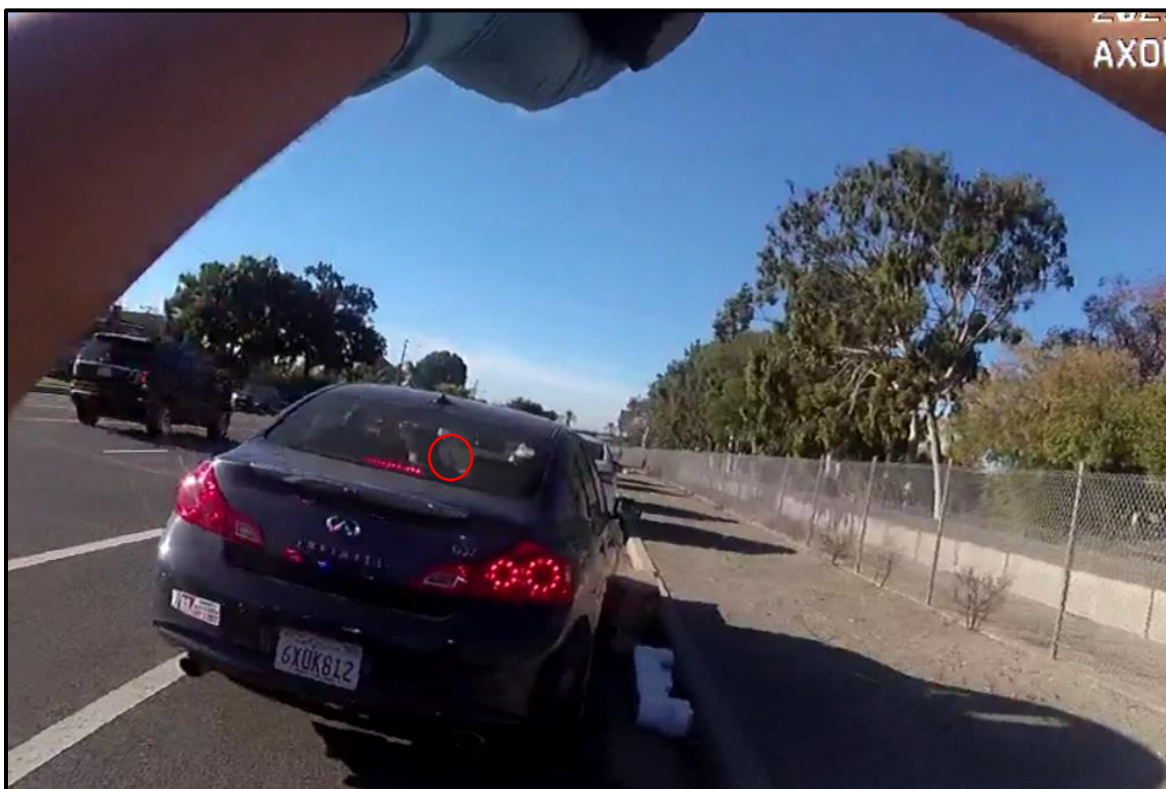
Paramedics transported Dezotell to the hospital, where he told investigators that he was trying to commit "suicide by cop" and admitted that he pointed a pellet gun—which he described as a "replica .357"—at Woods just before Woods fired at him.

Investigators later recovered an unloaded black revolver-style pellet gun from inside Dezotell's Infiniti. Due to obstructions, Woods and Stahmann's BWV do not capture Dezotell's actions at the time of the shooting. Footage before the shooting appears to show Dezotell holding an object in his right hand.

## FACTUAL ANALYSIS

### BWV

According to BWV, Woods stands at the passenger side of Stahmann's car, parked a few feet directly behind Dezotell's Infiniti. Dezotell is visible through the rear windshield, sitting in the driver seat. Woods takes several steps toward the rear of the Infiniti but suddenly retreats back to the patrol car and yells, "He's got a gun! Gun, gun, gun!"



*Figure 1: Woods BWV; Dezotell sits in driver seat holding object in his right hand.*

Dezotell appears to be holding something in his right hand. It comes in and out of view as Dezotell raises and lowers it several times. At one point, he appears to raise it to his head. Woods repeatedly orders Dezotell to “put the gun down.” Officer Stahmann stands behind the open driver door. Woods tell him, “He put a gun to his head.” Both officers tell Dezotell that they want to help him.

After about four minutes pass, as Woods continues to plead with Dezotell, Woods’ voice rises and he excitedly yells, “Put it down!” A second later, Woods rapidly fires two rounds through the Infiniti’s rear windshield. At this moment the camera’s view of the Infiniti is obscured. Dezotell’s actions at the time of the shooting cannot be seen.

Woods’ magazine drops out of his pistol. He reloads and commands Dezotell to put his gun down. Dezotell yells from inside the car, “Thank you! Thank you! Goodbye! Let me die!” Woods yells to Stahmann, “He pointed the gun at me!” The officers continue to order Dezotell to show his hands.

Stahmann’s BWV does not show the shooting. At the moment Woods fires, Stahmann is leaning into the car cabin, operating a computer inside the cabin.

The officers walk to the driver side of the Infiniti. Dezotell lies in the roadway next to the open driver door. Blood is visible. Dezotell says, “Thanks guys. You did good. ... I only had a pellet gun. I wasn’t going to – I couldn’t do it myself. ... I just want to die.”

#### Dezotell Statement

Investigators interviewed Dezotell later at the hospital. He told them he was trying to kill himself. He had tried to stab an artery in his arm but “couldn’t get deep enough.” Dezotell said it was “suicide by cop.” He saw the officers behind him, “drawing down” on him. He “pointed the gun at them.” He “heard the bang before [he] felt the bang.”

#### Physical Evidence

Investigators recovered a loaded CO2 pellet/BB “replica 357 handgun,” as described in reports, from the Infiniti’s rear driver side floor board. Based on the BWV, casings at the scene, and post incident examination of Woods’ service pistol, he fired two rounds during the incident.



*Figure 2: Butt of pellet gun is visible behind driver seat of Infiniti.*



*Figure 3: Pellet gun recovered from Infiniti.*

### Woods Report

According to Woods' incident report, he responded to a call of "unknown trouble" and reports of a man with a large "gash" on his arm. Other comments of the call reported that the man was armed with a knife and might be under the influence of alcohol.

Woods initially tried to approach the car because he believed the man was suicidal and only armed with a knife.

Woods wrote that he fired his weapon because Dezotell turned around to face Woods and pointed the barrel of a pistol “directly” at him. Woods wrote that less lethal resources were not an option because “the driver was barricaded inside of his vehicle.”

After the shooting, Dezotell opened his driver door, exited, and laid on the pavement in a “prone position.” His hands were empty.

## **THE LAW**

A peace officer is justified in using deadly force 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).

Deadly force shall be used “only when necessary in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code section 835a(a)(2).

“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).

## **LEGAL ANALYSIS**

Officer Woods responded to a call reporting a man armed with a knife, with a “gash” to his arm, possibly under the influence of alcohol and suicidal. Woods attempted to approach Dezotell’s Infiniti on foot. Dezotell sat in the driver seat. According to BWV, Woods retreated back to the police car and yelled to Officer Stahmann that Dezotell had a “gun.” Dezotell is seen in the footage holding an object consistent with a gun. During a four minute stand off, Woods ordered Dezotell to drop his gun and show his hands. Woods told Dezotell he wanted to help him. Dezotell ignored Woods and instead, according to Dezotell’s and Woods’ statements, turned around and pointed a realistic looking pellet gun at Woods through the rear windshield.

According to BWV, Woods excitedly yelled “Put it down!” then quickly fired two rounds through the Infiniti’s rear windshield. Dezotell later told investigators that he was trying to commit “suicide by cop.”

Considering the totality of the circumstances known to Officer Woods at the time, including those leading up to the incident, it was reasonable for him to believe that deadly force was necessary to defend against an imminent deadly threat when Dezotell, holding a replica pellet gun, ignored commands to drop it, turned toward Woods, and pointed it at him. Woods acted reasonably under the circumstances known at the time, and this conclusion is not altered by the hindsight knowledge that Dezotell was armed with a pellet gun.

## **CONCLUSION**

For the foregoing reasons, we find that Officer Woods acted lawfully in self-defense when he used deadly force against Daniel Dezotell.