

Fatal Officer Involved Shooting of Oscar Santiago
Los Angeles Police Department

Officer Christopher Kliebert, #43292
Officer Andrew Mejia, #43368

J.S.I.D. File #22-0203



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 13, 2024

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
Los Angeles Police Department
Force Investigation Division
100 West 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 Oscar Santiago
J.S.I.D. File #22-0203
L.A.P.D. File #F027-22

DATE: November 13, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 19, 2022, fatal shooting of Oscar Santiago by Los Angeles Police Department (LAPD) Officers Christopher Kliebert and Andrew Mejia. We have concluded that Officer Kliebert and Officer Mejia each reasonably believed their use of deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this shooting on June 19, 2022, at approximately 11:55 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by LAPD Force Investigation Division (FID) Lieutenant Alisha Jordan.

The following analysis is based on reports, photographs, sketches, transcripts and audio recordings of witness interviews, body worn camera video (BWV) and digital in-car video (DICV) received from LAPD FID on June 13, 2023, and September 11, 2024. Any compelled statements of Officer Kliebert and Officer Mejia were not considered in this analysis.

INTRODUCTION

On June 19, 2022, approximately 10:44 p.m., LAPD, Foothill Division, Officers Christopher Kliebert and Andrew Mejia responded to a "415 man with a gun" emergency call at the intersection of Van Nuys Boulevard and Laurel Canyon Boulevard. As Kliebert maneuvered their patrol SUV towards Santiago, Santiago turned around, ran towards the officers, and pulled a semiautomatic handgun from his waistband. Kliebert exited the SUV and immediately exchanged gunfire with Santiago as Mejia exited and fired additional rounds at Santiago. Santiago was struck by four rounds and fell to the sidewalk. Santiago was transported to

Providence Holy Cross Medical Center for treatment where he succumbed to his injuries and was pronounced dead at 12:31 a.m.

FACTUAL ANALYSIS

Kliebert and Mejia were in a standard marked LAPD black and white Ford Explorer patrol vehicle. Kliebert was driving and Mejia rode in the front passenger seat. Both officers were dressed in standard long-sleeve LAPD patrol uniforms. Kliebert and Mejia were assigned to respond to the emergency call at approximately 10:44 p.m. and arrived at the intersection at approximately 10:47 p.m.

BWV AND DICV SYNOPSIS

Kliebert and Mejia respond Code 3 northbound on Laurel Canyon Boulevard.¹ While enroute, Kliebert reads the emergency dispatch comments on their vehicle's Mobile Digital Computer (MDC) screen to Kliebert and tells Kliebert that Santiago has a brown handgun in his waistband that Santiago waved and pointed at the reporting person's vehicle.

As the SUV enters the intersection Santiago is briefly visible on the DICV walking east on the north sidewalk of Van Nuys Boulevard. Santiago matches the suspect description and is the only pedestrian visible in the area.

Kliebert tells Mejia, "Right here in front of us. Right here in front—He's—He's making furtive movements to his waistband. Right here."² Mejia begins to radio their status and location. The SUV turns east into the oncoming right-turn lane adjacent to the north sidewalk and maneuvers to Santiago.

As he exits the SUV Kliebert commands, "Hey, let me see your hands! Let me see your hands!" Mejia also begins to exit the SUV. Santiago turns around, faces the officers, and runs approximately 14.5 feet back towards Kliebert and Mejia as he pulls his semiautomatic handgun from his waistband, raises it with his right hand and shoots two rounds at Kliebert. Santiago drops down and falls to the sidewalk. As Santiago drops down, his gun falls onto the seat of the bus bench in front of him.

Kliebert fires a continuous volley of 12 rounds at Santiago. Mejia fires a volley of three rounds at Santiago. The SUV continues to slowly roll forward and Mejia quickly repositions in front of the door and fires a second volley of three rounds at Santiago. The SUV jolts to a stop as Kliebert reaches in and puts the gear selector in park.

¹ Code Three is an emergency response with lights and siren.

² Santiago is not on camera as Kliebert says this.



Figure 1 – DICV screengrab shows a flash of light from the barrel of Santiago’s handgun as Santiago fires his second round.

PHYSICAL EVIDENCE

Kliebert fired his 9mm Smith & Wesson M&P9 semiautomatic service weapon from a distance of approximately 31 feet.³ Mejia fired his 9mm Smith & Wesson M&P9 semiautomatic service weapon from a distance of approximately 33 feet.⁴ LAPD analyzed the sound from Mejia’s BWV and determined that Kliebert fired the first two rounds, Santiago fired the third and fifth rounds, and Mejia fired the final three rounds. The entire exchange of gunfire happened in less than 3.5 seconds.

Santiago was armed with a 9mm Polymer 80 PF940V2. The semiautomatic pistol did not have a serial number.⁵ The handgun had a tan brown polymer frame with a black slide and brown plastic grips. The slide was jammed to the rear by a discharged cartridge casing stuck backwards between the ejection port and barrel. A live round was partially fed into the chamber. Six additional live rounds were loaded in the magazine. The trigger was held in the back position, consistent with the slide held partially to the rear after being fired.

A bullet fragment fired from Santiago’s Polymer 80 was found on the south sidewalk along with a non-penetrating impact in the metal bus stop shelter near the southwest corner. The trajectory is consistent with Santiago aiming at Officer Kliebert.

³ In his Public Safety Statement Kliebert said he fired approximately four to five rounds.

⁴ In his Public Safety Statement Mejia said he fired four rounds.

⁵ A firearm without a serial number is commonly referred to as a “ghost gun.” The origin of a ghost gun cannot be traced.

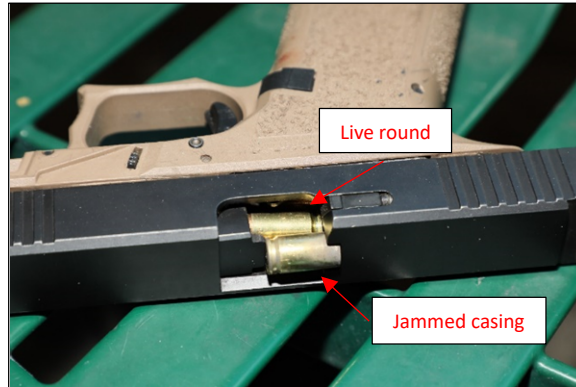


Figure 2 – LAPD picture shows Santiago’s jammed Polymer 80 on the bus bench.

AUTOPSY

On June 23, 2022, Los Angeles County Deputy Medical Examiner Dr. Kevin Young performed Santiago’s autopsy.⁶ Santiago was struck by four rounds.⁷ All four rounds travelled right to left through Santiago’s body. One round entered Santiago’s right temple and came to a rest on the left side of Santiago’s brain. This round was fatal. The three other rounds were non-fatal. One round entered the base of Santiago’s right lateral neck and exited the top of his left shoulder. One round entered Santiago’s right lateral hip and came to a rest in his right buttock. One round entered Santiago’s right forearm, fractured the elbow, and exited his right anterior bicep. Dr. Young attributed Santiago’s cause of death to “multiple gunshot wounds.”

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).

“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).

⁶ Toxicology results confirmed the presence of alcohol and amphetamine in Santiago’s blood at the time of his death. Victims assaulted by Santiago at the intersection before Kliebert and Mejia arrived described Santiago as “angry,” “drunk” and “high.”

⁷ The order of the four rounds is random and does not indicate the order of impact.

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). Moreover, "[a] peace officer who makes or attempts to make an arrest need not retreat, or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested." Penal Code section 835a(d).

LEGAL ANALYSIS

The evidence supports a reasonable belief by Kliebert and Mejia that deadly force was necessary to defend themselves against an imminent threat of death or serious bodily injury.

Santiago matched the description of the suspect in an assault with a firearm that had just occurred. As soon as Santiago turned around it is reasonable to conclude that Santiago would have immediately realized he was facing law enforcement. Instead of surrendering and relinquishing his semiautomatic handgun, Santiago bolted directly toward the officers, raised his semiautomatic handgun, and fired two rounds at Kliebert from around 30 feet away. The available evidence indicates Santiago would have continued to shoot his remaining seven rounds at Kliebert and Mejia if Santiago's pistol had not jammed when Santiago pulled the trigger to shoot the third round. The threat of death was so acute that Kliebert did not take the brief second needed to shift the patrol vehicle into park, and instead exited the SUV while it was still in motion.

Under the totality of these facts, it was reasonable for Kliebert and Mejia to believe Santiago had the present ability, opportunity, and apparent intent to immediately cause them death or serious bodily injury. Officer Kliebert and Officer Mejia reasonably responded with deadly force.

CONCLUSION

For the foregoing reasons, we find that Officer Kliebert and Officer Mejia each reasonably believed their use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury.