

Fatal Officer Involved Shooting of Jorge Serrano
Los Angeles County Sheriff's Department

Deputy Nikolis Perez, 602261

Deputy Kevin Thompson, #648688

J.S.I.D. File #19-0505



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 14, 2024

MEMORANDUM

TO: ACTING CAPTAIN ARTURO R. SPENCER
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 Officer Involved Shooting of Jorge Serrano
J.S.I.D. File #19-0505
L.A.S.D. File #019-17470-0277-013

DATE: November 14, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 16, 2019, fatal shooting of Jorge Serrano by Los Angeles County Sheriff's Department (LASD) Deputies Nikolis Perez and Kevin Thompson. It is our conclusion that the deputies acted in lawful self-defense and defense of another.

The District Attorney's Command Center was notified of the shooting on December 16, 2019, at 7:22 p.m. The District Attorney Response Team responded and was given a briefing of the shooting, a walk-through of the scene and interviewed a civilian witness.

The following analysis is based on police and investigative reports, audio recorded interviews, photographic evidence, video surveillance, radio traffic recordings, firearm analysis, DNA analysis and the coroner's report submitted to this office by Sergeant Domenick Recchia and Detective Gordon Lukehart, LASD, Homicide Bureau. This analysis also considered pleadings and discovery documents produced in civil litigation arising from this incident. Perez and Thompson provided voluntary statements which were considered. The deputies were not equipped with body worn cameras.

FACTUAL ANALYSIS

On December 16, 2019, shortly after 5:30 p.m., uniformed LASD Deputies Nikolis Perez and Kevin Thompson were driving southbound Rowan Avenue, passing 4th Street, in a black and white marked patrol unit in the unincorporated area of East Los Angeles. The deputies observed a man, identified as Jorge Serrano, walking south on the west sidewalk of Rowan Avenue. As Perez stopped his vehicle next to Serrano, the deputies recognized him as an individual with an active no bail warrant.¹

¹ [REDACTED], on November 25, 2019, a warrant was issued for Serrano's arrest for violating the terms and conditions of his post release community supervision for a prior felony conviction. Approximately one week before the shooting, Perez was informed about the warrant by a fellow

Statement of LASD Deputy Kevin Thompson

Serrano looked over his shoulder and appeared startled as Perez slowed the black and white patrol unit alongside him. Serrano immediately fled northbound on the sidewalk while lifting his shirt and removing a gun with his right hand. Thompson yelled, “417!” and “Gun!” to warn Perez.² Thompson exited the passenger door, drew his service weapon and chased Serrano yelling, “Drop the gun! Stop!” Serrano, while running, turned his upper body and looked over his right shoulder at Perez and Thompson. Serrano then pointed the gun back toward the deputies. Fearing that Serrano was about to shoot and kill him and his partner, Thompson fired one round at Serrano.

Thompson heard Serrano “yelp” and believed he had struck him, but Serrano continued to flee west onto the south sidewalk of 4th Street. Perez broadcast over the radio while Thompson ordered Serrano to “Stop!” and “Drop the gun!” multiple times. Serrano ignored Thompson and crossed to the north sidewalk.

At Ditman Avenue, Serrano crossed back to the south sidewalk. It appeared to Thompson that Serrano still had the gun in his hand. Thompson ran in the street alongside cars parked at the south curb. Perez was on the sidewalk behind Serrano, paralleling Thompson.

Serrano came to a stop several hundred feet past Ditman Avenue and turned toward the deputies. Thompson feared that Serrano was about to fire and took cover behind a parked vehicle. Serrano hunched over and began to manipulate his gun as if trying to clear a jam. Thompson repeatedly ordered Serrano to drop the gun. Serrano’s only reply was “No!” Serrano suddenly looked up and raised the gun toward the deputies with both hands. Thompson believed that Serrano had cleared the jam from his gun and was about to fire at him and Perez. In fear for his life, Thompson fired two rounds at Serrano. Perez also fired his weapon.

Serrano fell to the sidewalk out of Thompson’s view. Thompson repositioned himself and observed Serrano on his back, holding the gun in his left hand. Thompson repeatedly yelled, “Stop! Don’t! Drop the gun!” Instead, Serrano began to point the gun toward the deputies. Thompson fired two more rounds at Serrano to stop him.

Serrano dropped the gun under a vehicle to his left and collapsed onto the sidewalk. Responding units arrived and Serrano was taken into custody. Thompson began administering cardiopulmonary resuscitation (CPR) to Serrano until another deputy relieved him.

An examination of Thompson’s service weapon determined that he fired five rounds.

Statement of LASD Deputy Nikolis Perez

As Perez stopped the patrol unit next to Serrano, Thompson exited the passenger door and attempted to detain Serrano for the warrant. Serrano turned and ran north on the sidewalk. Perez observed Serrano reaching into his front waistband with his right hand. As Perez and Thompson

deputy. Perez verified that the warrant was still active and advised Thompson. Perez and Thompson reviewed photographs and descriptions of Serrano’s multiple tattoos.

² 417 is police code for a person with a gun. It references Penal Code section 417, brandishing a firearm.

followed Serrano on foot, Serrano looked back toward Thompson and pointed a gun at him with his right hand. Thompson fired one round at Serrano.

Perez and Thompson pursued Serrano west on 4th Street from Rowan Avenue. Perez broadcast they were in foot pursuit of an assault with a deadly weapon on an officer suspect. Serrano ran onto the north sidewalk then crossed back to the south sidewalk at Ditman Avenue. Serrano was ordered to stop multiple times.

Serrano slowed down and appeared to be limping and holding his left leg. He eventually came to a stop on the south sidewalk. Perez repeatedly ordered Serrano to show his hands and get on the ground. Instead, Serrano turned to his left with something in his hands that he appeared to be manipulating. Due to the poor lighting, Perez was unsure if it was the gun. Serrano then faced the deputies with his hands extended in front of his body. Perez could now see that the object was a gun pointed at Perez and Thompson. Perez fired four to five rounds from his service weapon fearing that Serrano was trying to kill them. Thompson also fired his service weapon.³

Serrano fell to the sidewalk with his arms above his head and the gun near his left hand. Serrano reached his right hand across his body and grabbed the gun. Thompson fired one to two additional rounds at Serrano. Serrano dropped the gun to his left side by his shoulder or head.

Responding units arrived and Serrano was taken into custody. Thompson and another deputy administered CPR until personnel from the Los Angeles County Fire Department arrived to the scene.⁴

Statement of ██████████

At approximately 5:30 p.m., ██████████ arrived home and parked his vehicle facing east on the south curb of 4th Street between Ditman Avenue and Indiana Avenue.⁵ ██████████'s two-month-old daughter was asleep in the back seat.

██████████ heard yelling and observed Serrano running toward him (west) on the south sidewalk. He observed one deputy chasing Serrano, but believed there was a second deputy because he heard two voices shouting commands to Serrano. The deputies were yelling, "Let me see your hands!" and "Stop!"

Serrano stopped on the south sidewalk at the bed of a truck parked in front of ██████████. One deputy stopped ten to fifteen feet behind Serrano in the dirt adjacent to the sidewalk. The second deputy took cover behind a parked truck, close to the sidewalk. The deputies ordered Serrano to show his hands. Instead, Serrano reached his left hand into his right waistband area and quickly turned toward the deputies.

³ An inspection of Perez' service weapon determined that he fired four rounds.

⁴ Fire Department personnel declared Serrano deceased at the scene after attempting to provide life-saving measures.

⁵ ██████████ stated he was facing west during the incident. However, based upon his description of the adjacent streets, vehicle locations and evidence at the scene, it is apparent that ██████████ reversed east and west in his account of events. The memorandum reflects the corrected directions.

██████████. feared that something bad was about to happen and dove into the backseat to cover his daughter. At that time, he heard five to six gunshots, but did not see who fired. The last thing ██████████. heard before the gunfire was the deputies yelling, “Don’t reach! Don’t reach!”

██████████. thought Serrano may pull a gun on the deputies when he reached into his waistband. Based on Serrano’s actions, ██████████. believed the deputies were about to be forced to protect themselves and shots were about to be fired. ██████████. jumped into the back seat to protect his daughter before he observed whether there was anything in Serrano’s hands.

Statement of ██████████.

██████████. lived near the intersection of 4th Street and Ditman Avenue. At approximately 5:30 p.m., ██████████. parked his car at the south curb of 4th Street. He observed Serrano running westbound in the middle of 4th Street, then cut between two parked cars onto the south sidewalk. Perez and Thompson were chasing Serrano on foot and repeatedly ordered him to “Get on the ground!” and “Stop!”

Serrano ignored the deputies and continued running west on the sidewalk. After Serrano and the deputies passed ██████████., he exited his car and walked across the street onto his front porch. By that time, Serrano had stopped and was facing east toward Perez and Thompson. One deputy was on the sidewalk and the other deputy was in the street, close to the sidewalk. The deputies continued to give Serrano orders to stop and get on the ground.

██████████. could not see the deputies well from his position and could only see Serrano’s upper body.⁶ Initially, Serrano had both hands raised to his shoulders when he was facing the deputies. Serrano then lowered his left hand and reached underneath his sweatshirt. ██████████. heard gunfire and immediately ducked and did not see whether Serrano removed anything.

Statement of ██████████.

██████████. was in the front yard of ██████████.’s residence when she observed Thompson and Perez chasing Serrano on 4th Street. After they passed her, she went inside the house. ██████████. returned outside after she heard yelling. At that time, she heard someone repeatedly shout, “Just kill me!” followed by six gunshots. ██████████. did not see the shooting.

Statement of ██████████.

██████████. was standing in the driveway of his residence, approximately three properties east of the shooting location on 4th Street. A black and white patrol car and a black police Dodge Charger sped past his home, followed by screaming and shouting.

██████████. walked further down his driveway and observed the two police cars stopped in the street. The black and white was in front of the Charger and deputies were standing behind the open driver’s doors pointing their service weapons at Serrano. The deputies ordered Serrano, “Stop! Get the fuck down! Hands up!”

⁶ According to Google Maps, ██████████. was approximately 120 yards from Serrano at the time of the shooting.

Serrano was standing on the south sidewalk with his hands raised above his head, facing east toward the deputies. One of the deputies ordered Serrano to his knees. Serrano complied and dropped to his knees. At that time, one of the deputies fired four to five shots at Serrano. The same deputy moved two to three steps closer and fired three more times at Serrano.

██████████. never saw Serrano running and was certain that both deputies arrived in the patrol car and black Charger. ██████████ could not recall which deputy fired. ██████████. never saw anything in Serrano's hands.

Statement of ██████████.

██████████. was driving east on 4th Street from Indiana Avenue and saw Serrano being chased by Perez and Thompson on foot. The deputies ordered Serrano to "Stop!" ██████████. stopped his vehicle at the south curb.

The deputies took cover behind the hood of a parked vehicle and pointed their service weapons at Serrano. One of the deputies moved to the sidewalk. The deputies ordered Serrano not to move and to put up his hands. Serrano replied, "Okay. Okay. Okay." Serrano was on the sidewalk facing the deputies with his hands raised above his head. Serrano did not have anything in his hands. At that time, the deputy on the sidewalk fired his weapon at Serrano. Serrano fell to the ground. The same deputy fired two more rounds at Serrano while he was on the ground.

Radio Traffic

The following radio broadcasts were made by Perez:

5:38:00 p.m.: "10-33. Give me the patch."

5:38:07 p.m.: "Going to be in a foot pursuit. 245 on a deputy. We're going westbound on 4th Street from, uh, Rowan." Yelling can be heard in the background.

5:38:42 p.m.: "(Unintelligible). Go to Indiana. 998."

5:38:53 p.m.: "Still in foot pursuit. Westbound 4th Street going to Indiana. Male Hispanic. Twenties. Blue -- black shorts."

5:39:26 p.m.: "10-33. 998. Stand by on the direction. We're at, uh, 4th Street, east of Indiana. Suspect down. 417."⁷

Video Surveillance

1. Rowan Avenue and 4th Street

Video surveillance from the northwest corner of Rowan Avenue and 4th Street captures portions of the encounter between Serrano and the deputies on Rowan Avenue. However, due to the quality of the footage, poor lighting and distance between the camera and the incident, there is

⁷ 10-33 is police code indicating an emergency. When "the patch" is activated, it connects multiple radio channels together allowing deputies to speak directly to one another. A "245 on a deputy" is an assault on a deputy. 998 is police code for an officer involved shooting.

not a clear view of what occurred. At times, a utility pole, wall and fencing obstructs the view of Serrano and Thompson.

The video captures Serrano walking southbound along the west sidewalk of Rowan Avenue. It captures the patrol unit approach Serrano and stop next to him. It shows the passenger door opening, but neither Thompson or Serrano are visible. The next thing visible is Perez' pistol mounted flashlight moving toward the rear of the patrol vehicle. Serrano can then be seen running north toward 4th Avenue, but due to the poor quality, distance, lighting and partial obstructions, his actions are not discernable. It is unclear at what time the shooting occurs because Thompson is not visible until he is near the corner of 4th Street and Rowan Avenue.

The video depicts a flash of light emanating from Thompson's position. However, it is not clear if it is muzzle flash, momentary activation of Thompson's pistol mounted flashlight or headlights from vehicles driving south of their location.

2. Ditman Avenue and 4th Street

Video surveillance from the corner of Ditman Avenue and 4th Street shows Serrano running west on 4th Street and crossing diagonally to the south sidewalk. As Serrano approaches the south sidewalk, he turns his upper body to the left and looks toward the pursuing deputies. Serrano turns back around and runs from the camera's view. Serrano's right hand remains at his waist the entire time, rather than moving back and forth in a typical running motion. Perez and Thompson run through the camera's view seconds later.

Firearm and Ballistic Evidence

The slide and barrel from a Taurus .380 caliber, model PT 738, semiautomatic handgun was recovered approximately 25 feet to the rear (north) of Perez and Thompson's patrol vehicle. A live .380 caliber cartridge was recovered from the chamber.



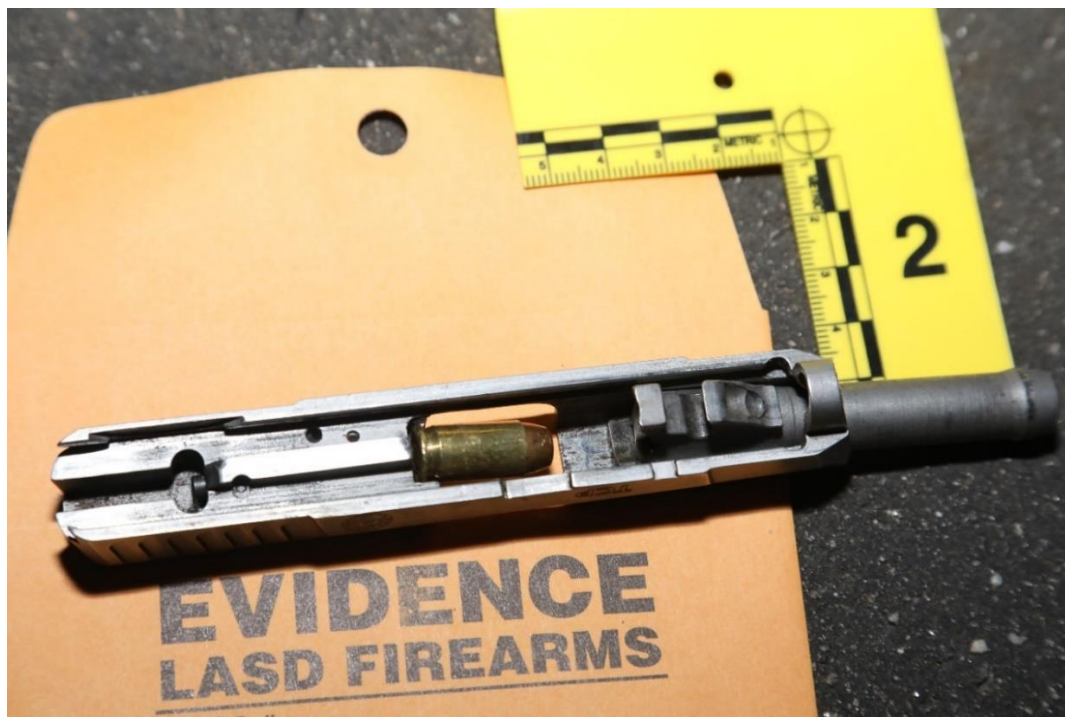
The slide from the .380 Taurus to the rear of the patrol vehicle.



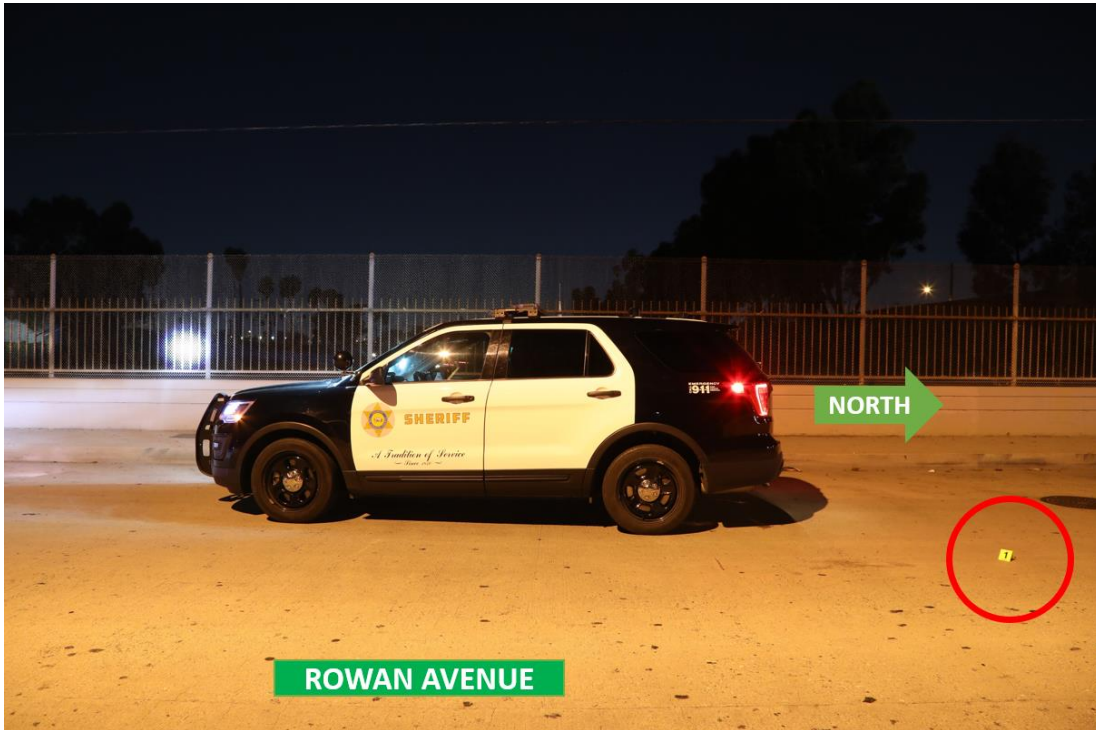
A closer view of the Taurus slide as it appeared on Rowan Avenue.



The Taurus slide placed in the position it appears when attached to a firearm.



The live .380 cartridge inside the chamber of the Taurus' slide.



An expended 9mm cartridge case fired from Thompson's service weapon was recovered behind the patrol vehicle on Rowan Avenue.

A Taurus TCP frame with the magazine seated in the magazine well, was recovered beneath the right rear of a truck parked on the south side of 4th Street, approximately two feet from Serrano. The magazine was loaded with three live .380 caliber cartridges. The firearm was missing the slide and barrel.



The Taurus firearm located in the street to the left of Serrano.



Close up view of the Taurus firearm missing the slide.

Blood Evidence

Blood droplets were located in four locations on the south sidewalk of 4th Street between Ditman Avenue and the location of the shooting. Samples from the bloodstains were recovered for DNA analysis.

DNA Evidence

DNA samples were collected from the Taurus .380 caliber semiautomatic firearm and compared to the DNA profile of Serrano.

There were two contributors to the DNA samples taken from the slide and barrel. The DNA profile of the major contributor is approximately 500 sextillion times more likely if it originated from Serrano than if it originated from an unknown individual.

The DNA profile obtained from the rough surfaces of the grip is approximately 30 octillion times more likely if it originated from Serrano than if it originated from an unknown individual.

The DNA profile obtained from the trigger and trigger guard is approximately 30 octillion times more likely if it originated from Serrano than if it originated from an unknown individual.

The DNA profile obtained from the smooth surfaces of the grip and frame is approximately 20 octillion times more likely if it originated from Serrano than if it originated from an unknown individual.

The DNA profile obtained from the magazine is approximately 30 octillion times more likely if it originated from Serrano than if it originated from an unknown individual.

The DNA profile obtained from the three live cartridges removed from the magazine is approximately 60 million times more likely if it originated from Serrano than if it originated from an unknown individual.

No DNA was detected on the live cartridge removed from the Taurus' barrel.

The DNA profiles obtained from the four bloodstains collected on 4th Street are 20 to 40 octillion times more likely if they originated from Serrano than if they originated from an unknown individual.

Autopsy Report

Los Angeles County Deputy Medical Examiner Zuhha Ashraf, M.D., performed a postmortem examination of Serrano on December 18, 2019. Serrano's death was ascribed to gunshot wounds. Serrano sustained seven gunshot wounds and two graze wounds.

Serrano sustained a back to front, left to right and upward gunshot wound to the right lower back. Serrano sustained front to back, left to right and upward gunshot wounds to the midline abdomen and right pubic region. Serrano sustained front to back, left to right and downward gunshot wounds to the left anterior neck, right lower chest and right anterior upper arm. Serrano sustained a left to right and upward gunshot wound to the right dorsal hand. Serrano also sustained a graze wound to his penis and scrotum.

Serrano's blood tested positive for fentanyl, methamphetamine and marijuana.

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

The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." *Munoz v. City of Union City* (2004) 120 Cal.App. 4th 1077, 1102.

CONCLUSION

The evidence examined in this case shows that Perez and Thompson attempted to detain Serrano for an outstanding no bail arrest warrant. Serrano removed a loaded semiautomatic firearm from his person while fleeing, and pointed it toward the deputies. Serrano's actions placed Thompson in reasonable fear for his life, and the life of his partner, and he responded with reasonable deadly force. Unbeknownst to Perez and Thompson, at some point when Serrano pointed the firearm at them, the slide and barrel detached from the weapon and landed in the street. The presence of the slide and barrel on Rowen Avenue corroborates the fact that Serrano brandished the firearm.

It appears that Thompson's round struck Serrano in the right lower back. It is the only gunshot wound sustained by Serrano that traveled from back to front, consistent with Serrano turning his upper body back toward the deputies while running forward. The blood droplets on 4th Street, and Perez' observations that Serrano was limping, further substantiate the fact that Serrano was hit on Rowan Avenue.

Perez and Thompson pursued Serrano on foot until he came to a stop on the south sidewalk of 4th Street and turned toward the deputies. Perez and Thompson observed Serrano manipulating something in his hands. Thompson saw that it was the gun and believed he was trying to clear a

round jammed in the weapon. Serrano's actions were consistent with someone reacting to a firearm malfunction, which would occur if the slide and barrel were missing.

Serrano ignored multiple orders from Perez and Thompson and pointed the gun at the deputies with both hands. At that time, there was no reason for Perez and Thompson to know that Serrano's firearm was no longer operable. Serrano's actions placed Perez and Thompson in reasonable fear for their lives and their response with deadly force was reasonable.

Serrano fell to the ground and Perez observed the gun land near his left hand, above his head. Perez then observed Serrano reach to the left side of his head with his right hand and grab the weapon. Meanwhile, Thompson lost sight of Serrano when he fell and did not see where the gun landed. However, after repositioning himself, Thompson observed the gun in Serrano's left hand. Thompson fired two additional rounds at Serrano when he observed him attempting to point the gun at them. Based on the fact that Serrano had pointed the gun toward the deputies on two separate occasions to evade arrest, it was reasonable for Thompson to fear for his life, and his partner's life, when Serrano regained possession of the firearm after falling to the sidewalk. Thompson's use of deadly force was reasonable.

██████████. and ██████████. contradict Perez and Thompson's version of events regarding the shooting on 4th Street. ██████████. stated that Serrano was on his knees with his hands in the air when he was shot. ██████████. said that Serrano was standing with his hands in the air. Both witnesses clearly stated that Serrano was not holding a gun when he was shot. Although ██████████. and ██████████. may honestly believe what they observed, the circumstantial evidence and other civilian witnesses tend to undermine their recollections and corroborate Perez and Thompson.

Perez immediately broadcast over the radio that Serrano was in possession of a gun at the beginning of the foot pursuit. Serrano's DNA was present on the slide and barrel located on Rowan Avenue, corroborating Perez and Thompson's claim that Serrano was armed. Finally, a firearm, missing the slide and barrel, was located in the street, two feet from where Serrano came to a rest on the sidewalk. The firearm was covered in blood and Serrano's DNA. The only reasonable explanation for how the gun landed in such close proximity to Serrano, covered in his blood and DNA, is that Serrano was brandishing the firearm at the time of the shooting.

Additionally, ██████████. and ██████████. contradict ██████████. and ██████████.'s claim that Serrano had his hands in the air at the time he was shot. ██████████. and ██████████. both described Serrano reaching toward his waistband, or under his sweatshirt, immediately before the deputies fired. ██████████. immediately ducked upon hearing gunfire and did not see whether Serrano removed a weapon. Meanwhile, ██████████. jumped into the back seat to shield his daughter because he believed Serrano was about to remove a firearm and expected gunfire.

Finally, ██████████. believed Perez and Thompson arrived on 4th Street in a marked patrol car and a black Dodge Charger. He recalled seeing the deputies standing behind the opened driver's doors at the time of the shooting. ██████████.'s recollection is disputed by the other civilian witnesses, including ██████████., as well as the surveillance videos. The surveillance video shows Perez and Thompson leaving their police vehicle behind on Rowan Avenue and chasing Serrano on foot. The video surveillance from the corner of Ditman Avenue and 4th Street shows

Perez and Thompson pursuing Serrano on foot on 4th Street. The black and white patrol car and Dodge Charger observed by [REDACTED]. were units responding to the 10-33 and 998 radio calls and arrived after the shooting. [REDACTED].’s erroneous recollections regarding these vital facts call into question the accuracy of his other observations.

We conclude that Deputies Nikolis Perez and Kevin Thompson acted in lawful self-defense and defense of another when they used deadly force against Jorge Serrano.