# Fatal Officer Involved Shooting of Devin Edward Hall Pasaden Police Department

Officer Michael Alvarado, #0347 Officer Alfonso Garcia, #3031 Officer John Lewy, #5268 Officer Zachary Sprague, #8901

J.S.I.D. File #21-0497



## GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 19, 2024

#### MEMORANDUM

TO: CHIEF EUGENE HARRIS

Pasadena Police Department 207 North Garfield Avenue Pasadena, California 91101

FROM: JUSTICE SYSTEM INTEGRITY DIVISION

Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Devin Edward Hall

J.S.I.D. File #21-0497 P.P.D. File #021012414

DATE: November 19, 2024

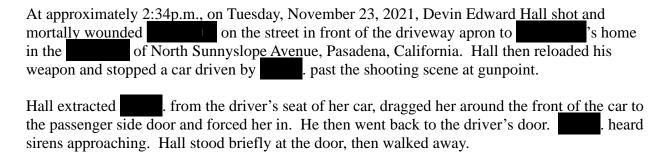
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 23, 2021, fatal shooting of Devin Edward Hall involving Pasadena Police Department (PPD) Officers Michael Alvarado, Alfonso Garcia, John Lewy, and Zachary Sprague. We have concluded that the officers acted lawfully in self-defense of themselves and others.

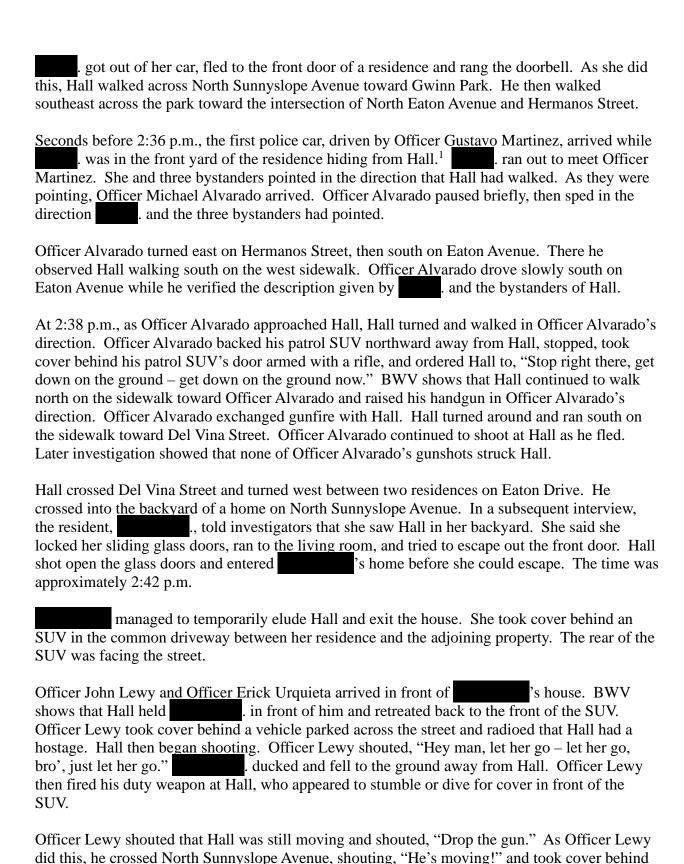
The District Attorney's Command Center was notified at 3:40p.m. on November 23, 2021, of the shooting. The District Attorney's Response Team responded and was briefed at the scene by PPD Detective Panfilo De La Cruz.

The following analyses are based upon audio/video recordings from a bystander's cell phone, home security cameras, dashboard mounted cameras, body-worn-cameras (BWV), investigative reports by Pasadena Police Department investigators, recordings of radio communications by and between Pasadena Police Department personnel and the post-mortem medical examination by the Los Angeles County Medical Examiner—Coroner, submitted to the District Attorney's Office on November 16, 2022.

No compelled statements were reviewed.

#### **FACTUAL ANALYSIS**





<sup>1</sup> Officer Martinez and all other officers mentioned herein wore standard Pasadena Police Department uniforms.

a tree. At the same time, Officer Zachary Sprague arrived and from in front of the driveway apron shot twice. Officer Sprague then joined Officer Lewy at the tree and continued shooting. Officer Alfonso Garcia joined Officers Sprague and Lewy at the tree and Officer Lewy again shouted, "Drop the gun." This command was followed by more gunfire. (It is not clear from the video who fired these shots.) . then ran across the driveway, between Hall and the officers and hid in some bushes on the south side of the driveway. The shooting continued. to get out and, using hand gestures, Officer Lewy and Officer Sprague shouted for directed her where to go. Officer Lewy shouted "Cease fire!" . ran to shelter on the front porch of a residence, and the officers resumed shooting. The last shot was fired at approximately 2:44 p.m., followed by a command, "Hold your fire." After three minutes of continued silence, officers sent in a police dog to where Hall was partially visible in front of the SUV. When the dog arrived and there was no movement, the officers approached Hall, who was lying on the driveway with multiple fatal injuries to his head. **Post-mortem Examination Results** The Los Angeles County Medical Examiner-Coroner conducted a post-mortem examination of Hall on December 1, 2021. The medical examiner determined that Hall sustained 20 gunshot wounds. The injuries included gunshots to the head, face, chest, back forearm, both hands, left arm, left shoulder, left thigh, left knee, and right leg. A toxicology examination showed the presence of Marijuana and Doxylamine. The exam found no illegal street drugs or alcohol. The Medical Examiner-Coroner also conducted a post-mortem examination of initial shooting victim. The medical examiner determined that suffered eight gunshot wounds: five to his back, one through his heart, one through his abdomen, and one in his right forearm. **Evidence Recovered** 

Investigators recovered a FN Five-Seven semi-automatic pistol under Hall's left arm. When recovered, the pistol contained a 10-cartridge magazine loaded with seven 5.7×28mm 19" cartridges. (Fig. 1)



Fig. 1: Loaded gun recovered from Hall's left hand

Also recovered from the various scenes were two empty 10-cartridge magazines for a FN Five-Seven semi-automatic pistol, 19 expended  $5.7 \times 28$  FNB cartridge casings, and numerous bullet fragments.

Officers located a GMC Yukon linked to Hall. Inside the vehicle they located two boxes containing 5.7x28FNB 19" ammunition. Fig. 2

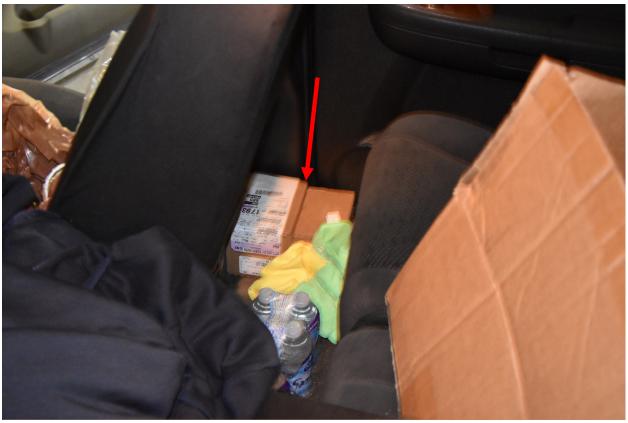


Fig. 2: Boxes of ammunition recovered from Hall's vehicle

#### **LEGAL ANALYSIS**

#### The Law

California law provides the use of deadly force by a peace officer is not unlawful when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to "defend against an imminent threat of death or serious bodily injury to the officer or to another person" or "[t]o 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 sections 196 and 835a(c)(1)(A) and (B) and 197).

Under Penal Code section 196 the use of deadly force is reasonable "when facts known to the person would persuade someone of reasonable caution that the other person is going to cause death or great bodily injury to another." (See CalCrim 507 (2021); *People v. Martin* (1985) 168 Cal.App.3d 1111, 1124.)

In a criminal prosecution of a peace officer for the use of deadly force, the People have the burden of proving beyond a reasonable doubt that the force was unlawful. (1 CalCrim 507 (2021)).

### **Analysis**

#### Officer Michael Alvarado

Officer Alvarado first confronted Hall shortly after Hall shot Officer Alvarado gave Hall an opportunity to surrender by commanding that he stop and get on the ground. Instead of surrendering, Hall brandished a firearm, exchanged gunfire with Officer Alvarado and fled. Based on the totality of these circumstances, Officer Alvarado could reasonably believe that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself or to another person, or to apprehend a fleeing person for a felony that resulted in death or serious bodily injury, believing that the person would cause death or serious bodily injury to another unless immediately apprehended. Therefore, based on these facts, Officer Alvarado acted lawfully when he fired his duty weapon.

Officers Garcia, Lewy and Sprague

Officers Garcia, Lewy and Sprague arrived at service of the Sarcia, Lewy and Sprague arrived at service of the Sarcia, Lewy and Sprague arrived at service of the Sarcia, that shots had been fired. As they approached, additional shots could be heard coming from behind the homes on North Sunnyslope Avenue. These shots were followed by screaming and the appearance in the driveway of Mr. Hall shielding himself behind an innocent bystander he had taken hostage.

Officer Lewy and other officers repeatedly commanded that Hall surrender. Instead, he engaged Officers Garcia, Lewy, and Sprague in an exchange of gunfire. Hall had shot just refused to surrender, exchanged gunfire with Officer Alvarado in his attempt to escape capture, and was now using a hostage in an attempt to escape. Under these circumstances, Officers Lewy, Garcia and Sprague could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to the officers or to another person, or to apprehend a fleeing person for a felony that resulted in death or serious bodily injury, believing that the person would cause death or serious bodily injury to another unless immediately apprehended.

#### **CONCLUSION**

The direct and circumstantial evidence here, and the inferences which can be drawn from that evidence, establish that Officers Alvarado, Garcia, Lewy, and Sprague acted lawfully in self-defense of themselves and others.