

Fatal Officer Involved Shooting of Angel Ledesma

Los Angeles Police Department

Officer Eric Hernandez #41767

Officer Randy Portillo #44511

J.S.I.D. File #23-0287



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 19, 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 Angel Ledesma
J.S.I.D. File #23-0287
L.A.P.D. File #F043-23

DATE: November 19, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 27, 2023, fatal shooting of Angel Ledesma involving Los Angeles Police Department (LAPD) Officers Eric Hernandez and Randy Portillo. We have concluded that the officers acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 11:59 a.m. on August 27, 2023. 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 investigative reports, audio recordings, crime scene diagrams, photographic and video evidence, including body worn video (BWV), and witness statements submitted to this office by LAPD Force Investigation Division Detective Mi Yeon Kim on October 16, 2024. Compelled statements of the above-listed officers were not considered in this review. Compelled statements of other officers were considered in this review.

FACTUAL ANALYSIS

This factual summary is based on the BWV of both Hernandez and Portillo, BWV from additional officers that arrived immediately after the officer-involved shooting, interviews, photographs of the scene, and the report of Ledesma's autopsy.

Officers Contact Ledesma

On August 27, 2023, at approximately 11:10 a.m., Hernandez and Portillo, assigned to LAPD's Devonshire Patrol Division, were on patrol near Chase Street and Canby Avenue (See Figure 1). Both officers were in their full police uniforms in a marked black and white patrol vehicle being

driven by Hernandez. As Hernandez drove eastbound on Chase Street, he passed Canby Avenue, and conducted a three-point turn on Chase Street and then turned northbound on Canby Avenue. Canby Avenue ends in an L-shaped intersection with Malden Street, and at the north end of Canby Avenue is an apartment complex at the intersection of Canby Avenue and Malden Street.



Figure 1: Overhead view of area in which officers contacted Ledesma.

Standing in front of the entrance to the apartment complex was Ledesma, who was carrying a backpack. Hernandez stopped the police vehicle. Hernandez activated his BWV as he was still seated in the patrol vehicle. Hernandez and Portillo attempted to speak with Ledesma in an effort to determine where he lived.

Ledesma provided the Malden Street address, and asked Hernandez if he (Hernandez) believed him. Hernandez and Portillo exited the patrol vehicle and approached Ledesma, who was standing near an access ramp located just west of the stairs leading up to the apartment complex entrance. As Portillo approached Ledesma, Ledesma told Portillo to “kick back,” and Portillo then stepped down the stairs as Ledesma walked toward the entrance of the apartment complex. Portillo started to follow Ledesma. Hernandez then said, “Hold on, he’s got a knife in his pocket.”

Ledesma turned back toward the officers with his left hand in his pants pocket. Hernandez told Ledesma, “You just had a knife in your hand, bro,” and Ledesma responded by asking Hernandez what he was talking about. Ledesma turned toward the west and walked, and then began running, down the upper portion of the access ramp (See Figure 2).



Figure 2: Photograph depicting the entrance to the apartment complex. The access ramp to the left of the photograph has an upper and lower portion. When Ledesma initially ran away from the officers to the west, he was on the upper portion of the access ramp, and then ran eastbound on the lower portion of the ramp before jumping over the fence to the sidewalk where Hernandez and Portillo stood.

Officer-Involved Shooting

As Ledesma ran down the access ramp, Hernandez used his radio to request backup. Ledesma reached the lower part of the access ramp and ran toward the officers. He jumped over the metal railing lining the lower access ramp and onto the sidewalk. BWV from both officers shows Ledesma holding a knife in his right hand as he ran toward Hernandez.



Figure 3: Sequence of still frames captured from Portillo's BWV depicting Ledesma jumping over fence and running toward Hernandez. Image labeled "4" is a close-up of Ledesma in image labeled "3" with knife in Ledesma's right hand in circle.

Ledesma went down the ramp and came onto the sidewalk in a total of six seconds. As Ledesma jumped over the railing onto the sidewalk, Hernandez and Portillo, who was slightly behind and to the right of Hernandez, began unholstering their service weapons and took several steps backwards. Hernandez yelled, "Drop it!"



Figure 4: Photograph of knife held by Ledesma. The blade measures 2.75 inches in length.

Ledesma continued running toward Hernandez with the knife in his right hand. Ledesma reached the point on the sidewalk where Hernandez had been standing prior to Hernandez beginning to step backwards. Hernandez fired four shots from his service weapon as he continued to step backwards to create space between himself and Ledesma. Portillo fired three shots from his service weapon. Both officers stopped firing as Ledesma fell into the gutter just off the sidewalk. Hernandez fired all four of his shots as Ledesma closed the distance between himself and Hernandez from eight to four feet. Portillo's three shots were fired as Ledesma closed the distance between himself and Portillo from 17 to 12 feet. All seven shots were fired within 1.07 seconds.

After the shooting, Hernandez requested a rescue ambulance for Ledesma. Ledesma was lying in a prone position in the gutter, still holding the knife in his right hand. When backup officers arrived, Ledesma was handcuffed, at which point the knife fell from his right hand. Assisting officers began performing CPR. Ledesma was pronounced dead at the scene at 11:25 a.m.

Autopsy

An autopsy was performed on August 29, 2023. The cause of death was multiple gunshot wounds. Ledesma sustained three gunshot wounds to the torso, and one to the head. Toxicological analysis of Ledesma's blood revealed the presence of methamphetamine.

LEGAL ANALYSIS

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary either to: (1) defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) 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 § 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 § 835a(e)(2).

In assessing 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 § 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 § 835a(a)(4).

The evidence shows that when the officers contacted Ledesma, Ledesma immediately armed himself with a knife. Ledesma first walked away from the officers, then jumped over the railing with the knife in his right hand and began running toward Hernandez. Video evidence demonstrates that as he did so, Ledesma closed the distance between himself and Hernandez while holding the knife with the blade pointed toward Hernandez before Hernandez drew his service weapon. Ledesma moved so quickly that Hernandez had to take several steps backwards to maintain space between himself and Ledesma. By the time Hernandez and Portillo began firing, Ledesma was at the place on the sidewalk where Hernandez had been standing as Ledesma hopped the fence.

Under these circumstances, an objectively reasonable peace officer could fairly conclude that Ledesma had the present ability, opportunity, and intent to cause immediate death or serious

bodily injury to the peace officers at the scene. Accordingly, it was reasonable for the officers to believe that it was necessary to use deadly force.

CONCLUSION

We find that Officers Hernandez and Portillo acted in lawful self-defense and defense of others when they each used deadly force against Ledesma.