

**Non-Fatal Officer Involved Shooting of Enrique Lopez
Los Angeles County Sherrif's Department**

Deputy Francisco Quinones-Medina, #529393

J.S.I.D. File #18-0433



Justice System Integrity Division

November 20, 2020

MEMORANDUM

TO: CAPTAIN KENT WEGENER
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: Non-Fatal Officer Involved Shooting of Enrique Lopez
J.S.I.D. File #18-0433
L.A.S.D. File #018-14437-2823-056

DATE: November 20, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 7, 2018, non-fatal shooting of Enrique Lopez by Los Angeles County Sheriff's Department (LASD) Deputy Francisco Quinones-Medina. We have determined that Deputy Quinones-Medina acted in lawful self-defense when he fired his duty weapon.

The District Attorney's Command Center was notified of this shooting on October 7, 2018, at approximately 8:30 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Lieutenant Rodney Moore.

The following analysis is based on reports and other materials, including recorded interviews, photographs, and radio communications submitted to this office by LASD Homicide Bureau. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On October 7, 2018, at approximately 6:50 a.m., Deputy Omar Covarrubias observed a Dodge van parked in a small business strip mall located at the northwest corner of North Long Beach Boulevard and East Pine Street in Compton.

Covarrubias determined that the van was reported stolen. He observed Lopez seated in the front passenger seat and approached the passenger side of the van. Covarrubias gave Lopez several commands to put his hands on the dashboard, but Lopez did not comply. Covarrubias requested backup. Lopez was moving around inside the van and appeared to be reaching for unknown items within the passenger compartment. Before additional deputies arrived, Lopez appeared to "snort" something from a piece of paper. Lopez was making hand gestures and "flipped [Covarrubias] off." Lopez's speech was indiscernible due to the window being closed.

Three minutes after Covarrubias first made contact with Lopez, Quinones-Medina arrived and approached on the passenger side of the van to assist Covarrubias. Lopez was ignoring commands to show his hands and was “fidgeting.” Quinones-Medina opened the passenger door of the van to make sure Lopez was not arming himself with a weapon. Lopez immediately exited with a knife in his hand and approached Quinones-Medina. A surveillance camera in the strip mall recorded the officer involved shooting without sound.



Lopez exits the van.

Quinones-Medina and Covarrubias gave Lopez several commands to drop the knife, as Quinones-Medina walked backwards away from Lopez while pointing his service weapon at Lopez. Lopez continued to follow Quinones-Medina as Quinones-Medina retreated in a counterclockwise direction.



Lopez advances toward Quinones-Medina.



Quinones-Medina continues to walk backwards.



Lopez advances within a few feet of Quinones-Medina immediately before Quinones-Medina fired his service weapon.

Quinones-Medina believed he could no longer safely retreat as there were bushes behind him near the sidewalk. Lopez came within five feet of Quinones-Medina. In fear for his life, Quinones-Medina fired three rounds at Lopez as Lopez advanced and did not comply with multiple commands to drop the weapon.¹ Approximately 13 seconds elapsed from when Lopez exited the van to the time Quinones-Medina fired his service weapon.

Lopez was arrested and transported to the hospital. Lopez survived his injuries. Lopez's knife was recovered at the scene.

¹ Near simultaneous to shooting Lopez, Quinones-Medina heard Deputy Roberto Banuelos yell, "Taser!" Banuelos then deployed his Taser at Lopez.



Lopez's knife.

Statement of Anthony K.

Anthony K. was sleeping in the reclined seat of his car, a Nissan Xterra, which was parked near the van in the strip mall. Anthony K. heard a man repeatedly yell, "Put your hands up! Don't move!" Anthony K. then heard two to three gunshots. Anthony K. stated that he did not see the shooting.

Statement of Enrique Lopez

On October 9, 2018, investigators interviewed Lopez at the hospital. The interview was recorded. Lopez stated he took the van from Studio City. Lopez had snorted "a lot" of methamphetamine and "was high on meth." Lopez exited the van with a knife, which he had stolen from Big-5 near Studio City. The deputy told him to drop the knife but he did not. He stated he has mental health problems and apologized for his actions.

Lopez was charged in case number TA147414 with one felony count of grand theft of an automobile and one felony count of assault with a deadly weapon upon a peace officer. On October 30, 2018, Lopez pled no contest to the assault, was convicted of assaulting Quinones-Medina with a deadly and dangerous weapon, and sentenced to three years to be served in state prison.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 3470. In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. *Id.*

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard, which enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation. *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.

When Covarrubias initially contacted Lopez, Lopez willfully disregarded Covarrubias' commands to show his hands. Instead, Lopez was reaching within the passenger compartment. Lopez continued to disregard the deputies' commands when Quinones-Medina arrived. At an unknown time, Lopez armed himself with a knife, a deadly and dangerous weapon. As soon as Quinones-Medina opened the passenger side door, Lopez exited with the knife in his hand and quickly followed Quinones-Medina. Quinones-Medina walked backwards from Lopez to create greater distance, and afforded Lopez more time to reconsider his assault on a uniformed peace officer and surrender. Covarrubias and Quinones-Medina continued to command Lopez to drop the knife. Lopez posed an imminent threat of great bodily injury or death to Quinones-Medina. Quinones-Medina was in reasonable fear for his life and fired three rounds to stop the immediate threat Lopez posed.

CONCLUSION

We conclude that the deadly force utilized by Deputy Francisco Quinones-Medina was legally justified in self-defense. We are closing our file and will take no further action in this matter.