

**Non-Fatal Officer Involved Shooting of Jose Martinez**

**Los Angeles County Sheriff's Department  
Bell Police Department**

**Deputy Nicholas Carey # 552242, Deputy Eric Slattery #624622,  
Deputy Nicholas Alerich #610403, Deputy Andrew Roxas #611035,  
Officer Angela Arutunian #250, Officer Javier Avila #240**

**J.S.I.D. File #20-0186**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**November 21, 2023**

**MEMORANDUM**

TO: CHIEF CARLOS ISLAS  
Bell Police Department  
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Bell, California 90201

CAPTAIN ANDREW D. MEYER  
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Jose Martinez  
J.S.I.D. File # 20-0186  
B.P.D. File # 20-1353  
L.A.S.D. File # 020-07905-2111-011 and 020-07905-2111-013

DATE: November 21, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 30, 2020, non-fatal shooting of Jose Martinez by Los Angeles County Sheriff's Department (LASD) Deputies Nicholas Carey, Eric Slattery, Nicholas Alerich, Andrew Roxas and Bell Police Department (BPD) Officers Angela Arutunian and Javier Avila. It is our conclusion that the officers and deputies acted in lawful self-defense at the time their weapons were fired.

The District Attorney's Command Center was notified of this shooting on May 30, 2020, at 4:01 a.m. The District Attorney Response Team was given a briefing and walk-through of the scene by LASD Lieutenant Scott Hogle at approximately 6:57 a.m.

The following analysis is based on reports and audio recordings submitted to our office by LASD Homicide Bureau on April 14, 2021, and photographs submitted on September 5, 2023. The LASD deputies and Bell Police officers were not equipped with body worn cameras nor vehicle recording systems. Compelled statements by Officers Arutunian and Avila were not reviewed and therefore not considered in this analysis. The voluntary statements of Deputies Carey, Slattery, Alerich, and Roxas were considered and included in the analysis.

**INTRODUCTION**

On May 30, 2020, at approximately 1:46 a.m., BPD officers became engaged in a vehicle pursuit. Martinez failed to yield to officers after committing several traffic violations. Martinez led officers in a pursuit that lasted approximately one hour and 20 minutes and spanned over 60

miles. Martinez travelled in and out of the cities of Bell, Huntington Park, Los Angeles, Compton, and ended in Lynwood. The pursuit ended after law enforcement deployed spike strips and Martinez's vehicle became disabled.

Upon coming to a stop, officers reported Martinez twice pointed a firearm outside of the driver's side window and officers returned fire. Martinez denied pointing the gun at officers but admitted to raising the gun to signal to the deputies to "relax." After several commands to get out of the vehicle, Martinez exited, walked towards law enforcement, and then walked back to his vehicle. A police K-9 was deployed, and law enforcement was able to apprehend Martinez.

Martinez sustained multiple non-fatal gunshot wounds and several bite marks.

## **FACTUAL ANALYSIS**

### **Statement of BPD Sergeant Jonathan Walker**

On May 30, 2020, around 1:46 a.m., BPD Sergeant Jonathan Walker was working in full uniform in a marked black and white patrol vehicle and monitoring traffic from the location at 4741 Florence Avenue in the City of Bell. As he monitored traffic, he observed a 1995 black Chevy Tahoe traveling eastbound on the 4600 block of Florence Avenue. None of the vehicle headlights were on and it traveled at an estimated speed of 60 miles per hour in a 45-miles-per-hour roadway. Sergeant Walker followed the vehicle until it made a U-turn at Walker Avenue and travelled westbound on Florence Avenue. Sergeant Walker saw dust and smoke emitting from the vehicle due to the speed at which it made the U-turn. When Sergeant Walker arrived at the intersection and the vehicle passed him in the opposite direction, he saw that the vehicle's driver's window was down and made eye contact with the driver, Jose Martinez (hereinafter "Martinez").

Sergeant Walker completed a U-turn to follow Martinez and saw that he drove through a red light at Wilcox Avenue. Sergeant Walker broadcast via radio that he was in pursuit as he entered the City of Huntington Park, where Martinez drove through yet another red light at Mountain View Avenue. At about this point, BPD Officer Angela Arutunian joined the pursuit. Martinez continued to run another red light at Santa Fe Avenue before turning southbound onto Avalon Boulevard.

Sergeant Walker remained in pursuit as Martinez traveled in and out of the cities of Bell, Huntington Park, Los Angeles, Compton, and Lynwood. Throughout the pursuit, Martinez drove without illuminated headlights, drove on the wrong side of the road, drove at speeds up to 70 miles per hour, ran multiple red lights, ran stop signs, drove on the center median, swerved, and would not yield for police. The total pursuit was over 60 miles long and lasted for approximately one hour and 20 minutes.

Sergeant Walker eventually requested spike strips over the radio to disable Martinez's vehicle. Martinez swerved the Tahoe to avoid contact with spike strips deployed between Palm Avenue and Virginia Avenue in the northbound lanes of Long Beach Boulevard. Eventually, a spike strip deployed at Long Beach Boulevard and Sanborn Avenue successfully punctured the

vehicle's tires. The vehicle then began to slow down in the 3100 block of Imperial Highway just east of State Street in Lynwood.



*Figure 1: Post-incident photograph of the passenger-side tires.*



*Figure 2: Post-incident photograph of the driver-side tires.*

When the vehicle slowed down, Sergeant Walker heard BPD Officer Arutunian say that Martinez had a gun in his right hand. Martinez’s vehicle stopped and moved forward several times before coming to a complete stop. Once it stopped, several units stopped behind Martinez.

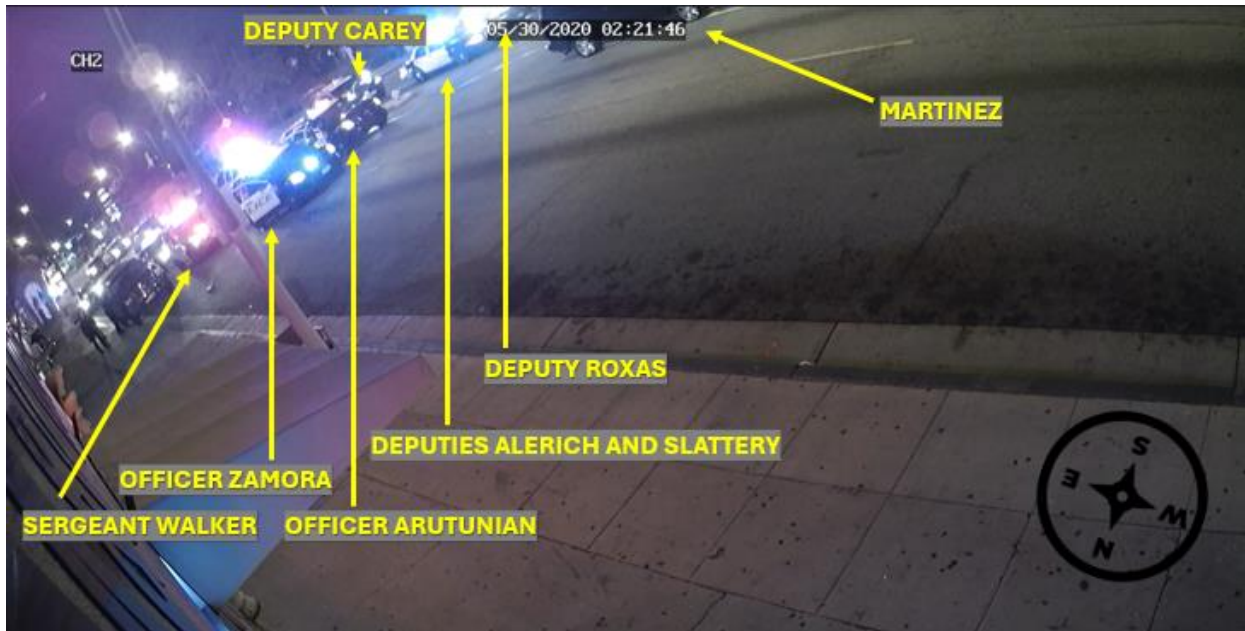


Figure 3: Units behind Martinez’s vehicle.



Figure 4: Aerial view of vehicles.

Sergeant Walker heard deputies giving Martinez commands to “get his hands up” and “exit the vehicle.” Sergeant Walker got out of his vehicle and started walking towards the passenger side of Officer Arutunian’s vehicle when he saw her fire two to three shots. After the shots were fired, he continued to hear commands to “let me see your hands.” He looked over and saw that Martinez’s driver’s window was down and saw a left hand extended out through the window. He then heard deputies say that they were going to use less lethal force. Sergeant Walker was

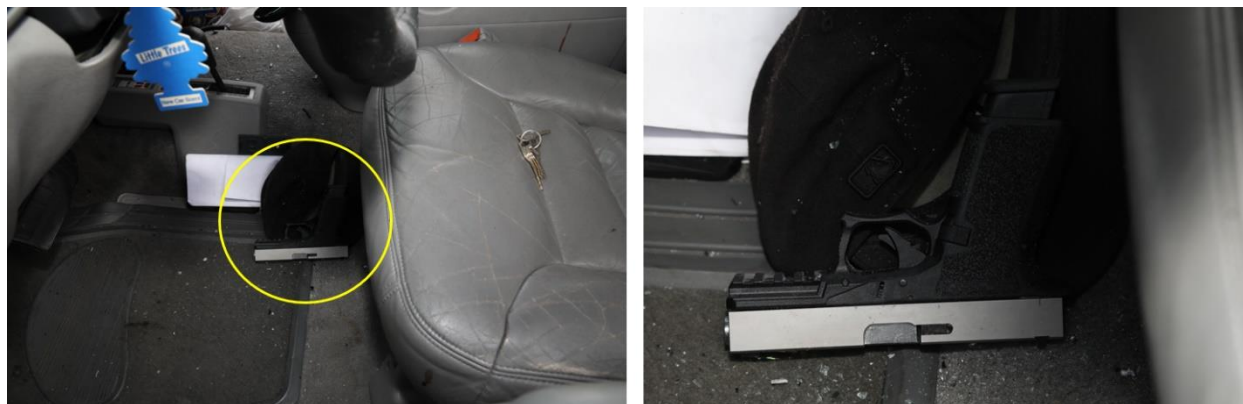
making his way over to advise the BPD officers when he heard a second round of shots. He then heard commands broadcast over the public address (“PA”) system but was not able to determine what was said.

Martinez exited the vehicle, faced away from the deputies, and had his hands partially up. When Martinez was told to raise his hands, he would raise them and then put them back down. Martinez continued to put his hands up and then down about five to six times. Martinez was told to put his hands behind his head, and he would comply and then raise them up about three to four times. Deputies then told Martinez to walk backwards toward them. Martinez took about three to four steps back, was told to stop, and he complied.

When Martinez was ordered to get on his knees, he turned his upper body to his right, looked at deputies, yelled something, and kept his hands up. He was ordered to face away from deputies and to get on his knees. Martinez began to kneel and lowered his hands toward his waistband area. Martinez was ordered to keep his hands up and he raised his hands by his head. He then started walking back towards the open driver’s door of his vehicle.

After Martinez started walking back towards his vehicle, Sergeant Walker saw that a Bell Gardens police K-9<sup>1</sup> was deployed and bit Martinez’s upper left back area, which caused him and the K-9 to fall to the ground. K-9 Bell Gardens Police Officer Ruben Catani advanced towards Martinez and asked for cover. Sergeant Walker walked up to provide cover and saw that Martinez had the K-9 in a choke hold as if he was trying to kill the dog. Deputies advanced towards Martinez to detain him. Martinez flailed his arms, punched at deputies, placed his hands underneath his waistband, and was, generally, combative. Deputies then used a drive stun gun and were able to handcuff and detain Martinez.

Deputies searched Martinez’s vehicle and found a nine-millimeter caliber semi-automatic handgun on the driver’s side floorboard against the transmission housing.<sup>2</sup>



*Figure 5: Martinez’s weapon in the vehicle floorboard.*

<sup>1</sup> During the pursuit, BPD Sergeant Walker requested the assistance of K-9 unit Bell Gardens Officer Ruben Catani to respond. After requesting and receiving approval from his supervisor, Officer Catani responded to Lynwood to assist BPD units. As Officer Catani continued to monitor the pursuit, radio traffic broadcasted that Martinez had a handgun.

<sup>2</sup> Several other law enforcement personnel also saw the firearm including LASD Sergeant Eric Valdez, LASD Deputy Manuel Castillo, LASD Deputy Sean Merrick, and Bell Gardens Police Officer Ruben Catani.



*Figure 6: Martinez had an unloaded ten-round capacity nine-millimeter Glock.*

### **Statement of LASD Deputy Nicholas Carey**

In the early morning hours of May 30, 2020, Deputy Carey was working in full uniform and in a marked patrol vehicle with his partner, Deputy Stephen Ryken. Deputy Carey heard the radio transmission broadcast that there was a vehicle pursuit and that the use of spike strips was authorized. The deputies responded to Compton and deployed spike strips, but Martinez drove around them. Deputy Carey heard over the radio that Martinez avoided two or three additional spike strips. Deputy Carey arrived at Long Beach Boulevard and Virginia Street in Lynwood. He deployed spike strips, but Martinez drove around them again.

Deputies then responded to Imperial Highway just east of State Street in Lynwood after they heard that a set of spike strips were effective against Martinez's vehicle. When they arrived at the intersection, Deputy Ryken parked the patrol vehicle behind Deputy Eric Slattery's vehicle. Deputy Carey retrieved his rifle from the vehicle and positioned himself between the passenger side of Deputy Slattery's vehicle and the center median island.

As Deputy Carey was running, he heard BPD officers state that Martinez possessed a firearm. As Deputy Carey maintained his position, he heard Martinez yell, "Fuck you. You're gonna have to kill me." Deputy Carey saw Martinez was holding a gun in his right hand and was pointing it out of the window towards the deputies. Deputy Carey believed that Martinez intended to shoot and harm him and his partners. Deputy Carey then fired his rifle approximately six times at Martinez's vehicle.

After firing, Deputy Carey stopped, lowered his rifle, and sought cover behind a concrete pillar on the south side of the street. From that vantage point, Deputy Carey saw Martinez extend his gun outside of the window and again point it towards deputies. Deputy Carey again believed that Martinez intended to shoot at deputies. He feared for the safety of his partners, and again aimed his rifle and fired an additional six to eight rounds at Martinez's vehicle.



*Figure 7: Deputy Carey's path from the first to the second firing position.*



*Figure 8: Deputy Carey's secondary firing position.*





*Figure 9: Alternative angle of Deputy Carey's secondary firing position.*

Other deputies approached Martinez and detained him. After Martinez was apprehended, Deputy Carey approached Martinez's vehicle and saw a firearm on the driver side floorboard.

Deputy Carey was armed with a .223 caliber rifle. Before the shooting, it was loaded with 28 live rounds. Afterward, there were 13 live rounds remaining.

### **Statement of LASD Deputy Eric Slattery**

On May 30, 2020, around 2:30 a.m., Deputy Slattery was working in full uniform and in a marked patrol vehicle when he and his partner, Deputy Alerich, heard the radio transmission regarding a vehicle pursuit. The deputies attempted to deploy spike strips but did not have the opportunity to use them because Martinez drove westbound on Imperial Highway towards State Street in Lynwood.

The deputies then arrived at the location to assist in the traffic stop. Deputy Slattery got out of the front passenger side of the vehicle and heard a female BPD officer say that Martinez had a gun. Deputy Slattery made his way toward the back of his patrol vehicle when he saw Martinez holding a semi-automatic handgun in his right hand and pointing it at them. Immediately thereafter, he heard several shots fired. Deputy Slattery took a position of cover behind the rear of his patrol vehicle. A BPD officer was positioned to Deputy Slattery's right, and Slattery did not feel he could safely fire his weapon in case the officer moved into the line of fire.



Figure 10: Daytime image of vehicle positions captured post-incident.

After the shots were fired, Deputy Slattery repositioned himself at the driver's side door of the patrol car next to Deputy Alerich. Deputy Slattery used the PA system and told Martinez to put his hands up and come out of the vehicle. Martinez's driver's seat was reclined all the way back, he was laying all the way down, and "fidgeting" around in the vehicle.

Moments later, Martinez again stuck the gun out of the window and pointed the gun at them while saying, "Fuck you, you are going to have to kill me." Deputy Slattery made eye contact with Martinez and feared that he intended to shoot. Deputy Slattery then fired three to five rounds at Martinez's vehicle.

After the shots were fired, Deputy Slattery resumed giving Martinez commands over the PA system. He saw a deputy deploy approximately four stun bag rounds to the back of the vehicle windows. Martinez then exited his vehicle, put his hands up, and started walking backwards toward the deputies. Martinez would sometimes lower his hands and Deputy Slattery would, again, give Martinez commands to keep his hands up. When Deputy Slattery told Martinez to get on his knees, he stopped and started heading back to his own vehicle.

As Martinez made his way to his vehicle, a police K-9 was deployed. Martinez grabbed a hold of the K-9 and appeared to be choking it. Several deputies then approached Martinez and apprehended him. Deputy Slattery did not engage in the detention.

Deputy Slattery was armed with a nine-millimeter semi-automatic handgun. Before the shooting, it had 20 live rounds in the magazine and one live round in the chamber. Afterward, it had 11 live rounds in the magazine and one live round in the chamber.

### **Statement of LASD Deputy Nicholas Alerich**

On May 30, 2020, around 2:30 a.m., Deputy Alerich was working in full uniform and in a marked patrol vehicle when he and his partner, Deputy Slattery, heard the radio transmission regarding a vehicle pursuit. The deputies responded to the underpass at Interstate 105 and Long Beach Boulevard in Lynwood. The deputies deployed spike strips, but Martinez was able to avoid them when he passed by.

The deputies then arrived at the termination of the pursuit to assist in the traffic stop. When they arrived, Deputy Alerich told Deputy Slattery to get on the PA system and to give Martinez commands. Deputy Alerich could see Martinez making furtive moments and then heard a radio broadcast that Martinez had a firearm.

Deputy Alerich heard Martinez yell, "Fuck you, if you want me, you have to kill me." Deputy Slattery continued to give commands, but Martinez was not complying. Deputy Alerich was positioned at his driver's side door when he saw Martinez holding a pistol and pointing it over his left shoulder towards the deputies. Deputy Alerich yelled out "Gun!" He believed that Martinez intended to shoot him and his partners. Deputy Alerich fired approximately seven to eight shots at Martinez's vehicle.

He stopped, looked over at Martinez, and saw that he still was holding the firearm outside of the vehicle. Deputy Alerich again fired his weapon. In total, he fired approximately twelve rounds.

Martinez hunched over and Deputy Alerich called for a cease fire. He started assigning tasks to other deputies, requested a shield, and started to form a rescue team. While doing so, someone announced that there was further movement in the vehicle. Deputy Alerich requested a stun bag deployment so that deputies could have a better view inside the vehicle. Someone retrieved a stun bag and shot approximately five times at the vehicle. It shattered some of the windows and Deputy Alerich had a better view of the interior of the vehicle.

Martinez sat up, deputies gave additional commands, and Martinez exited the vehicle. Deputies gave Martinez commands to raise his hands, but he kept putting his hands down. Martinez returned to start walking toward his vehicle again and a K-9 was deployed. Martinez fell and then put the K-9 in a choke hold. When he released the K-9, Martinez fell and tucked his hands under his waistband. Multiple deputies rushed in and detained Martinez. Deputy Alerich did not physically engage in apprehending Martinez.

Deputy Alerich was armed with a nine-millimeter semi-automatic handgun. Before the shooting, it had seventeen live rounds in the magazine and one live round in the chamber. Afterward, it had five live rounds in the magazine and one live round in the chamber.

### **Statement of LASD Deputy Andrew Roxas**

On May 30, 2020, around 2:00 a.m., Deputy Roxas was working in full uniform and in a marked patrol vehicle when he and his partner, Deputy Sean Merrick, heard the radio transmission of a vehicle pursuit. The deputies arrived near the termination of the pursuit on Imperial Highway in Lynwood in the event assistance was needed. Deputy Roxas heard over the radio transmissions that the driver was in possession of a firearm.

Deputy Roxas positioned himself next to Deputy Nicholas Carey at the passenger door of Deputy Slattery's patrol vehicle. As he maintained cover, he saw Martinez extend his right hand out of the window and point a gun towards the deputies. Deputy Roxas heard Deputy Nicholas Carey fire his rifle. Deputy Roxas repositioned himself at the driver door of his own patrol vehicle to get a better view. Martinez then yelled out the window, "Fuck you. You're going to have to kill me." Martinez again extended the gun outside the window. Deputy Roxas believed that Martinez intended to shoot him or his partners and fired three to four rounds at Martinez.

Martinez eventually exited the vehicle and started walking backward towards the deputies but would not keep his hands up as instructed. Martinez then said, "Fuck this" and started walking back to his vehicle. A police K-9 was deployed, and Deputy Roxas saw Martinez place the K-9 in a headlock. Other deputies approached Martinez with a shield and knocked him over. As Martinez fell over, he placed his hands under his body. Deputy Roxas thought that Martinez was reaching for a gun. Deputy Roxas approached Martinez and tried to pull his arms from underneath him, but he would not let go. Deputy Roxas punched Martinez four to five times in the head. Martinez released his arms and Deputy Roxas was able to control Martinez's arms until he was handcuffed.

Deputy Roxas disengaged and went to Martinez's vehicle where he saw a firearm in the driver floorboard.

Deputy Roxas was armed with a nine-millimeter semi-automatic handgun. Before the shooting, it had 17 live rounds in the magazine and one live round in the chamber. Afterward, it had nine live rounds in the magazine and one live round in the chamber.

### **Statement of Jose Martinez**

After Martinez was detained, Deputy John Hunziker remained with Martinez until an ambulance arrived. Deputy Hunziker reported that Martinez said, "You guys should have killed me." Deputy Hunziker asked Martinez why he did not stop, and Martinez said he did not feel like it.

During a recorded interview, Martinez said that he fled from the police because he lost his mind and that there was a lot going through his head. He denied ever pointing the gun at deputies and said he only raised the gun to signal to the deputies to "relax." He explained that he had the gun because he wanted to kill himself. Finally, he said that he placed the dog in a headlock to keep it from biting him.

## **Medical Records**

Martinez was transported to St. Francis Hospital for his injuries. He had a gunshot wound to his left arm and a projectile that was removed from his finger. He also sustained a gunshot wound to his head causing a skull fracture on the right occipital scalp. A projectile remained in his head. Martinez sustained dog bites on his abdomen, left thigh, and right forearm. He had injuries in the bilateral frontal part and the bilateral posterior part of his head. He suffered periorbital and forehead contusions. Additionally, Martinez was under the influence of methamphetamine at the time he was admitted. Martinez had surgery and remained in the hospital until his release on June 7, 2020.

## **Prosecution of Martinez**

Martinez was charged with two counts of resisting an executive officer in violation of Penal Code section 69, three counts of exhibiting a firearm in the presence of an officer in violation of Penal Code section 417(c), one count of fleeing a pursuing peace officer's motor vehicle and driving against traffic in violation of Vehicle Code section 2800.4, one count of possession of a firearm with a prior violent conviction in violation of Penal Code section 29900(a)(1), and one count of assaulting a police animal in violation of Penal code section 600(a). Martinez plead no contest to two counts of Penal Code section 69 and one count of Vehicle Code section 2800.4 for a prison sentence of four years and four months in case number TA152184.

## **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 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) and (B).

Deadly force shall be used "only when necessary in defense of human life," and officers "shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).

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).

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) and (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).

### **Analysis as to Deputy Nicholas Carey**

Prior to engaging in the incident, Deputy Carey had learned about the vehicle pursuit and heard a request for spike strips. Deputy Carey responded to two locations to deploy spike strips against Martinez's vehicle, but he was able to avoid them each time.

When Martinez finally stopped, Deputy Carey responded to the traffic stop location and exited his vehicle with a rifle. As he was positioning himself next to a patrol vehicle, he reported hearing Martinez yell, "Fuck you. You're gonna have to kill me" and saw that he was pointing a firearm at deputies. Deputy Carey stated he believed that Martinez intended to shoot and hurt him and his partners and then fired his rifle.

Deputy Carey said he repositioned himself behind a pillar and from that vantage point, saw that Martinez was again pointing the firearm at deputies. He, again, fired his rifle.

Each time he fired his weapon, Deputy Carey said he believed that Martinez intended to shoot and hurt him and his partners.

### **Analysis as to Deputy Eric Slattery**

Deputy Slattery learned of the vehicle pursuit and responded to the traffic stop location to assist. After arriving, he gave Martinez commands. He then heard a female BPD officer say that Martinez had a gun. He looked over and said he saw Martinez holding a semi-automatic handgun in his right hand and pointing it at the deputies. Other law enforcement personnel fired their weapons and Deputy Slattery took cover.

When he looked over to the vehicle, Deputy Slattery said he saw that Martinez was fidgeting in the vehicle. Deputy Slattery continued to give commands, but Martinez would not comply. Deputy Slattery reported that moments later, Martinez again stuck the gun out of the window and pointed the gun at them while saying, "Fuck you, you are going to have to kill me." Deputy Slattery made eye contact with Martinez and feared that he intended to shoot. Deputy Slattery then fired his weapon.

### **Analysis as to Deputy Nicholas Alerich**

Deputy Alerich was partnered with Deputy Slattery, and both arrived at the traffic stop location to assist. After arriving, Deputy Alerich could see Martinez making furtive movements in the vehicle and then heard a broadcast that he had a firearm. Deputy Alerich said he saw Martinez holding a firearm and pointed it over his left shoulder towards the deputies. Deputy Alerich yelled out "gun." He said he believed that Martinez intended to shoot him, and his partners and he fired his weapon.

Deputy Alerich reported he stopped, looked over at Martinez, and saw that he still was holding the firearm outside of the vehicle. Deputy Alerich again fired his weapon.

### **Analysis as to Deputy Andrew Roxas**

Deputy Roxas learned of the vehicle pursuit and responded to the traffic stop location to assist. He said he also heard that Martinez was in possession of a firearm. Deputy Roxas arrived at the traffic stop location and positioned himself in a place where he would have a visual of the subject vehicle. As he maintained cover, he said he saw Martinez extend his right hand out of the window and point a gun. Other law enforcement personnel fired their weapons.

After Deputy Roxas repositioned himself, Martinez then yelled out the window, “Fuck you. You’re going to have to kill me.” Deputy Roxas said he saw Martinez again extend the gun outside the window and believed that Martinez intended to shoot him or his partners, so he fired his weapon in response.

After Martinez was outside of the vehicle and deputies were attempting to apprehend him, Deputy Roxas said Martinez was combative. Deputy Roxas punched Martinez four to five times in the head. Martinez loosed up his arms and Deputy Roxas was able to control Martinez’s arms until he was handcuffed.

### **Analysis as to Officer Angela Arutunian**

Officer Arutunian was one of the initial officers that joined the pursuit after Sergeant Walker had attempted to initiate a traffic stop. She was also present at the traffic stop and Sergeant Walker said he heard her say that Martinez had a gun in his right hand. Afterwards, he saw her fire her weapon.

When Deputy Slattery arrived at the location, he also said he heard a female Bell officer say that Martinez had a firearm. He said he then looked over and saw that Martinez was pointing the firearm outside of his window. He and other law enforcement personnel deployed their weapons.

Officer Arutunian is the only identified female Bell officer that used her weapon.

### **Analysis as to Officer Javier Avila**

Investigators conducted a round count of Officer Avila’s .40 caliber Glock pistol. It contained one round in the chamber and twelve rounds in the magazine. Additionally, he had three magazine pouches that were fully loaded with fifteen .40 caliber rounds. On scene, investigators located three expended .40 caliber cartridge casings north of a Bell Police Department patrol vehicle. Officer Avila is the only officer that was reported to be carrying a .40 caliber firearm.

Based on the totality of the statements of all the parties, there were no shots fired prior to Martinez pointing his firearm at deputies.

## **CONCLUSION**

We conclude, based on the totality of the evidence provided, that the deputies and officers reasonably believed their use of force was necessary to defend against an imminent threat of death or great bodily injury.