

**Non-Fatal Officer Involved Shooting of Brandon Stevenson
California Highway Patrol**

**Officer Lamont Nash, #21932
Officer Suzanne Portillo, #21925**

J.S.I.D. File #21-0270



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 21, 2023

MEMORANDUM

TO: CAPTAIN DEREK MOULTON
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Non-Fatal Officer Involved Shooting of Brandon Stevenson
J.S.I.D. File #21-0270
L.A.P.D. File #21-0113045; 21-0113046

DATE: November 21, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 4, 2021, non-fatal shooting of Brandon Stevenson by California Highway Patrol (CHP) Officers Lamont Nash and Suzanne Portillo. We have determined that Officer Nash acted in lawful self-defense and Officer Portillo acted in the lawful defense of her partner when they fired their weapons.

The District Attorney's Command Center was notified of this shooting on July 5, 2021, at approximately 4:00 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Los Angeles Police Department (LAPD) Detective Frank Carrillo from Robbery-Homicide Division.¹

The following analysis is based on reports and other materials, including recorded interviews of witnesses, surveillance videos, CHP dash camera videos, and photographs submitted by LAPD Robbery-Homicide Division on August 29, 2023. The voluntary statements of Nash and Portillo were considered in this analysis.

FACTUAL ANALYSIS

On July 4, 2021, CHP Officers Nash and Portillo were assigned to the Altadena Office. They were dressed in standard CHP uniforms and driving a distinctively marked police car. At

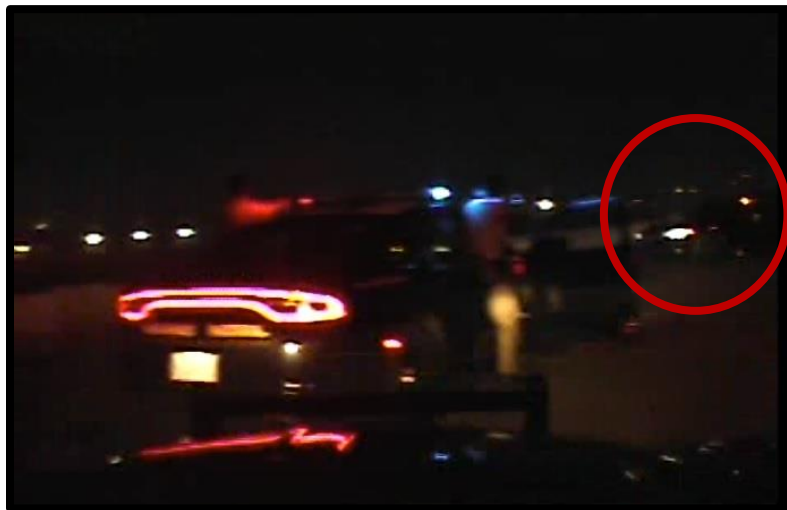
¹ LAPD's Robbery-Homicide Division is responsible for the investigation of outside law enforcement agency shootings that occur on and off-duty within the City of Los Angeles.

approximately 11:00 p.m., while on patrol on the 210 freeway in the City of Pasadena, the officers observed a two-door Infinity, driven by Stevenson, travelling at a high rate of speed. Nash, the driver of the police car, positioned the police car behind the Infiniti and activated its lights and sirens. Stevenson failed to stop, and a pursuit ensued westbound on the 210 freeway. Stevenson was driving at speeds between 70 and 95 miles per hour while weaving in and out of lanes in light to heavy traffic. Another CHP officer, the secondary unit, joined in the pursuit which proceeded southbound on Glendale Boulevard and the southbound 101 freeway.

Stevenson exited the 101 freeway at Alameda Avenue – he travelled at high speeds and failed to stop at a red light and two stop signs until he came to the end of the roadway blocked by a metal fence at East Commercial Street. Nash stopped the police car as Stevenson executed a three-point turn where the metal fence adjoined a retaining wall. Nash exited the police car and stood behind the driver side door for cover to conduct a felony stop. Portillo also exited and stood behind the passenger side door. Both officers drew their firearms.

Nash yelled commands to Stevenson to get out of the vehicle. Simultaneously, Stevenson turned his wheel all the way toward the police car and accelerated toward the driver side door of the police car. Nash fired “approximately four rounds” from his service handgun, and Portillo fired “around five rounds” from her service weapon.² The Infinity drove past Nash and the driver side door and collided with the secondary unit.

The secondary unit arrived just before Stevenson accelerated toward Nash. The officer in the secondary unit stated he turned behind and perpendicular to Nash and Portillo’s police car to assist with the felony stop and he was surprised when Stevenson’s car collided with his police car causing the police car to spin counterclockwise. The CHP officers were not equipped with body worn cameras. However, dash cameras from their police cars captured Stevenson making a three-point turn and driving in Nash’s direction in the moments leading up the officer involved shooting.



The secondary unit arrived before Stevenson accelerated his car (circled) toward the primary unit’s driver side. Nash and Portillo are seen taking cover behind their car doors.

² Investigators retrieved a total of 11 cartridge cases from the scene.



Dash camera video depicts the position of the Infiniti when the first shots are heard.

After the officer involved shooting, Stevenson is heard arguing and yelling for the police to kill him. Stevenson sustained gunshot wounds to the left side of his torso and lower leg area. He survived his injuries. Investigators retrieved a considerable amount of fentanyl pills from Stevenson's backpack consistent with an intent to sell.

Statement of Officer Nash

On July 5, 2021, investigators interviewed Nash. Nash stated that he stopped his police car when the Infiniti came to a dead end on Commercial Street. He and his partner exited their police car with their service guns drawn to conduct a felony stop. As he and his partner gave Stevenson commands to exit his car, Stevenson accelerated towards Nash who was standing behind the driver door of the police car. Nash stated he feared for his safety, fired approximately four rounds from his service weapon at Stevenson, and retreated to the rear of the police car.

Statement of Officer Portillo

On July 7, 2021, investigators interviewed Portillo. Portillo stated that when the Infiniti came to the dead end on Commercial Street, she exited the passenger side of the police car and stood behind the door with her service weapon drawn. When Stevenson accelerated his car toward Nash, Portillo fired approximately five rounds from her service weapon at Stevenson because she believed Stevenson was going to "run [Nash] over."

Statement of Stevenson³

On July 5, 2021, LAPD RHD investigators interviewed Stevenson at the hospital. Stevenson stated that he knew officers were following him on the freeway, but that he kept driving to get home, but he “didn’t deserve to be shot” by the police. He told investigators after the shooting he yelled at the officers, “Kill me!” He also stated that he had two pending criminal cases for evading and unlawfully possessing a gun. He stated he had been drinking Patron tequila, “probably two shots,” hours before he started driving home and he had poured some tequila in a cup to take home to mix with “Sprite.”

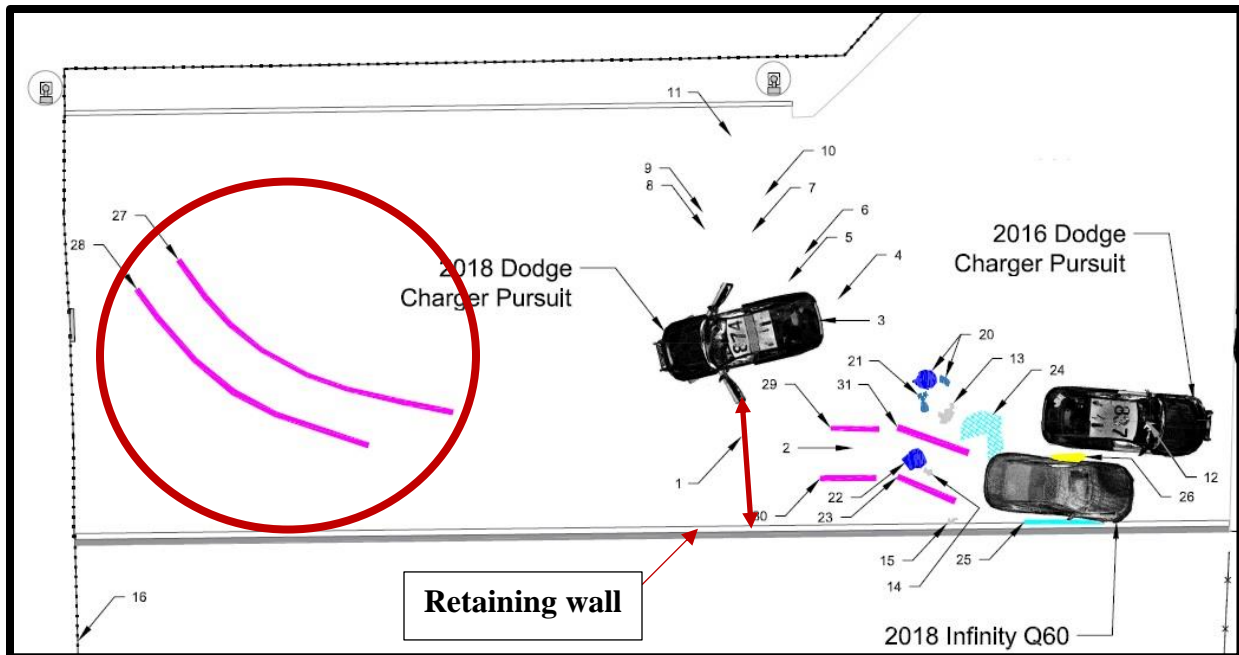
Stevenson was charged in case no. BA496776 with assault on a peace officer, evading, and possession for sale of fentanyl. The matter is currently set for a trial on November 27, 2023.

Crash Data Retrieval Analysis for the Airbag Control Module

Information from the Infinity’s Airbag Control Module (ACM), a computer within the car that records crash data, was retrieved, and interpreted. “The five seconds of pre-crash data from [the crash with the secondary unit] revealed the Infiniti accelerating from 2 mph to 17-19 mph before the impact and while making a rapid steering maneuver.” Three seconds before the collision, Stevenson turned the steering wheel 250 degrees to the left. Also, another “recorded event” linked the Infinity to a hit-and-run in Fontana approximately one hour before the officer involved shooting.

CHP’s Multidisciplinary Accident Investigation Team (MAIT) prepared a diagram documenting the scene, including the tire friction marks created when Stevenson turned and accelerated toward the driver side of Nash and Portillo’s police car. The open driver side door of the police car was approximately 12.5 feet from the retaining wall as depicted by the double pointed arrow in the diagram below.

³ Stevenson’s statement was recorded and provided after receiving a *Miranda* admonishment.



Stevenson's driving caused friction marks (circled) as he drove toward and past Nash's driver side door.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer is justified in using deadly force upon another person only 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. A peace officer who attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force. Penal Code § 835a(b), (c)(1)(A), and (d).

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).

“Totality of circumstances” means 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. 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) and (e)(3).

Here, Nash and Portillo observed Stevenson speeding on the highway and attempted to lawfully detain him. Nash and Portillo were dressed in full uniform inside their marked police car, but Stevenson knowingly fled from them at high speeds on the freeway and city streets. Stevenson's driving was objectively dangerous and placed numerous motorists in danger of great bodily injury or death. When Stevenson reached the end of the road blocked by a metal fence, he made a sharp three-point turn in the direction of Nash, who was standing next to the driver side of his police car. Nash and Portillo were pointing their firearms at Stevenson to effectuate a felony stop. At this moment, the circumstances known to Nash and Portillo supported a reasonable belief that Stevenson was an imminent threat to Nash because Stevenson had the present ability to cause Nash great bodily harm or death with the Infinity. Although Stevenson ultimately drove past Nash and the police car, Stevenson's reckless driving and final maneuver of his car toward Nash supported the officers' stated belief under the rapidly evolving circumstances. Also, the officers' gunfire may have effectively diverted Stevenson away from Nash. Regardless of Stevenson's intentions, the officers were forced to act with little time and/or distance and no evidence contradicts their stated perceptions.

CONCLUSION

Based on the totality of circumstances, the evidence supports a reasonable belief by Officers Nash and Portillo that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves or others.