

**Fatal Officer Involved Shooting of Alex Flores
Los Angeles Police Department**

Officer Steven Ruiz, #41335

J.S.I.D. File #19-0475



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 22, 2022

MEMORANDUM

TO: CAPTAIN RICH GABALDON
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 Alex Flores
J.S.I.D. File #19-0475
F.I.D. File #F053-19

DATE: November 22, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 19, 2019, fatal shooting of Alex Flores by Los Angeles Police Department (LAPD) Officer Steven Ruiz. We have determined that Officer Ruiz acted in lawful self-defense when he used deadly force against Flores.

The District Attorney's Command Center was notified of this shooting on November 19, 2019, at approximately 8:45 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Lieutenant Brian Reynolds.

The following analysis is based on reports and other materials, including body-worn video (BWV), police dash-camera video, photographs, and interviews of witnesses submitted by the LAPD Force Investigation Division. The compelled statement of Officer Ruiz was not considered in this analysis.

FACTUAL ANALYSIS

On November 19, 2019, at approximately 8:00 a.m., a woman driving on Central Avenue, near the intersection of 29th Street, saw Flores holding a large kitchen knife and acting erratically. The woman stated that Flores lifted the front of his shirt and appeared to be scraping his abdomen with the knife.¹ She also described Flores as looking back and forth in a paranoid manner "like he was like on drugs or something." She was concerned for the safety of school-aged-children walking in the area. The woman flagged down and contacted LAPD Sergeant Ibanez near LAPD's Newton Community Police Station located at Central Avenue and 35th

¹ In the autopsy report, the medical examiner noted a "superficial puncture mark in the upper abdomen measuring 1/4 inch" and opined that the "wound of the abdomen could be caused by knife."

Street. Ibanez had just returned to the station after searching the nearby area of Compton Avenue and East Vernon Avenue for another report of a man with a knife.²

At approximately 8:07 a.m., Ibanez broadcasted that he was searching for the man with the knife on Central Avenue. Ibanez later told investigators that there was heavy vehicle and pedestrian traffic in the area, including children walking to school. Ibanez saw Flores walking northbound in an alley parallel to Central Avenue. Ibanez, who was in uniform and driving a marked police SUV, followed Flores. Ibanez stated that Flores looked in his direction and made “furtive” movements causing Ibanez to believe that Flores was hiding an object toward the front side of his pants pocket and front waistband. Ibanez then followed Flores back to Central Avenue and 32nd Street.

Meanwhile, several officers had responded from the police station on foot and headed northbound on Central Avenue to assist Ibanez. Ruiz, Detective Valdez, and Officer Fuentes were assigned to the detectives’ tables and in plainclothes attire. Officer Ruvalcaba was in uniform and equipped with a Taser and a BWV camera. At approximately 8:10 a.m., Ibanez broadcasted that Flores was walking north on the west sidewalk of Central Avenue, approaching 29th Street. The responding officers ran northbound on Central Avenue, and Ibanez picked them up in his police SUV and proceeded northbound toward 28th Street.

The officers observed Flores holding a knife and walking near a group of pedestrians, including a street vendor, on the west sidewalk of Central Avenue, south of Tam’s Burgers. Ibanez identified Flores to the other officers. At approximately 8:12 a.m., Ibanez stopped the police SUV in the middle of Central Avenue and yelled, “Hey man, stop right there!”³ Ibanez stated that Flores looked in his direction, removed a large knife from his pocket, placed it back into the same pocket, and ran through Tam’s Burgers’ parking lot.

Simultaneously, the other officers exited the police SUV and followed Flores. Surveillance video from Tam’s Burgers and Ruvalcaba’s BWV captured Flores running with a knife in his right hand. Flores stopped in the parking lot and momentarily faced Ruiz, who yelled for Flores to drop the knife and get down. Flores did not drop the knife. Flores continued northbound past Ibanez’s police SUV, which was following and had momentarily activated its lights and sirens, and north across 28th Street on Central Avenue. Flores again stopped, turned, and faced Ruiz in the southbound lane of traffic while he held the knife in his right hand with the blade alongside his forearm. Ruiz gave Flores loud and clear commands, “Don’t come at me! Don’t come at me!” Flores charged directly toward Ruiz with the knife in his hand while Ruiz continued to yell, “Stop! Stop!”

Ruiz fired five rounds in quick succession at Flores, who fell to the ground and dropped the knife.⁴ At approximately the same time Ruiz fired his service weapon, Ruvalcaba discharged the

² A woman and a man saw Flores holding a knife and walking near an elementary school at the intersection of Compton Avenue and East Vernon Avenue. They were concerned for their safety and the safety of the children in the area. The woman called 9-1-1 and later told investigators that she saw parents “grabbing” their kids and “sprinting off.” The man gave a similar account to investigators.

³ Ruvalcaba was seated in the back seat of the police SUV and his BWV was activated and recording.

⁴ According to LAPD’s investigative report, all five gunshots were fired within 1.1 seconds, which is consistent with Ruvalcaba’s BWV.

Taser at Flores.⁵ Ruvalcaba later told investigators he believed Flores was going to “violently assault” Ruiz. Flores succumbed to his injuries at the scene.

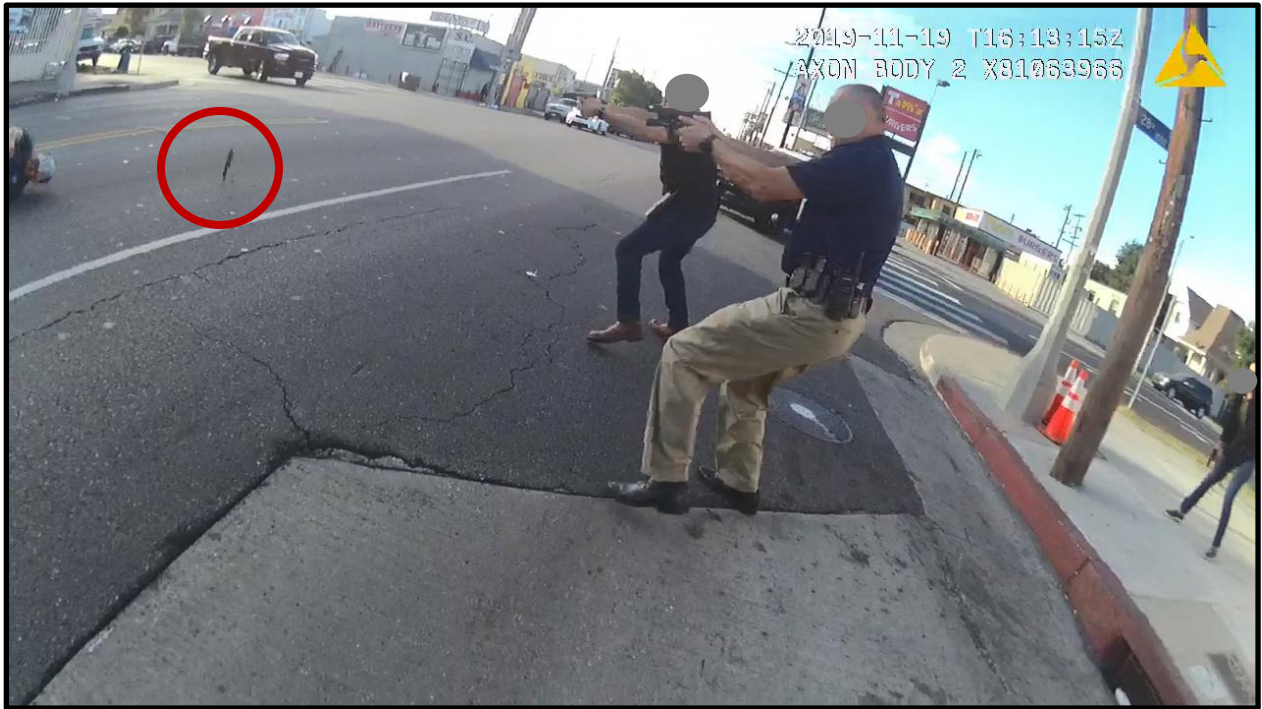


Ruvalcaba’s BWV captured Flores as he began running toward Ruiz.



Flores ran toward Ruiz while holding the knife in his right hand (circled).

⁵ Based on the available evidence, it does not appear that Flores was struck by the Taser darts.



Flores dropped his knife (circled) as he fell to the ground.



Flores' knife was photographed on the street alongside a six-inch ruler.

On November 22, 2019, an autopsy was conducted, and the medical examiner determined that Flores died due to multiple gunshot wounds. Toxicology results confirmed the presence of methamphetamine in Flores' blood.

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. 505. 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 prior to January 2020, 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.

Several civilians reported that Flores was armed with a knife and acting erratically. As corroborated by the autopsy report, the available evidence indicates that Flores used his own knife to cut his abdomen and was possibly under the influence of methamphetamine. Concerned for the safety of the public, several officers responded from the station to assist Ibanez and locate Flores.

The officers saw Flores armed with a knife and pursued Flores. Ruiz took the lead when he exited the police SUV and followed Flores. Ruiz gave several commands for Flores to stop and drop the knife. Flores momentarily stopped and faced Ruiz in the parking lot of Tam's Burgers, but Flores continued to run and maintained control of his knife. When Flores stopped running, he turned around and faced Ruiz. Ruiz pointed his service weapon at Flores and clearly yelled, "Don't come at me!" Flores did not comply. Flores charged at Ruiz with the knife in his right hand. Ruiz fired five rounds from his service pistol stopping the actual and imminent threat posed by Flores.

CONCLUSION

We conclude that Officer Ruiz's use of deadly force was legally justified in self-defense.