

Non-Fatal Officer Involved Shooting of Angel Garrido

Los Angeles Police Department

Officer Brent Houlihan #31822

J.S.I.D. File #23-0286



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 27, 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: Non-Fatal Officer Involved Shooting of Angel Garrido
J.S.I.D. File #23-0286
L.A.P.D. File #F042-23

DATE: November 27, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 26, 2023, non-fatal shooting of Angel Garrido involving Los Angeles Police Department (LAPD) Officer Brent Houlihan. We have concluded that the officer acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 2:07 p.m. on August 26, 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 camera video (BWV), medical records, and witness statements submitted to this office by LAPD Force Investigation Division Detective Tom Brown on September 17, 2024. Compelled statements of Houlihan were not considered in this review. Compelled statements of other officers were considered in this review.

FACTUAL ANALYSIS

9-1-1 Calls

LAPD's Communication Division (CD) dispatch log shows that on August 26, 2023, at 12:24 p.m., a male, later determined to be Garrido, called to report that he was armed with a gun and was going to hurt someone inside his apartment. Garrido provided the address and apartment number. At 12:28 p.m., the call history was updated to add that Garrido refused to answer questions from the dispatcher and said that he would hurt "whoever showed up" to the location. Garrido refused to provide more information and hung up the phone. CD attempted to call Garrido back, but no one answered the phone.

Officers Arrive at Apartment

Houlihan's digital in-car video system (DICVS) captured the dispatch audio broadcast to his police vehicle while he was driving to the apartment. His passenger was Officer Shawn Zhang. Zhang told the CD dispatcher that he and Houlihan were responding code three, with lights and sirens activated. Zhang read the comments to the call aloud from the mobile digital computer in the patrol vehicle, which said, "The PR [party reporting] states he is armed with a gun and is going to hurt someone in apartment number three." The CD dispatcher could then also be heard stating that the reporting party said he was armed with a gun, would hurt someone in the apartment, and would hurt anyone who came to the apartment. According to Houlihan's DICVS and the CD dispatch log, at 12:32 p.m., Officers Brian Peters and Cassandra Roscher arrived at Garrido's apartment. At 12:33 p.m., Houlihan and Zhang arrived.

Houlihan went to his trunk and armed himself with a rifle. Peters armed himself with a shotgun. In an interview Peters indicated that he chose to arm himself with a shotgun because the location was a "large complex," and there could be multiple suspects, or it could be an ambush. Both Roscher and Peters stated in interviews that they were concerned about this incident being an ambush scenario because the caller had stated they were armed with a gun and would harm anyone that responded to the location. Zhang unholstered his pistol. At approximately 12:35 p.m., Houlihan, Peters, Zhang, and Roscher entered the apartment complex through a door on the east side of the building.

The door to enter the apartment complex from [REDACTED] leads to a narrow stairwell that leads up to a small landing with a 90-degree turn to the right, after which more stairs lead to the second-floor hallway (See Figure 1). The second-floor hallway provides access to four separate apartments. At the opposite end of the hallway from the stairwell is Garrido's residence. [REDACTED] Garrido's partner, was also inside the residence at that time.

At 12:35:25 p.m., Houlihan directed Roscher to request additional officers to respond. Officers Marco De La Torre and Andrew Cota arrived in response to the back-up request at 12:39:42 p.m. As back-up officers were arriving, Houlihan stood on the landing between the upper and lower stairwell with a view northbound through the second-floor hallway of the apartment complex. Peters stood to Houlihan's right, slightly down the stairwell toward the entryway. Zhang remained on the initial flight of stairs closer to the door, and Roscher stood near the door. No activity occurred in the hallway during those six minutes. At 12:40:37 p.m., Roscher said she would try to obtain the calling party's phone number from CD so she could attempt to contact him. At 12:40:49 p.m., Roscher exited the apartment and walked northbound on [REDACTED] toward her police vehicle. De La Torre and Cota entered the apartment building through the same doorway. As Roscher arrived at her police vehicle, before she could attempt to contact the reporting party by telephone, three gunshots can be heard on her BWV.

From the time the officers initially entered the building and Houlihan took his position on the landing between the upper and lower stairwells, a total of approximately six minutes passed. In an interview, discussed further below, [REDACTED] said that during this time, Garrido's phone began ringing, after which Garrido went to the kitchen window and began looking through the blinds

toward the street below and yelling “bad words.” The phone calls to Garrido’s phone to which [REDACTED] was referring were likely attempts by CD to contact Garrido.

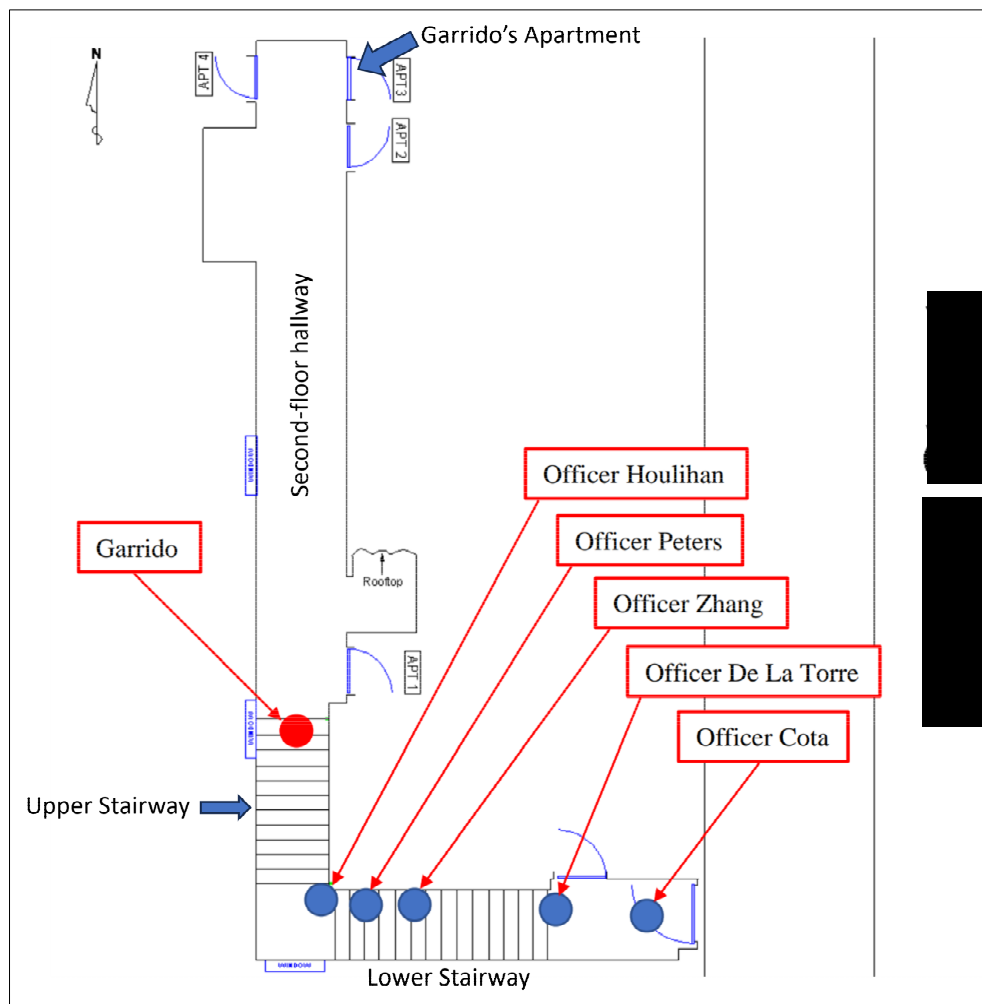


Figure 1: Diagram of apartment complex indicating the position of the officers inside the building at the time of the officer-involved shooting.

Officer-Involved Shooting

About 18 seconds after Roscher said she would try to contact the calling party, a female voice down the second-floor hallway could be heard asking, “Policia?” Houlihan responded, “Policia,” to which the female responded, “Si?” Houlihan said, “Si.” Five seconds later, Houlihan yelled, “Let me see your hands!” three times. At that moment, Garrido became visible on Houlihan’s BWV holding a large knife in his right hand with the blade pointed downward.¹ Houlihan then yelled, “Drop the knife!” three times. While Houlihan was ordering Garrido to

¹ Due to Houlihan’s position below the upper flight of stairs to the second-floor hallway, his vantage point would have allowed him a better view down the hallway than that captured by his BWV camera mounted on his torso.

drop the knife, Garrido said, “Fuck you.” Garrido continued walking toward the officers and was just above the upper portion of the stairwell.



Figure 2: Still frame from Houlihan's BWV depicting Garrido (wearing a white tee shirt in close-up image) as Garrido approached the top of the stairwell, walking towards Houlihan. Red circle indicates knife in Garrido's right hand, with blade protruding downward.

As Houlihan yelled, “Drop the knife!” the third time, he fired three shots from his rifle. The shots were fired from a decreasing distance of nine to seven feet between Houlihan and Garrido. Garrido was struck by gunfire in his right arm and right leg. He tumbled down the upper stairwell and dropped the knife.



Figure 3: Photograph of knife that was held by Garrido during the officer-involved shooting. The knife came to rest on the stairwell. The blade measures over six inches in length.

Garrido sustained gunshot wounds to his right arm and right leg. [REDACTED]
[REDACTED]. He was transported and admitted to Huntington Memorial Hospital, where he was treated for his injuries. [REDACTED]
[REDACTED].

Interview of [REDACTED]

[REDACTED] was interviewed by investigators. The interview was recorded. [REDACTED] provided background information on Garrido, who was having severe issues with alcohol addiction in the weeks leading up to the officer-involved shooting. [REDACTED] said that Garrido had been drinking heavily since July 31, and that between then and the date of this incident, he had to be hospitalized for three days. [REDACTED] said Garrido had been struggling with alcoholism for years and had recently expressed suicidal thoughts.

On the date of this incident, [REDACTED] arrived home from work and found Garrido intoxicated. [REDACTED] told investigators, "He started to say awful things," and told her to call the police. Garrido told [REDACTED] "You'll see how it's going to go for them." [REDACTED] believed that Garrido wanted to fight with the police. Garrido answered two phone calls on his phone but did not speak with whomever had called. [REDACTED] said Garrido briefly looked out a window in the apartment to see the patrol vehicles that had arrived, and then he exited the apartment. [REDACTED] said, "I couldn't stop him anymore, but I didn't know he had a knife." [REDACTED] watched Garrido walk down the hallway and saw that he was carrying a knife, and told investigators, "[T]hat's why they shot him."

Interview of Garrido and Filing of Criminal Case

Garrido was interviewed by investigators at the hospital. The interview was recorded. He stated that earlier in the day that this incident occurred, he had consumed two pints of vodka. He did not remember calling the police and did not know that the police had come to his residence. He also did not know he had been shot. Garrido said the last thing he remembered about the day, prior to being in the hospital, was purchasing vodka, drinking it while cleaning, and at some point, walking down the stairs and subsequently being placed in an ambulance. A note from a treating physician in Garrido's medical records states that Garrido was not recounting events well and was being monitored for alcohol withdrawal.

Case BA517477 was filed against Garrido on August 29, 2023. Garrido was charged with one felony count of assault upon a peace officer in violation of Penal Code § 245(c). On February 13, 2024, Garrido agreed to a grant of pre-trial mental health diversion for two years with terms and conditions that include participating in a residential substance abuse treatment program.

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).

On the date of this incident, Garrido called 9-1-1 and expressed a threat of violence against others in his apartment and anyone who came to the residence. This information was relayed to the responding officers, including Houlihan, while they drove to the residence. Garrido also told [REDACTED] that he would fight the police. When officers arrived, they were concerned that in responding to the scene, they would be confronted with a threat of death or serious bodily harm due to Garrido's stated intentions. Those intentions were confirmed when Garrido exited the apartment with a large kitchen knife, walked toward Houlihan, and ignored six commands to show his hands and drop the knife. Garrido was at the top of the stairwell and had shown no intent to stop his advance. Houlihan was in a narrow stairwell occupied by four other officers positioned between himself and the exit to [REDACTED] making the threat posed to Houlihan by Garrido increasingly imminent. Garrido got to within nine feet of Houlihan before Houlihan fired three shots at Garrido.

Under these circumstances, an objectively reasonable peace officer could fairly conclude that Garrido 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 Houlihan to believe that it was necessary to use deadly force.

CONCLUSION

We find that Officer Houlihan acted in lawful self-defense and defense of others when he used deadly force against Garrido.