

**Fatal Officer Involved Shooting of Alon Foster
Los Angeles County Sheriff's Department**

**Deputy Adam Carreon, #610210
Deputy Zachery Corrales, #622067
Deputy Salvador Diaz, #653403
Deputy Christopher McDonald, #641043
Deputy Jonathan Soria, #625326
Deputy Rigoberto Villa, #643534**

J.S.I.D. File #23-0006



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

December 4, 2023

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
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: Fatal Officer Involved Shooting of Alon Foster
J.S.I.D. File #23-0006
L.A.S.D. File #023-00373-2654-013

DATE: December 4, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 8, 2023, fatal shooting of Alon Foster by Los Angeles County Sheriff's Department (LASD) Deputies Adam Carreon, Zachery Corrales, Salvador Diaz, Christopher McDonald, Jonathan Soria, and Rigoberto Villa. We have concluded that the deputies acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 10:02 a.m. on January 8, 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, photographic and video evidence, including body worn camera video (BWV), and witness and involved deputies' statements submitted to this office by LASD Homicide Detectives Mike Rivas and Esteban Soliz on August 31, 2023. Compelled statements were not considered in this review.

FACTUAL ANALYSIS

Overview

On August 17, 2017, Alon Foster was convicted in case MA064946 of a felony violation of Penal Code § 273.5(a), domestic violence with injury, upon victim [REDACTED]. Foster was sentenced to eight years in prison. A ten-year protective order was issued prohibiting Foster from contacting [REDACTED]. He was released on parole after serving his sentence.

On January 7, 2023, or in the very early hours of January 8, 2023, [REDACTED] and Foster were in a vehicle together near the intersection of Spunky Canyon Road and Bouquet Canyon Road, near

the Bouquet Reservoir in a rural area northeast of Santa Clarita in Los Angeles County. While in the vehicle, Foster inflicted fatal stab wounds to [REDACTED]. A municipal worker clearing road debris saw [REDACTED] body in the street near the vehicle and notified LASD. LASD responded. Deputies and detectives began processing the scene.

While the murder was being investigated, Foster walked past on a dirt road adjacent to the crime scene on the other side of a chain link fence. Deputies attempted to contact Foster and eventually saw he had a large knife. After over 20 minutes of instructing Foster to drop the knife and come talk to them, Foster ran toward deputies with the knife raised in his hand, and a deputy-involved shooting occurred. Foster was pronounced deceased at the scene.

Deputy-Involved Shooting

Each of the involved deputies, as well as Detective Kevin Acebedo, were interviewed about the events leading up to the deputy-involved shooting. The following is a description summarized from their accounts and a review of the deputies' BWV.¹

Carreon, Corrales, Diaz, McDonald, Soria, and Villa were standing next to the original crime scene. [REDACTED] body was on Spunky Canyon Road next to the driver door of a parked Dodge sedan registered in her name. She had several stab wounds to her torso. The deputies, civilian crime lab technicians, additional LASD personnel, and homicide detectives, including Acebedo, were assessing how to process the crime scene.

As Acebedo was speaking with the deputies, he stopped to remark, "Who is this guy?" Acebedo pointed toward the reservoir where a man, later identified as Foster, was walking. Foster was 30 to 40 yards south of the crime scene walking eastbound along a dirt path toward the intersection of Spunky Canyon Road and Bouquet Canyon Road. He wore a gray hoodie, with the hood up, and a thick camouflage jacket. An approximately eight-foot-high chain link fence topped with barbed wire separated the road the deputies stood on from the dirt road where Foster was walking. The deputies and detective knew no one was supposed to be in that fenced-in area. At that time, Foster was directly next to the crime scene on other side of the fence.

Acebedo directed the deputies to contact Foster as a person of interest in the murder investigation given the lack of any homes, vehicles, or other people in the area. Deputies attempted to get Foster's attention, but he made no attempt to respond, and kept walking eastbound. McDonald heard a deputy say, "Hey, there's blood on his jacket." McDonald looked closer at Foster and believed he saw blood on the collar area of the gray hoodie Foster was wearing.

Initially, deputies yelled at Foster from their side of the fence but did not get a response from him. Foster continued walking eastbound on the dirt service road, and the deputies walked east on Spunky Canyon Road parallel to him. Eventually, the deputies got to a gate, topped with

¹ Carreon, Corrales, Diaz, McDonald, Soria, and Villa were equipped with body worn cameras. Corrales' and Carreon's cameras appear to have run out of battery power before the deputy-involved shooting. The other four deputies' cameras recorded the shooting.

barbed wire, that provided access through the fence. Bolt cutters were used to cut through the barbed wire. Corrales was the first deputy to climb over, and McDonald followed. Other deputies were able to cut a hole in the gate and climb through.



Figure 1: Still frame from McDonald's BWV showing Foster walking eastbound on dirt road before deputies gained access over and through the chain link gate separating Spunky Canyon Road from the dirt road.

Once more deputies were on the same side of the fence as Foster, they began giving commands to Foster. It became apparent that Foster did in fact have blood on him. Foster continued walking east, 50 to 70 yards away from the deputies, until he reached a dead end in the dirt road. The fence blocked Foster from continuing to walk away from the deputies. At about this time, Corrales remarked to the other deputies, "He has a knife in his hand." Foster remained about 50 to 70 yards away from the deputies as the deputies started trying to communicate with him.



Figure 2: Knife held by Foster during deputy-involved shooting. The blade measures approximately eight inches in length.

Corrales assigned roles to the other deputies, designating who would use less lethal force, who would operate the radio, and who would form the arrest team. Soria used his radio to report they were attempting to detain a murder suspect. The Mental Evaluation Team, fire department, and a helicopter were requested to respond to the scene. Because of the remoteness of the area, the radio was not working well. Detective Donald Chavez used a satellite phone to request a sergeant and helicopter.

Deputies repeatedly told Foster to drop the knife. McDonald continually told Foster that the deputies wanted to help him, to “work on this” and “let us take you to the hospital.” He was also instructed to stay where he was, and not move closer to the deputies, who did not want Foster to come to them, because he had a knife. The only response from Foster was to shake his head, “No,” on about five occasions when McDonald asked him to drop the knife.

The deputies decided to allow Foster to have as much space as needed, and deputies would back up if approached. Foster seemed to be visually scanning the deputies, and, according to McDonald, to be getting “gassed up,” or ready to do something. Foster never put the knife down, and intermittently raised it in his right hand and a closed left fist toward his forehead. The blade was pointed toward deputies. He began walking closer to the deputies four or five times, closing the distance to an estimated 30 yards. The deputies were able to get him to stop by verbally telling him to do so. Each time, the deputies backed up, giving Foster more space.

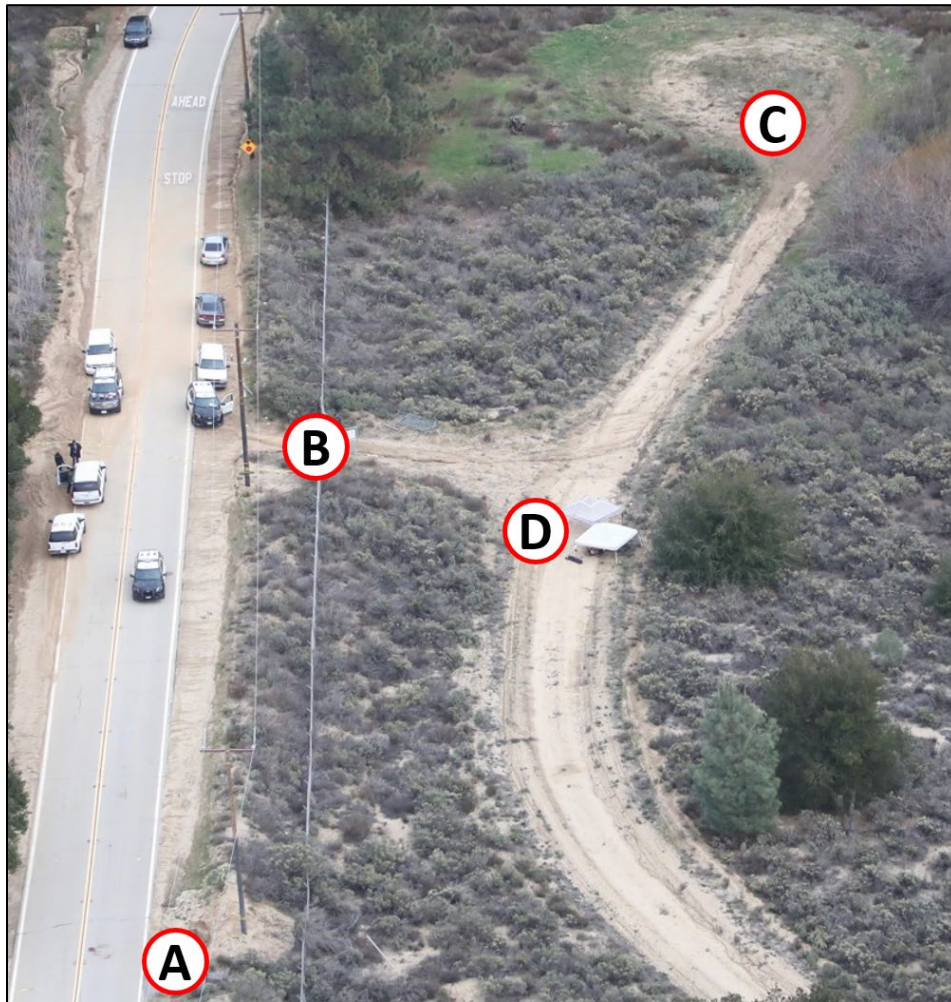


Figure 3: Aerial photograph of scene depicting (A) location of [REDACTED] vehicle and body along Spunky Canyon Road; (B) location of gate; (C) end of dirt road and furthest point Foster walked before beginning to walk toward deputies; and (D) location of shooting.

Eventually, Foster backed the deputies up so far that he was just south of the hole that had been cut into the gate to allow some of the deputies to pass through. In interviews, Acebedo, who was still processing the murder scene, and McDonald said they believed that Foster now had an escape route toward the original crime scene. McDonald was concerned that there were unarmed civilian technicians present. If Foster changed his position so that the backdrop behind him was to the north, the deputies' line of fire if they needed to employ deadly force would be toward LASD personnel. Foster was then only an estimated 20 yards from the deputies. The deputies communicated with each other about the hole in fence, the backdrop issue, and the need to stop the threat posed by Foster.

McDonald told Reserve Deputy John Brickner to get the 40 mm less lethal shotgun. Brickner did so. McDonald reported that he saw Foster look at the hole in the fence and felt Foster knew there were non-sworn personnel at the scene. McDonald feared Foster would harm someone else, just as he had earlier when he likely stabbed ██████████



Figure 4: Still frame from Villa's BWV depicting Foster, now even with the gate used by deputies to enter the dirt road from Spunky Canyon Road. This occurred 25 seconds before Foster began quickly advancing toward deputies and 35 seconds before the deputy-involved shooting.

At this point, Foster was “maybe ten to 15 yards from us,” according to McDonald, and still not following commands. McDonald and other deputies had seen what Foster was capable of and willing to do with the knife, and feared that if given the opportunity, he would do it again and attack and kill one of them. McDonald said he was worried, because Foster continued to close the distance between himself and the deputies, and eventually they would be backed up all the way to the reservoir.

Foster had the knife at his chest, looked at Brickner to his right, and began walking faster than before toward McDonald, Carreon, Corrales, Diaz, Soria, and Villa. Brickner fired the 40 mm less lethal shotgun twice, hitting Foster underneath his right arm in the ribcage. Foster began running, still with the knife raised, and got to within approximately ten yards of the deputies.

BWV shows that as Foster began running toward the deputies, the deputies backed away from him. According to their interviews, the deputies feared Foster intended to stab one of them. All six deputies fired at Foster until he was on the ground. The point at which Foster came to rest on

the ground was past the location where the deputies initially stood prior to when Foster began running toward them.

The deputies formed an arrest team and approached Foster approximately two-and-a-half minutes later. They handcuffed him and started rendering medical aid. Emergency personnel arrived 24 minutes later. Foster was pronounced dead at the scene.



Figure 5: Still frame from Soria's BWV depicting Foster as he starts running toward deputies. Inset shows close-up of knife in Foster's right hand. McDonald is in the left portion of the frame.

Ammunition Count

Carreon, Corrales, Diaz, McDonald, and Soria each fired shots from their respective 9mm semiautomatic handguns. Villa, though also armed with a 9mm semiautomatic handgun, used a department-issued M-4 rifle during the deputy-involved shooting. All firearms were collected, and an ammunition count was administered by investigators. The deputies fired the following number of shots at Foster: Corrales, ten; Carreon, five; Soria, seven; McDonald, 12; Diaz, five; and Villa, six.^{2, 3} Brickner fired two less lethal 40 mm batons at Foster before the other deputies fired shots.

² McDonald estimated he fired eight to nine shots before ejecting one magazine and loading another magazine into his handgun. After reloading, he ejected one cartridge seated in the chamber that was from the original magazine. Both magazines can hold 17 cartridges. A magazine containing five cartridges was recovered at the scene. At the ammunition count with investigators, McDonald's firearm was inspected and found to contain one cartridge in the chamber and 16 cartridges in the magazine.

³ The M-4 rifle used by Villa was left at the shooting scene. Villa estimated he fired five times. The rifle had a capacity of 31 cartridges (30 in the magazine and one in the chamber); however, according to Detectives Rivas and Soliz, deputies are trained not to fully load these magazines in order to preserve the spring that lifts cartridges into the firearm. After the deputy-involved shooting, the rifle was recovered and found to contain 22 total cartridges (21 in the magazine and one in the chamber). Six expended cartridge cases from the rifle were recovered at the scene.

Autopsy

On January 16, 2023, Dr. Abubakr Marzouk, a deputy medical examiner with the Los Angeles County Department of Coroner, conducted the autopsy of Foster. Foster sustained 18 gunshot wounds to his torso and his upper legs. He also had 24 stab wounds to the neck and two incised wounds to the face, all of which were self-inflicted. The cause of death was determined to be multiple gunshot wounds. Foster's blood toxicology showed the presence of benzodiazepines and methamphetamine at the time of his death.

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).

The evidence in this incident supports a strong inference that Foster murdered [REDACTED]. He remained near the crime scene while LASD deputies and detectives responded to investigate. When LASD personnel saw Foster walk past the crime scene, they attempted to detain him for questioning, and Foster displayed a large knife. Deputies knew that Foster was a potential suspect in [REDACTED] stabbing murder. He ignored numerous commands to drop the knife during the several minutes leading up to the shooting. During that time, he walked toward deputies, who ceded ground to Foster until he was near the gate with a hole in it to allow deputies to pass through, providing an escape route to where numerous personnel, including unarmed civilians, were processing the crime scene. Foster then held the knife up and ran toward the deputies, coming to within ten to 15 yards of their position, at which point it was reasonable for the deputies to believe he posed an imminent threat of death or serious injury to them. The reasonableness of the deputies' fear is buttressed by their belief that Foster had stabbed another person to death hours earlier.

Under these circumstances, a reasonable fact finder could find that an objectively reasonable peace officer could reasonably conclude that Foster had the present ability, opportunity, and intent to cause immediate death or serious bodily injury to the peace officers at the scene.

Based on the totality of the circumstances of Foster's conduct before deputies arrived and his actions when confronted by the deputies, the deputies could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of death or serious injury to themselves.

CONCLUSION

For the foregoing reasons, we find that the deputies acted lawfully in self-defense and defense of others when they fired at Foster.