

**Officer Involved Shooting of Freddy Bailon
Los Angeles Police Department**

Detective David Meza, #27325

J.S.I.D. File #16-0501



JACKIE LACEY

District Attorney

Justice System Integrity Division

January 16, 2019

MEMORANDUM

TO: COMMANDER JEFF NOLTE
 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: Officer Involved Shooting of Freddy Bailon
 J.S.I.D. File #16-0501
 F.I.D. File #F062-16

DATE: January 16, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 28, 2016, non-fatal shooting of Freddy Bailon by Los Angeles Police Department (LAPD) Detective David Meza. It is the conclusion of this office that Detective Meza acted reasonably and lawfully in defense of others and to apprehend a dangerous, fleeing felon when he used deadly force against Freddy Bailon.

The District Attorney's Command Center was notified of the shooting on September 28, 2016, at approximately 4:23 p.m. The District Attorney Response Team responded and was given a walk-through of the scene.

The following analysis is based on investigative reports and witness statements taken during the investigation by the LAPD Force Investigation Division (FID), and submitted to this office by Detective Jennifer Kim. The reports also include photographs, surveillance video recordings, and radio communications recordings.¹ The compelled statement of Detective Meza was not considered in this analysis.

FACTUAL ANALYSIS

On August 20, 2016, at approximately 9:30 p.m., Hollenbeck Area Patrol Officers Alex Retamoza and Hermelinda Gomez met with 15-year old victim Vianey B. regarding a rape she had reported to the Hollenbeck Area Police Station. Vianey B. stated that she had been in a dating relationship with the 36-year old Bailon for approximately one month. Shortly after meeting Bailon online, Vianey B. moved in with Bailon at a house in Riverside. Soon after moving in together, Bailon became verbally aggressive. When Vianey B. told Bailon she wanted to leave, Bailon got angry, grabbed a knife, placed it against his wrist and told Vianey B., "If you leave, I'm going kill you and I'm going

¹ Because Meza was assigned to the detective desk at the time of this incident, he was not equipped with Body Worn Video (BWV).

to kill myself.” Bailon informed Vianey B. that he had stabbed a former girlfriend in Arizona when she had attempted to end their relationship.²

After residing together in Riverside for two weeks, Bailon relocated Vianey B. and himself to his mother’s apartment located at [REDACTED] in the City of Los Angeles. Once there, Bailon’s behavior became more violent and possessive. Bailon constantly accused Vianey B. of infidelity, and if Vianey B. glanced at other people, Bailon would slap her on the back of the head, shove her and push her up against the wall. Bailon became increasingly paranoid due to his abuse of crystal methamphetamine. Bailon took to sleeping with a knife under his pillow, and told Vianey B. “If you leave, I’ll go for you first chance I get. I’ll send people to your house.” In fear of Bailon, Vianey B. made no attempt to leave.

On August 16, 2016, Bailon and Vianey B. took a shower together. Afterwards, Bailon accused Vianey B. of making hand signs in an attempt to communicate with someone outside their bathroom window. After dressing, Bailon and Vianey B. laid on Bailon’s bed. Bailon continued to accuse Vianey B. of being unfaithful. Bailon then pulled Vianey B.’s sweatpants and underwear off of her, pulled down his own shorts and boxers, and forced his erect penis into Vianey B.’s vagina as he pinned her down with his body weight. Vianey B. cried and repeatedly pleaded with Bailon to stop, but he refused.

On August 20, Bailon became frustrated because he was unable to get in contact with his cousin. Vianey B. told Bailon that he should go look for his cousin. Bailon told Vianey B. to wait at the apartment for his return. However, as soon as Bailon left, Vianey B. fled the location, and returned to her mother’s home. Vianey B. informed her mother that Bailon had sexually assaulted and threatened her, and she was afraid for her life. Vianey B. and her mother promptly reported the incident to the Hollenbeck Police Station.

Following her report, Vianey B. was transported to the Los Angeles County - University of Southern California Medical Center (LAC-USCMC) Violence Intervention Program (VIP) Clinic where she underwent a sexual assault examination. Vianey B. had suction marks on her neck and chest, and sustained a contusion on her forehead.

Retamoza and Gomez followed-up at [REDACTED] to speak with Bailon, but were unable to locate him. Meza was subsequently assigned the rape investigation.

Coincidentally, on September 27, 2016, an anonymous Suspected Child Abuse Report (SCAR) was made regarding an unnamed 15-year old girl who was being physically and sexually abused at the [REDACTED] address. Hollenbeck Police Station detectives soon realized this SCAR report involved the same rape report concerning Vianey B., which had been previously assigned for investigation to Meza.

That same day, Officers Alonso Ramirez and Custodio Ponce responded to the [REDACTED] address to investigate the SCAR, and located Bailon hiding inside a locked downstairs vacant apartment. Eventually, Bailon opened the door and began yelling that he had a hostage. Bailon held a knife to Vianey B.’s neck as he threatened he was going to kill her and himself. However,

² An inquiry into Bailon’s out-of-state criminal history, does not reflect such an arrest. However, Bailon’s criminal history shows a misdemeanor conviction for spousal battery, a violation of Penal Code section 243(e), in 2002.

the officers ultimately convinced Bailon to release Vianey B., and he dropped the knife and surrendered.

Meza was informed of Bailon's arrest, and responded to the scene where he interviewed Vianey B. and Bailon. Vianey B. confirmed the rape that she had reported to Retamoza and Gomez on August 20, and added that on the morning of September 27, Bailon had kidnapped her and brought her to the vacant apartment.

Vianey B. stated that she was walking to school earlier that morning, when Bailon came up from behind her, forced a rag into her mouth, and dragged her to his car. Bailon drove Vianey B. around for a while, as she pleaded with him to let her go. Bailon threatened, "I'm going to kill you. I'm going to stab you in the ribcage. I'm going to fuck you up, bitch." When they arrived at the alley behind the apartment complex, Bailon struck her on the top of her head, causing her head to bleed. Bailon then took Vianey B. into the vacant apartment unit, which was located below his mother's apartment unit.

When Bailon realized that the police were outside the apartment complex, he injected himself with crystal methamphetamine, and pulled out a knife. Bailon held the knife to Vianey B.'s throat, and stated "I'll kill you and then kill myself." Vianey B. feared for her life, and pleaded with Bailon to let her go and surrender. Eventually, Bailon released Vianey B. and surrendered to the police.

Following his arrest, Meza interviewed Bailon per *Miranda*. Bailon denied kidnapping Vianey B., and claimed the intercourse with Vianey B. was consensual. Although their relationship was "stormy," Bailon denied he ever physically harmed Vianey B. Bailon stated that he was a "solid Sureno" gang member who had helped solve a murder.³

On September 27, 2016, Bailon was booked in jail for a violation of Penal Code section 207(b), kidnapping for sexual molestation.

On September 28, 2016, at approximately 2:00 p.m., Meza and uniformed Hollenbeck Police Station Officer Larry Garcia transported Bailon to the LAC-USCMC for a suspect sexual assault medical examination. Upon their arrival, Meza and Garcia escorted Bailon, who was handcuffed, into the VIP Clinic for the sexual assault examination. Surveillance cameras from inside the VIP Clinic captured Meza and Garcia escorting a handcuffed Bailon into the facility.⁴

³ Bailon had earlier told the arresting officers that he was a member of the Cypress Avenues Gang with a moniker of "Thief."

⁴ Garcia was not wearing his assigned BWV at the time of the incident because he was entering a medical facility, where it was not needed.



Detective Meza and Officer Garcia Escorting Bailon into the VIP Clinic

While completing the medical intake forms inside the clinic lobby, medical personnel requested Bailon sign a form authorizing the examination, prompting Meza to release Bailon's right hand from the handcuff, so that Bailon could sign the authorization form. Suddenly, Bailon pushed the clipboard away, and ran from the location. Meza and Garcia followed in pursuit, as Meza broadcast the pursuit.

Bailon ran down the driveway of the VIP Clinic and turned west, onto Zonal Avenue as he continued to run from the officers. Both the north and south sidewalks of Zonal Avenue were filled



VIP Clinic Front Entrance and Driveway Leading to Zonal Avenue

with pedestrian and vehicular traffic. After unsuccessfully attempting to enter two other vehicles, which managed to drive away, Bailon ran to a gray Chevrolet Trail Blazer SUV, occupied by Iris R., which was stopped facing east on Zonal Avenue at a stop sign. Bailon yelled at Iris R. as he opened the passenger side door and entered the vehicle.

Iris R. stated that Bailon entered her vehicle and yelled at her, “Drive, bitch, drive!” Iris R. attempted to drive forward, but was blocked by a Bobcat tractor that had pulled into the intersection, and stopped.



Front of Bobcat Tractor



Side View of Bobcat Tractor

Iris R. stated, “I thought I was going to die, and he [Bailon] was going to kidnap me, and he’s probably going to kill me somewhere and drop me off somewhere.” Shortly thereafter, Bailon removed Iris R.’s seatbelt, shoved her several times, and ordered her to “Get off the fucking car!” Iris R. exited the vehicle, and ran to the north sidewalk of Zonal Avenue.

As the officers approached the SUV, Bailon moved to the driver’s seat and accelerated forward, intentionally colliding with the Bobcat. In the meantime, Garcia moved to the south curb of Zonal Avenue, in an attempt to avoid being struck by the SUV. The SUV reversed its direction briefly, stopped and accelerated forward, colliding with the Bobcat a second time.⁵ When the SUV reversed at a high rate of speed on Zonal Avenue, Garcia dove onto the sidewalk to avoid the oncoming vehicle. As Garcia dove out of the way, he struck his head on the sidewalk leaving him momentarily dazed. The SUV then traveled at a high rate of speed west on Zonal Avenue, and turned sharply south before driving over the south curb of Zonal Avenue and colliding with a brick retaining wall.

When the SUV collided with the retaining wall, Meza approached the passenger side door, raised his service weapon in a two-handed grip and fired one round at Bailon.⁶ When the SUV began to travel forward, Meza fired a second round, striking and shattering the passenger side window of the SUV. The SUV knocked down a street sign before continuing to travel in a northwest direction and coming to rest among the trees on the north sidewalk of Zonal Avenue.

⁵ The SUV sustained major front-end damage, while the Bobcat sustained minor damage on its right side as a result of the collisions.

⁶ Meza was armed with a Department authorized Beretta, Model 92F, 9mm semiautomatic firearm, which was loaded with 15 rounds in the magazine and one round in the chamber.



SUV Resting Among Bushes and Knocked Down Street Sign



Front View of SUV



Shattered Passenger's Side Window of SUV

Bailon was subsequently removed from the vehicle, rendered medical treatment, and taken into custody. Bailon sustained a gunshot wound to his left chest, left arm, and right wrist, and was treated at the LAC-USCMC for his injuries.⁷ Garcia sustained a laceration to his right hand, right knee, right thigh, and a swollen right cheek.

As a result of this incident, as well as for the initial crimes perpetrated upon Vianey B., Bailon was charged in court case number BA450607 with forcible rape, battery upon a cohabitant, criminal threats, false imprisonment, lewd acts upon a child, escape by force, carjacking, attempted carjacking, assault upon a peace officer, and assault with a deadly weapon.⁸

⁷ Bailon refused to sign a medical record release form, so the precise nature of his wounds is unknown.

⁸ Bailon's court case is currently set for preliminary hearing on February 27, 2019.

Physical Evidence

Two 9mm Luger cartridge cases were collected from Zonal Avenue. These cartridges were subsequently examined and determined to have been fired from Meza's service weapon. A post-incident examination of Meza's service weapon also revealed the firearm was loaded with one round in the chamber, and 13 rounds in the magazine. This evidence is consistent with Meza discharging his service weapon two times during the incident.

Statement of Miguel G.

Miguel G. was at work operating a Bobcat tractor at a construction site on the LAC-USCMC Health Sciences Campus on Zonal Avenue when he observed Bailon enter Iris R.'s vehicle and begin to yell and strike her. Miguel G. immediately feared for Iris R.'s safety, and decided to attempt to stop Bailon by blocking the SUV with the Bobcat. Miguel G. stated, "And I became worried for the lady [Iris R.] and I said, 'What am I going to do? I can stop him.'"

The officers approached the SUV with their guns drawn, and it looked like they were ready to shoot, but did not because Iris R. was in the car.⁹ Iris R. then exited the vehicle, and ran to the north side of Zonal Avenue.

The SUV then traveled in reverse, and Garcia fell to the ground. It appeared Garcia was struck by the SUV. The SUV then hit the wall, causing the glass on the passenger side window to shatter. Meza then approached the passenger side window, and fired his service weapon. Afterwards, the SUV traveled forward, and as it did so, Meza fired 2-3 more shots at the vehicle.¹⁰ The SUV then traveled north, across Zonal Avenue, over the curb and turned sharply west, before striking a tree on the north side of Zonal Avenue.

Statement of Jonathon L.

Jonathon L. was standing on the south curb of Zonal Avenue, at the eastern most driveway of the parking structure, when he observed Bailon run west on Zonal Avenue, followed by Garcia and Meza. Bailon then entered the rear passenger door of the SUV. The SUV pulled forward and struck a Bobcat. As the vehicle struck the Bobcat, Garcia approached the rear passenger door of the SUV, with Meza approximately eight to ten feet behind him. The vehicle then reversed its direction in an attempt to make a U-turn. As the vehicle reversed, Garcia fell face-first to the ground. However, Jonathon L. was uncertain whether the vehicle had actually struck Garcia.

The SUV continued in reverse, and struck the retaining wall adjacent to the parking structure. At this point, Meza approached the vehicle, raised his service weapon and fired one round at the vehicle.¹¹ As the SUV began to move forward, Meza fired a second round at the passenger side of the vehicle.

⁹ Garcia stated he never unholstered his service weapon during the incident. Additional witnesses stated that only Meza drew his service weapon during the incident.

¹⁰ The physical evidence shows Meza fired his service weapon only twice during the incident.

¹¹ Jonathon L. was unsure if the bullet struck anything.

Statement of Steven C.

Steven C. is a doctor at LAC-USCMC, and was sitting at his desk when he heard someone yelling and banging on a car. Steven C. walked over to his office window, and saw an SUV driving erratically.¹² Two officers were on foot, with their guns drawn, following the vehicle as it headed eastbound on Zonal Avenue. The SUV traveled into the opposite lane in an attempt to pass other vehicles. As it approached the intersection, a Bobcat blocked its path. The SUV tried to move around the Bobcat, but the Bobcat shifted back and forth blocking the SUV. At that moment, Iris R. jumped out of the SUV's driver's side door. Afterwards, the SUV rammed the Bobcat, but the Bobcat hardly moved.

The SUV quickly reversed southbound, and the rear of the vehicle "swerved" directly towards Garcia. The SUV's tires were "screeching" as it reversed "really fast." Steven C. stated, "I guess my best description of that is he [Bailon] floored it." Steven C. stated, "And I think it was so quick that the second officer either didn't get out of the way, or barely got out of the way." Steven C. added, "So at the time it was swerving, it was – and it looked imminent the officer would be hit. The other officer that was not uniformed (Meza) fired two shots at the vehicle." The SUV came to rest facing north, and stopped for about five seconds. During the entire time the SUV was stopped, Meza had his gun drawn as he stood by the passenger side of the SUV, and yelled at the driver. Steven C. added, "And before the driver moved the vehicle, one shot was fired into the vehicle by the officer." At that point, the SUV accelerated and came northbound across Zonal Avenue, swerved west, and struck a street sign on the sidewalk, knocking it over. The SUV then drove onto the sidewalk, and came to a stop in between the trees in front of the school of pharmacy.

Statement of Officer Larry Garcia

Garcia was in uniform at the Hollenbeck Police Station when Meza asked him to assist with transporting Bailon from jail division to the LAC-USCMC for a suspect sexual assault examination. Garcia and Meza placed Bailon in the rear seat of Garcia's police vehicle, and transported him to the LAC-USCMC. Garcia and Meza escorted a handcuffed Bailon to the VIP Clinic. Bailon was seated until a VIP Clinic staff member requested Bailon to stand in order to sign a consent form. Garcia obtained a clip board, pulled a pen out, and asked Bailon to sign the form. Bailon agreed to sign the form. Garcia was in front of Bailon and Meza was to the rear, as Meza un-cuffed Bailon's right handcuff so Bailon could sign the form.¹³

Suddenly, Bailon pushed the clip board away, spun around Garcia, and ran out of the building's double doors and out to the driveway. Garcia and Meza ran in pursuit of Bailon, as Meza immediately broadcast that they were in pursuit of an escaped suspect. Bailon gained ground, and managed to pull away from them. They made a left turn from the entrance of the LAC-USCMC VIP Clinic, and traveled westbound Zonal Avenue. Bailon then ran into the middle of the street, and pounded on the window of a motorist. While in pursuit, Garcia and Meza continually ordered Bailon to stop, but Bailon ignored their commands.

¹² Steven C.'s office window faces southbound parallel to Zonal Avenue.

¹³ Meza was still handcuffed on the left wrist.

Bailon ran to a gray SUV and pounded on the driver's window as he yelled, "Open the door! Open the door! Get out! Get out!" Bailon then ran around the SUV, opened the right front passenger's door, and sat in the right front passenger seat. Bailon moved towards the middle of the front seat, and held the steering wheel as he yelled at Iris R. to "Go! Go! Go!" The SUV then drove past their location.

As Garcia stood near a stop sign, a Bobcat tractor suddenly drove in front of the SUV. Bailon ordered Iris R. out of the car, and she exited from the right front passenger side door.¹⁴ The SUV then collided with the Bobcat. The SUV reversed towards Garcia at approximately 25 miles per hour, and again intentionally collided with the Bobcat. Garcia stated, "Then at that point, all I hear is the tires screeching, and they're coming right at me. I thought I was a goner. I was scared. So, he's coming and just peeling out the tires and coming right at me. So I ran to the sidewalk, and dove out of the way right by that stop sign." The SUV came within a foot of Garcia. Garcia dove face-first into the sidewalk, striking his face as he landed on the curb. Garcia added, "If I wouldn't have gotten out of the way, he would have ran me over." Garcia was momentarily dazed, and when he stood up, he observed Meza broadcasting for a rescue ambulance.



Aerial View of Zonal Avenue Showing Simulated Position of SUV, Bobcat and Officer Garcia's Approximate Position by a Stop Sign

¹⁴ Garcia believed there were two occupants inside the vehicle at the time Bailon entered the vehicle, but the vehicle was only occupied by Iris R.

Statement of Freddy Bailon

On September 28, 2016, Bailon was interviewed per *Miranda* while in custody at the LAC-USCMC. Bailon stated that the case involving Vianey B. was a “crock of shit.” Bailon stated that Vianey B. told him she was twenty years of age. Bailon stated he realized he was now facing additional charges because he did not “think things through.”

Bailon stated he was on federal probation, was a “Sureno” gang member, and had “a cross” on his name because he assisted with solving a murder.

When he was brought to the VIP Clinic for a suspect sexual assault examination, Bailon’s thoughts were that he was not going to do time for a case he felt he really did not do. While still handcuffed, Meza wanted him to sign a form. Bailon stated he could not sign the form because he was holding onto his shorts, and his shorts would fall down if he let go of them in order to sign the form. Meza told him to find a way to do it. Bailon got angry and decided to run when Meza urged him to let go of his shorts and sign the form.

Bailon ran all the way outside to the parking lot, and turned left. Bailon eventually opened the unlocked passenger side door of a lady’s (Iris R.’s) SUV, got into her car, and told her to “drive.” When a Bobcat tractor blocked his path, Bailon told Iris R., “Get out of the car. No one is going to hurt you.” Iris R. then exited the car. Bailon drove off, and crashed into the Bobcat. When Bailon reversed, Meza shot at him from Bailon’s right side. Bailon stated there was no one behind him at the time he put the SUV in reverse. Bailon stated he reversed no more than ten feet, put the vehicle in drive and struck the Bobcat. Bailon again accelerated in reverse, and turned left in an attempt to make a U-turn when Meza shot him again, this time in the left wrist. Bailon then turned the steering wheel, lost control of the vehicle and veered into the trees.

Bailon stated he did not understand why the officer shot him, since he did not have a gun, did not draw a gun on the officer, and did not brandish a weapon. Bailon stated he was still handcuffed on one hand when he got shot.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. Penal Code §835a. California law permits the use of deadly force by police officers when necessary to effect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. *People v. Ceballos* (1974) 12 Cal.3d. 470, 477-484; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; *Tennessee v. Garner* (1985) 105 S.Ct. 1694. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. The following crimes have been deemed forcible and atrocious as a matter of law: murder, mayhem, rape, and robbery. *Id.* at 478.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect an arrest, to prevent escape, or to overcome resistance. Penal Code section 835a.

California law permits the use of deadly force in self-defense, or in the defense of others, if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code §197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; see also, CALCRIM No. 505.

When acting pursuant to Penal Code §197, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody “appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App.175, 189-190.

In protecting himself or another, a person may use all the 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 the injury which appears to be imminent. CALCRIM No. 3470.

In California, the evaluation of the reasonableness of a police officer’s use of deadly force employs a reasonable person acting as a police officer standard. *Mehserle* at 1146 (holding that California law “follows the objective ‘reasonable person’ standard-the trier of fact is required to evaluate the conduct of a reasonable person in the defendant’s position [citations omitted] ... the jury should consider all relevant circumstances surrounding the defendant’s conduct. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation-but this is not the same as following a special ‘reasonable police officer’ standard.”)

In determining the reasonableness of an officer’s actions, allowances must be made 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, 396-398.

CONCLUSION

The evidence examined in this investigation shows that on September 28, 2016, Freddy Bailon was lawfully in custody on rape and kidnapping charges when he violently attempted to escape. At the time of his attempted escape, Detective Meza and Officer Garcia were in the process of escorting Bailon for a suspect sexual assault examination related to the rape reported by Vianey B. In addition to Vianey B.’s rape report, a subsequent SCAR report had been anonymously generated corroborating Vianey B.’s allegations of sexual and physical abuse. When officers responded to the Ithaca Avenue address to investigate the SCAR report, they were confronted with an armed Bailon who was holding Vianey B. hostage. Although Bailon ultimately surrendered, his actions in taking Vianey B. hostage further corroborated her allegations of physical and sexual abuse. Bailon was placed under arrest, and in lawful custody.

Upon being escorted to a routine suspect sexual assault examination, Bailon not only ran from Meza and Garcia, but resorted to violent means in his attempt to escape. Bailon carjacked an innocent motorist, Iris R., in his attempt to escape custody. Bailon forcefully entered Iris R.’s car, placing her in genuine fear for her safety, and when she was not driving fast enough for him, he forcefully pushed her out of her car. When Miguel G. placed his Bobcat tractor directly in Bailon’s path in

order to stop him, Bailon twice forcefully rammed into the Bobcat with the carjacked SUV. Bailon reversed the carjacked vehicle at a high rate of speed, and almost ran over Garcia in the process. Garcia was forced to dive face-first onto the sidewalk in order to avoid the oncoming vehicle. As Steven C. noted, "It looked imminent the officer [Garcia] would be hit." Steven C. added, that it was at this point that, "The other officer that was not uniformed fired two shots at the vehicle."

It is clear from the evidence that Meza lawfully discharged his weapon in order to stop Bailon who posed an ongoing and imminent threat to Garcia, and the general public. Further, Meza had a lawful right to use deadly force in order to prevent the escape of Bailon, who was in custody for rape, a violent crime, and who clearly posed a danger to Vianey B. should he successfully escape. The evidence shows that Meza discharged his weapon twice in order to stop Bailon, a dangerous, fleeing felon from escaping.

Based on the foregoing, we conclude that Detective David Meza acted reasonably and lawfully in defense of others and to apprehend a dangerous, fleeing felon when he used deadly force against Freddy Bailon. We are therefore closing our file and will take no further action in this matter.