

**Officer Involved Shooting of Angel Chavarrin  
West Covina Police Department**

**Officer Michael Weathermon, #338**

**J.S.I.D. File #18-0243**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**January 29, 2019**

**MEMORANDUM**

TO: CHIEF MARC TAYLOR  
West Covina Police Department  
1444 West Garvey Avenue  
West Covina, California 91790

CAPTAIN KENT WEGENER  
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Homicide Bureau  
1 Cupania Circle  
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Angel Chavarin  
J.S.I.D. File #18-0243  
W.C.P.D. File #CR-18-4934  
L.A.S.D. File #918-00044-3199-091

DATE: January 29, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 11, 2018, non-fatal shooting of Angel Chavarin by West Covina Police Department Officer Michael Weathermon. We have concluded that the shooting was accidental.

The District Attorney's Command Center was notified of this shooting on June 12, 2018, at 12:10 a.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant Rodney Moore.

The following analysis is based on reports prepared by the LASD Homicide Bureau and submitted to this office by Detectives Gus Carrillo and Anan Torrez. The reports include photographs, audio-recorded interviews of witnesses, radio transmissions, surveillance video, and dash camera video.

**FACTUAL ANALYSIS**

On June 11, 2018, at approximately 10:46 p.m., Angel Chavarin was driving a stolen automobile at a high rate of speed, swerving, and running red traffic lights.

Officer Michael Weathermon was on patrol in a marked patrol vehicle when he saw Chavarin's erratic driving. Weathermon activated his lights and siren and attempted to stop Chavarin, who fled and led Weathermon on a high speed pursuit.

After several minutes, Chavarin lost control of the vehicle, crashed into a commercial building, and ran. A still photograph taken from the dash camera of Weathermon's patrol car at the moment Chavarin crashed and began running from the stolen vehicle is below:



*Figure 1- Surveillance Video of Chavarin crashing into a commercial building and running away.*

Weathermon chased Chavarin in his patrol car and ordered him over his public address system, “Stop, motherfucker!” Chavarin did not comply and continued running.

In rapidly unfolding circumstances, Weathermon caught up to Chavarin, exited his patrol car, and tased Chavarin. Weathermon, who was without backup, also drew his service weapon as Chavarin fell down.

Chavarin started to surrender as Weathermon held him at gunpoint with his left hand and was attempting to control Chavarin with the Taser in his right hand.

While they were in physical contact with each other, and before Weathermon could re-holster his service weapon, Chavarin suddenly got up and started to run.

As Weathermon struggled to control Chavarin, Weathermon accidentally discharged his service weapon, grazing Chavarin on the right side of his head and causing a minor injury.

Chavarin continued to resist arrest and would not put his hands behind his back, so Weathermon told him he was going to “kick (his) ass.” Weathermon punched Chavarin twice in the back to get him to comply and put his hands behind his back. Chavarin eventually complied as backup officers arrived and helped take Chavarin into custody. A still photo taken from the dash camera at the moment Weathermon discharged his weapon is shown below:



*Figure 2 – Photograph of Weathermon and Chavarin struggling at the moment Weathermon accidentally discharged his gun.*

### **Chavarin’s Statement**<sup>1</sup>

Chavarin said, “I was driving around like a dumb ass in someone else’s car” when he got arrested. He said he crashed while the police were chasing him and he ran. The police officer tried to tase him but the Taser “did not go off.” The officer took out his gun and tackled him.

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<sup>1</sup> Chavarin gave a second statement later the same day to an attorney for the City of West Covina and two officials from the West Covina Police Department who conversed with Chavarin about resolving any civil claim against the City. Chavarin ultimately accepted a five hundred dollar cash settlement and signed a release of all claims.

The officer's gun went off when he was on the ground and he got hit with a ricochet. The officer then hit him in the back of the head while trying to arrest him

### **Weathermon's Statement**

Weathermon told investigators that he saw Chavarin driving erratically with his lights off. Chavarin weaved in-and-out of traffic as Weathermon tried to catch up. Weathermon activated his lights and siren as Chavarin sped away, running red lights, and reaching speeds of 70 to 80 miles an hour. Chavarin lost control of the vehicle and he crashed and ran. Weathermon continued to chase Chavarin in his patrol vehicle and eventually exited to pursue him on foot. He drew his Taser and gave Chavarin verbal commands as Chavarin fell down. Weathermon activated his Taser but it had no effect. Chavarin attempted to get up. Weathermon could not see Chavarin's hands and thought he was going to arm himself, so he dropped the Taser and drew his service weapon with his left hand. As he reached with his right hand to grab Chavarin, they fell forward causing Weathermon to fall on top of Chavarin. As they were falling forward, Weathermon heard a loud "bang" and they fell to the ground. Weathermon reholstered his service weapon and attempted to handcuff Chavarin. He punched Chavarin twice in the back area in order to get Chavarin to put his hands behind his back. Weathermon immediately reported to his supervisor that he may have accidentally discharged his weapon when he fell on top of Chavarin.

### **Firearms Evidence**

Weathermon was armed with a Glock 9mm semiautomatic service weapon. One 9mm expended cartridge casing was located at the scene, along with evidence that Weathermon had discharged his Taser. The firearms evidence is consistent with Weathermon firing one round during the incident.

### **LEGAL ANALYSIS**

There is compelling evidence in this case, including dash camera video, showing that Weathermon was justified in pursuing Chavarin, who led Weathermon on a dangerous high speed pursuit, and was further justified in tasing Chavarin in order to take him into custody, and drawing his service weapon in order to effect a lawful arrest and detain a fleeing felon. It is evident that, when Chavarin was actively struggling with Weathermon and resisting arrest, Weathermon accidentally discharged his service weapon. "When a person commits an act or makes an omission through misfortune or by accident under circumstances that show no criminal intent or purpose, nor criminal negligence, he does not thereby commit a crime." *CALJIC* 4.45.

### **CONCLUSION**

Based on a review of all of the evidence in this case, Officer Weathermon accidentally discharged his service weapon while actively struggling with a fleeing felon in order to effectuate a lawful arrest. Further, Weathermon demonstrated no criminal intent, purpose, or negligence in doing so. Therefore, we are closing our file and will take no further action in this matter.