

**Officer Involved Shooting of Jesse Romero
Los Angeles Police Department**

Officer Eden Medina #40914

J.S.I.D. File #16-0404



**JACKIE LACEY
District Attorney
Justice System Integrity Division
February 28, 2018**

MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ
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 Jesse Romero
J.S.I.D. File #16-0404
F.I.D. File #F053-16

DATE: February 28, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 9, 2016, fatal shooting of Jesse Romero by Los Angeles Police Department (LAPD) Officer Eden Medina. It is our conclusion that Officer Medina used reasonable force in self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on August 9, 2016, at approximately 7:18 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene.

The following analysis is based on reports, recorded interviews, surveillance videos, cell phone videos, body worn videos (BWV) and photographs submitted to this office by the LAPD's Force Investigation Division. The departmentally compelled statement of Officer Medina was not considered in this analysis.

FACTUAL ANALYSIS

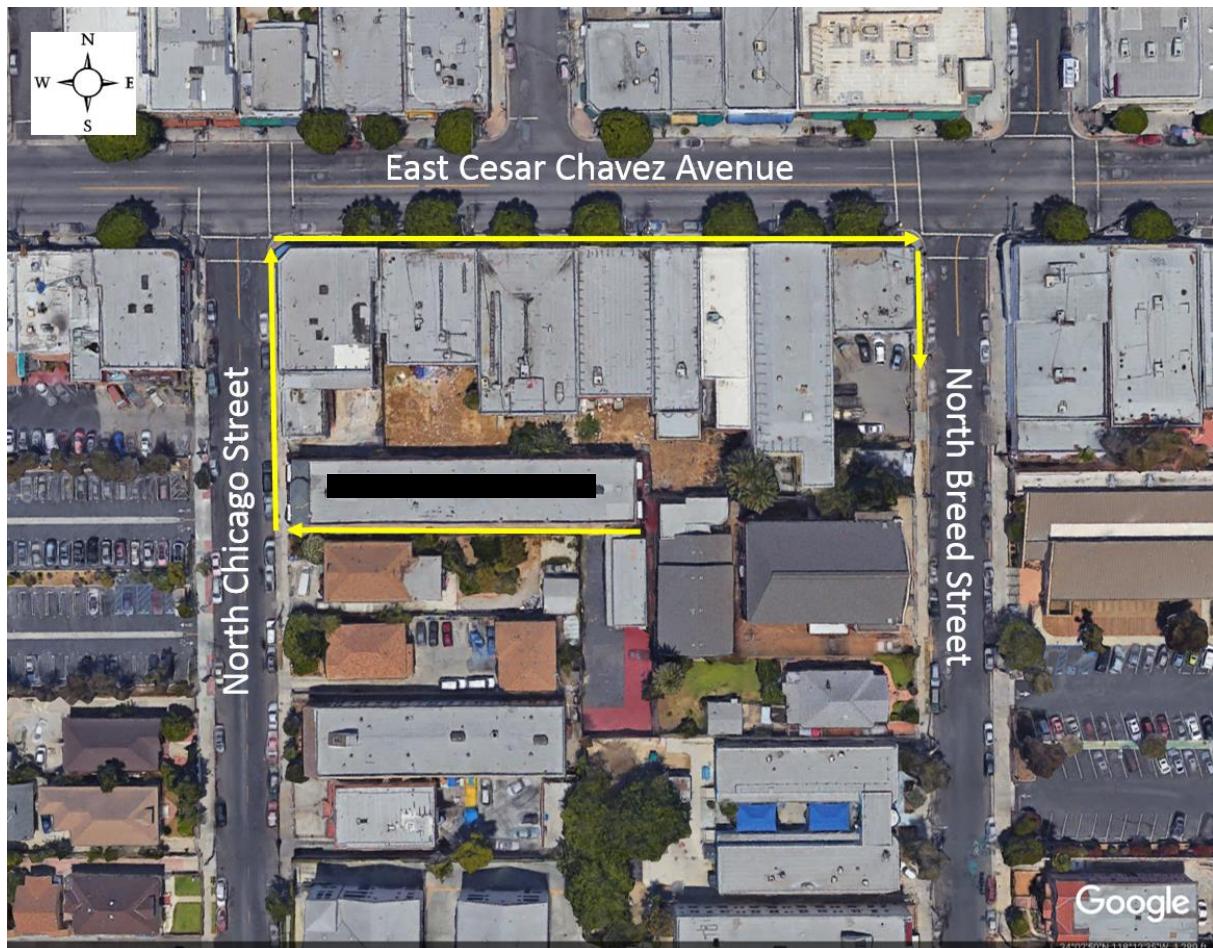
On Tuesday, August 9, 2016, at approximately 5:44 p.m., Los Angeles Police Department (LAPD) Gang Enforcement Detail Officers Eden Medina and Alejandro Higareda responded in full LAPD uniform to a vandalism call at [REDACTED]. Both officers activated their BWV recorders prior to approaching the apartment complex, which Higareda recognized as a "Tiny Boys" gang location.¹

The officers entered the building and proceeded to the rear outside area where the vandalism was occurring. Prior to making contact, the officers discussed tactics, including those to be employed should one of the suspects have a gun. As they emerged from the building, the officers observed three men. Two of the three men, later identified as Carlos L [REDACTED] and Jesse Romero,

¹ The "Tiny Boys" gang was one of several criminal street gangs assigned to Higareda as part of his investigative responsibilities.

immediately fled westbound along the building's south exterior wall toward Chicago Street. The third man remained seated on the exterior steps.²

Higareda and Medina pursued the two fleeing men. Higareda observed Romero grabbing the front waistband area of his baggy shorts with both hands, as Romero ran westbound along the building toward a gate leading to Chicago Street. Based on his training and experience, Higareda formed the opinion that Romero was possibly armed, and at 5:47 p.m. requested backup regarding a "man with a gun."

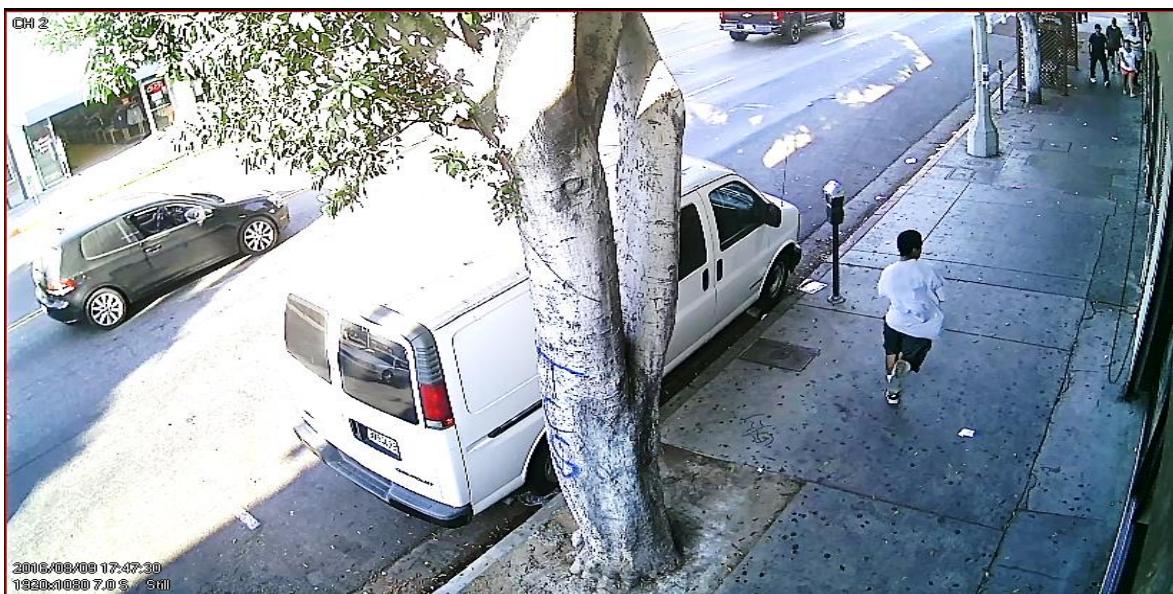
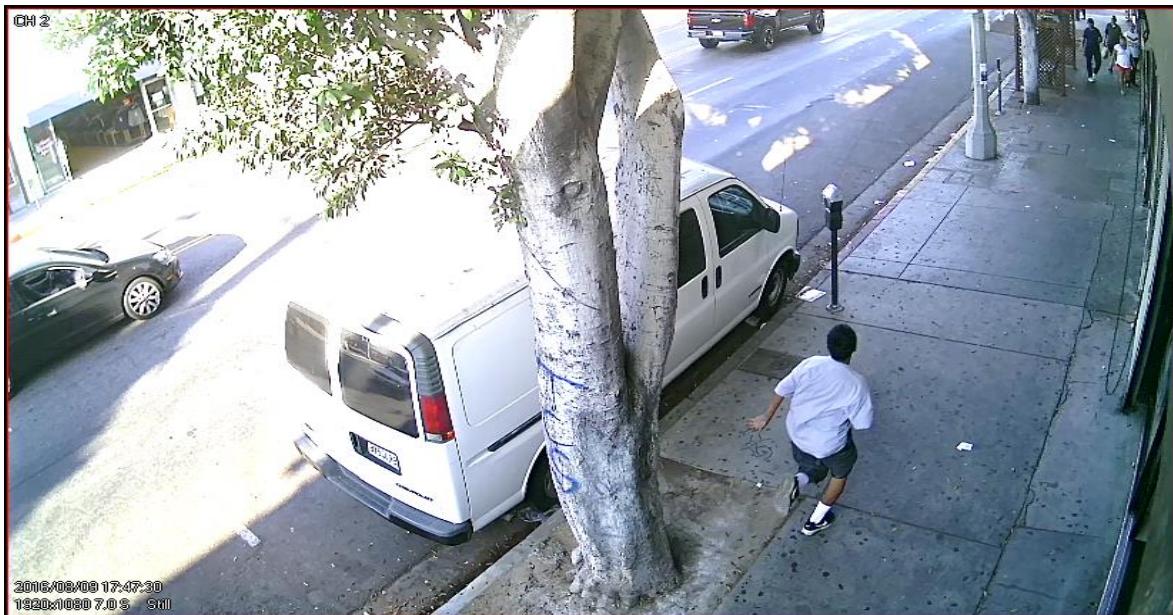


Path of pursuit shown in overhead Google image of East Cesar Chavez Avenue between North Chicago Street and North Breed Street.

As L█ and Romero exited the gate of the apartment complex, L█ ran southbound and Romero ran northbound on Chicago Street toward East Cesar Chavez Avenue. Due to Higareda's belief that Romero might be armed, Higareda advised Medina to follow Romero. Medina and Higareda pursued Romero northbound on Chicago Street and then eastbound on Cesar Chavez Avenue.

² The officers determined the seated man posed no threat and was not an investigative priority.

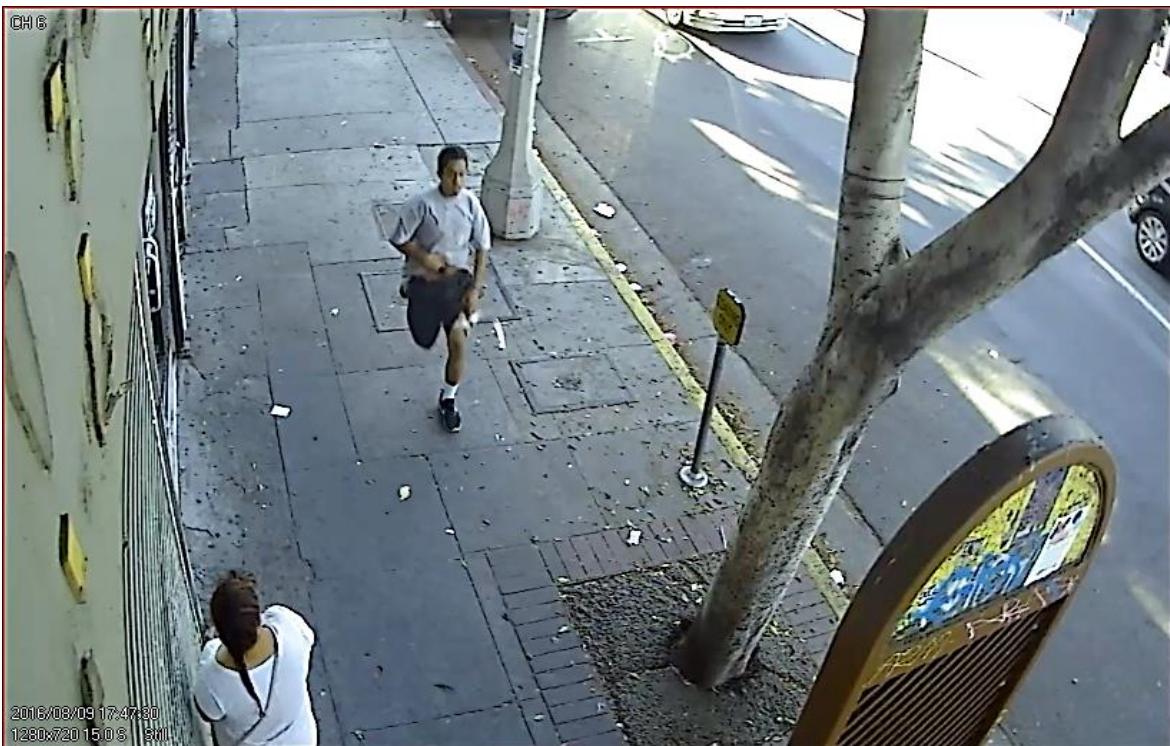
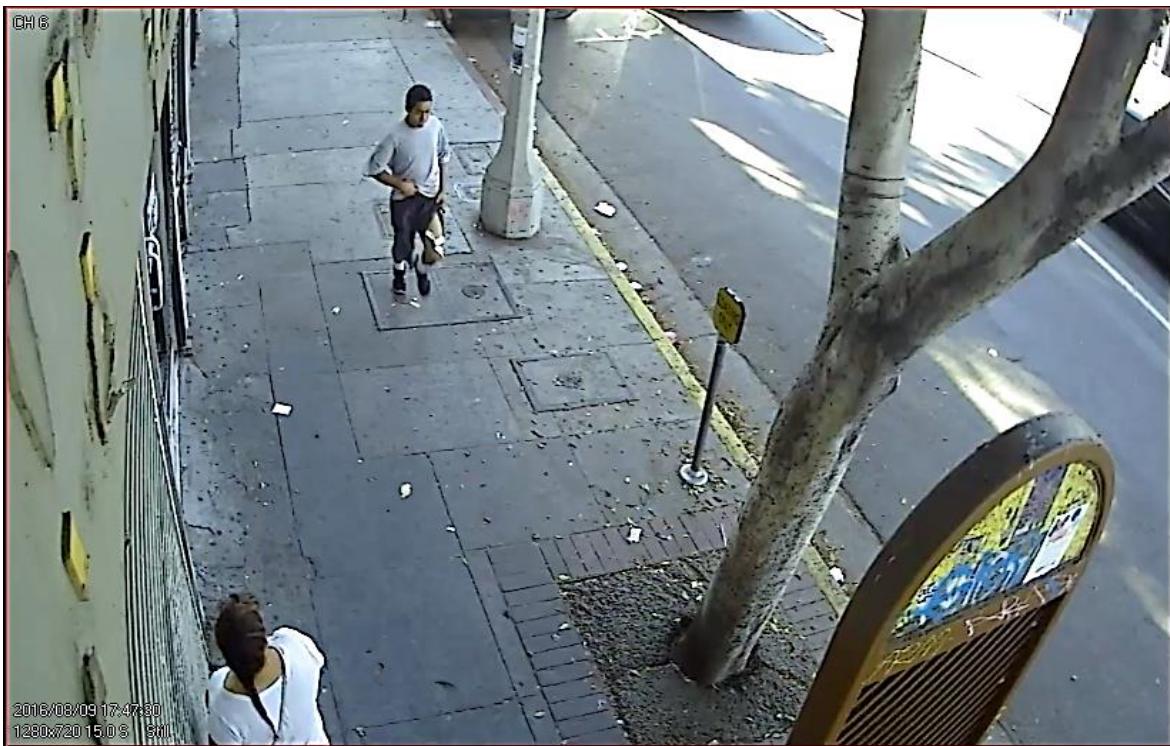
Medina ordered Romero numerous times to stop³ as they pursued him eastbound from Chicago Street to Breed Street. Romero did not comply and continued fleeing, continuously grasping his front waistband area with his right hand and often with both hands.⁴



Still shots from video cameras located on Cesar Chavez Avenue near Breed Street facing eastbound. Romero seen from behind during foot pursuit.

³ Medina is heard at least three times on the BWV ordering Romero to stop running.

⁴ On Cesar Chavez Avenue between Chicago Street and Breed Street, several businesses had video surveillance cameras that captured portions of the foot pursuit. The various videos depict Romero running from Medina and Higareda. Romero is constantly grasping the front waistband area of his baggy shorts with one or both hands. A white strap is seen tied around his left thigh underneath his shorts.



Still shots from video cameras located on Cesar Chavez Avenue near Breed Street facing westbound. Romero seen from the front during foot pursuit. A white strap is seen attached to his upper left thigh.

As Romero approached Breed Street from Cesar Chavez Avenue, Higareda observed Romero slow down and reach toward his waistband in a manner that increased his concern. When Romero turned southbound onto Breed Street, Higareda advised Medina to slow down at the corner. Medina slowed as he approached the corner, at which time a single gunshot was heard from Romero's location on Breed Street.⁵

As the officers brushed up against the corner with weapons drawn, Medina is heard to say on the BWV, "Shots fired!" and Higareda broadcast "Shots fired! Officer needs help!" From a distance of approximately five feet behind his partner, Higareda watched Medina turn the corner and fire two rounds in a southbound direction. Higareda came around the corner and observed Romero on his back on the west sidewalk of Breed Street approximately 50-100 feet south of the intersection.



Breed Street from Cesar Chavez Avenue, facing south from southwest corner. Red and white signage on the wrought-iron fence marks where Romero ultimately fell.

Because Romero was moving as he lay on the sidewalk, both officers approached with weapons drawn and issued repeated commands for Romero to show his hands. When Higareda saw that Romero had a gunshot wound to his torso, he requested a rescue ambulance.

As the officers drew near to Romero, each independently observed a revolver on the ground behind a wrought-iron fence that separated the west sidewalk of Breed Street from a parking lot.⁶ The revolver was within two feet of the gate and several feet northwest of Romero's position.

⁵ BWV confirms the sound of a single gunshot as Medina slows his approach to Breed Street.

⁶ Higareda saw the revolver and advised Medina. Medina acknowledged the presence of the revolver.



Location of revolver in relation to Romero's position on the west sidewalk of Breed Street, as viewed from the parking lot toward Breed Street.

When backup units arrived Higareda holstered his weapon and handcuffed Romero who was at that time not responsive. Paramedics arrived a short time later and concluded that Romero was dead.

Witness Statements

Several eyewitnesses observed portions of the foot pursuit and the officer involved shooting. Norma G., Maria V., and Keyla P. were traveling eastbound in a white Lexus sedan on Cesar Chavez Avenue approaching Breed Street at the time of the foot pursuit. Matthew C. was driving alone in the same direction at the same time. The four witnesses saw Romero holding onto his shorts near his front waistband area as he ran eastbound away from two uniformed police officers on Cesar Chavez Avenue. One or both officers were yelling at Romero to stop but he did not comply.

The witnesses in the Lexus could not tell if Romero was holding an object as he ran eastbound with his hand at his front waistband. According to Matthew C., it appeared that Romero had something under his pants near the front area of his waistband, and he was trying to hold onto it while running from the officers. When Romero turned right from Cesar Chavez Avenue to run southbound on Breed Street,⁷ the occupants of the Lexus saw him reach toward his front waistband area and throw a handgun upward and to his right in the direction of the wrought-iron fence that separated the sidewalk from a parking lot. The handgun hit the top of the metal fence and fell back to the west sidewalk where it discharged upon impact with the ground. At the time of the discharge, the officers were just approaching the corner at Breed Street from eastbound

⁷ At that moment the Lexus was also turning right onto Breed Street from Cesar Chavez Avenue.

Cesar Chavez Avenue. Upon hearing the gunshot, Matthew C. heard the first officer say, “He’s shooting! He’s shooting!”

When the gun discharged, the occupants of the Lexus saw Romero begin to turn his body back toward the direction of the officers as the officers came around the corner.⁹ Keyla P. stated that Romero was in the process of quickly turning around toward them and moved his hands to chest level.¹⁰ As Romero turned, or shortly thereafter, one or both officers shot him two to three times and he fell to the ground.¹¹ The gunshots were in rapid succession.

Both officers yelled to Romero to show his hands as they approached with guns drawn. One officer was on his radio and shortly thereafter other LAPD units arrived. One of the two initial officers handcuffed Romero but no other force was used on him after the shooting.

Yazaray A. was alone in her vehicle parked along the east curb of Breed Street facing northbound toward Cesar Chavez Avenue approximately 90 feet from the intersection. Yazaray A. had parked approximately two minutes earlier and was talking on her phone with the vehicle windows rolled up when she saw Romero run around the corner from Cesar Chavez Avenue. Romero ran southbound on the west sidewalk of Breed Street, on the opposite side of the street from Yazaray A. Romero was holding a dark handgun with a long, thin barrel.

Yazaray A. saw Romero fire the handgun and believed he fired two to three times in the direction of the pursuing officers. She initially thought Romero shot a bird or a bag sitting on top of the fence because she saw a black object fall to the ground. When the officers came around the corner, Yazaray A. saw Romero stop for a moment, and it appeared he was looking for something. Yazaray A. believed Romero looked frustrated. Officers were yelling commands to him but he did not comply. Yazaray A. heard two gunshots that sounded “deeper” than all the previous gunshots and then saw Romero fall onto the sidewalk. From Yazaray A.’s perspective it seemed Romero was shooting at the officers almost the entire time.¹²

Coroner Examinations

The Los Angeles County Coroner autopsy revealed that Romero suffered two gunshot wounds. One wound to the chest was determined to be fatal while a second through-and-through gunshot wound entering the abdomen and exiting the hip was considered non-fatal. A projectile associated with the wound to the chest was recovered from Romero’s body and later determined to be consistent with having been fired from Medina’s service weapon.

Gunshot residue analysis was performed and yielded inconclusive results as to whether Romero had been in the environment of a firearm. Coroner’s toxicology analysis showed Romero to be positive for marijuana.

⁹ The witnesses vary in their accounts as to how far Romero had turned when the officers appeared; but all indicate Romero was in the process of turning toward the officers when the officer fired.

¹⁰ Keyla P. speculated that Romero did so because he was surprised by the sound of his gunshot.

¹¹ The occupants of the Lexus did not see which of the officers fired shots. Matthew C. observed the shots being fired by the officer in front.

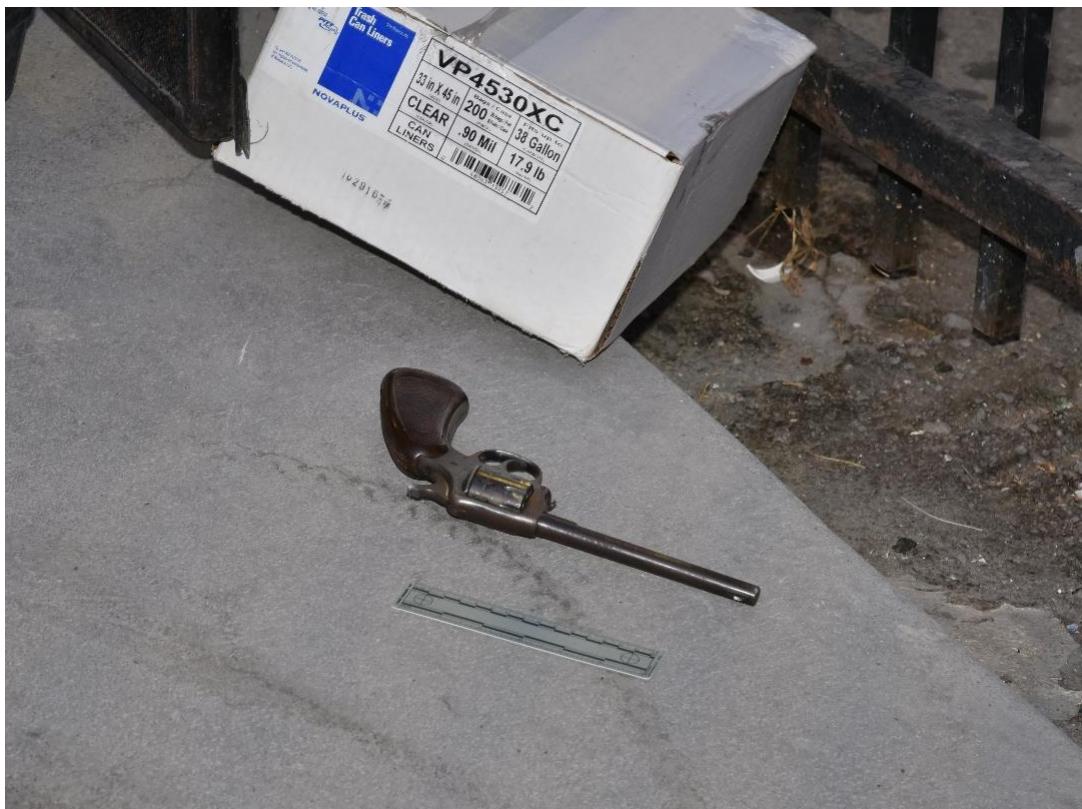
¹² Yazaray A. described events that caused her to believe Romero fired his weapon four to eight times in multiple groupings over a period of approximately 40 seconds.

Firearm and Ballistics Analysis

Revolver

The firearm found near Romero in the adjacent parking lot was a .22 caliber rim fire, 9-shot Harrington and Richardson, Model 922 revolver with a barrel length of six inches. The revolver had damage to the top of the hammer spur and the front sight. The revolver was fully loaded with eight live .22 caliber cartridges and one fired .22 caliber cartridge in the cylinder. The two cartridges following the fired cartridge had light hammer strikes but were unfired. The second of the two cartridges remained in position under the firing pin. The hammer was uncocked.

Testing of the revolver revealed that direct impact to the back of the hammer spur could cause the revolver to fire a live round. Testing also demonstrated that when the revolver was dropped such that the hammer spur struck a surface, the cylinder could rotate from one to four positions. As the cartridges in the chambers rotated past the hammer, the hammer made contact with the cartridges, leaving light firing pin strikes of varying degrees. In all of the tests, the firearm was never found to be able to both fire a round and rotate the cylinder from a single impact to the firearm. Based on the test results and the condition of the revolver and rounds found therein, the examiner posited that the most likely explanation of the evidence was that the revolver was fired, then dropped.

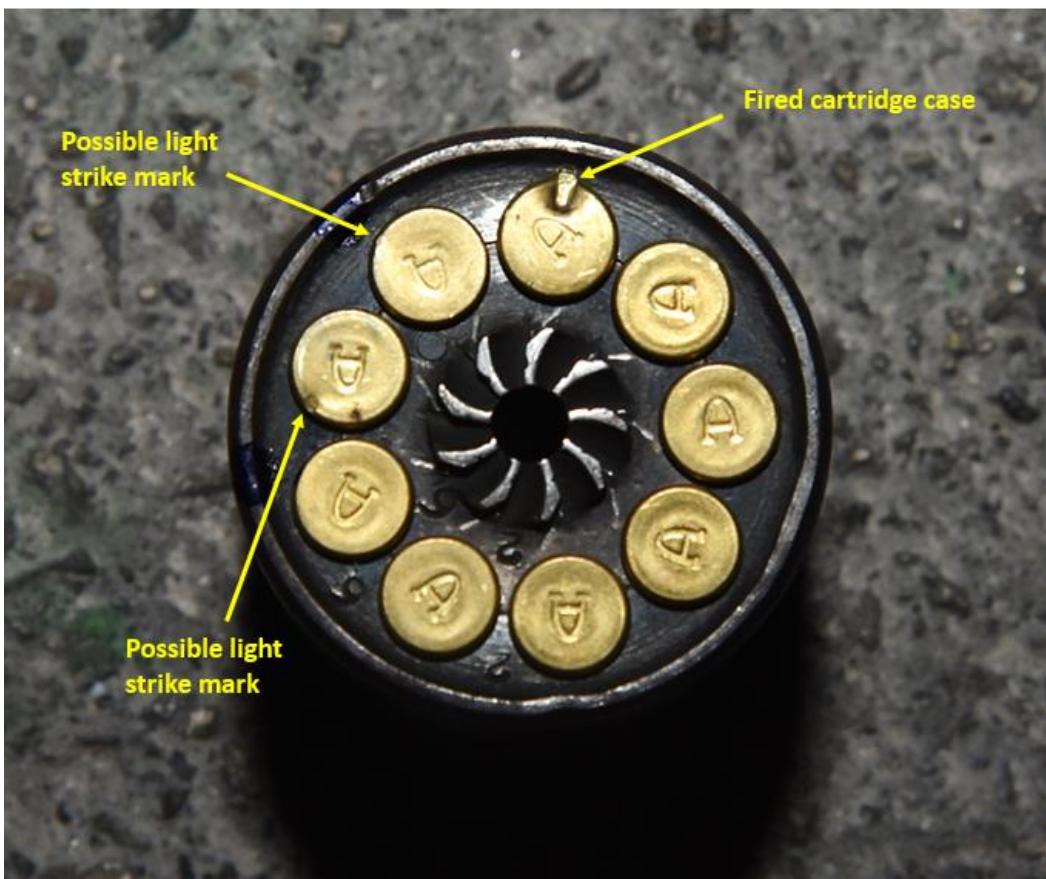


Revolver found in the parking lot adjacent to Romero on the west sidewalk of Breed Street.

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Revolver loaded with nine rounds of ammunition.



Close-up of fully loaded revolver cylinder with one fired cartridge and two adjacent live cartridges (counterclockwise) with light strike marks.

Medina's Service Weapon

During the incident Medina was armed with a department-approved Glock 9mm pistol. Examination of the firearm after the incident revealed that two rounds had been fired. The projectile recovered from Romero during the autopsy was analyzed and determined to be consistent with having been fired from Medina's Glock pistol.

Other Ballistics Evidence

The incident scene was checked for ballistics evidence. Two cartridge cases found on the west sidewalk of Breed Street immediately south of Cesar Chavez Avenue were analyzed and determined to have been ejected from Medina's pistol. Apart from the projectile recovered from Romero during the autopsy, no other projectiles were found.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Randle* (2005) 35 Cal.4th 987, 994; *People v. Mercer* (1962) 210 Cal.App.2d 153, 161.

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. CALCRIM No. 505.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs the standard of a reasonable person acting as a police officer. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 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.")

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 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.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins* (1961) 189 Cal.App.2d 575.

CONCLUSION

In the present case, the evidence supports a finding of lawful self-defense and defense of others by Officer Medina. Two Gang Enforcement Detail officers were investigating a vandalism call in an area specifically known to be a hangout of the Tiny Boys criminal street gang.

Immediately upon their arrival to the vandalism location, Romero and L █ fled. While being pursued, Romero constantly held his front waistband area with his right hand and at several times with both hands. Based on their training and experience, it was reasonable for Medina and Higareda to believe that Romero was armed with a firearm.

When the fleeing men separated at the apartment complex gate leading to Chicago Street, Medina and Higareda followed Romero because of the elevated threat he posed. Medina yelled multiple times for Romero to stop, while Higareda broadcast that they were in pursuit of a man with a gun and requested backup. Despite numerous orders, Romero refused to comply with commands to stop, and continued holding his waistband in a manner consistent with holding or concealing a firearm.

Higareda became concerned when Romero suddenly began to slow down at the corner of Breed Street and Cesar Chavez Avenue while simultaneously manipulating his front waistband area. Romero quickly turned right at the corner and disappeared from the officers' sight. Due to his concern, Higareda told Medina to slow down and to carefully navigate the corner around which Romero had disappeared. Medina did slow down as he approached the corner. Both officers heard a gunshot from Romero's direction. Higareda immediately broadcast this information.

Under the circumstances, it was reasonable for Medina to believe there was significant and imminent danger to himself, to his partner, and to the many people in the vicinity at that time, from an armed man who was refusing to comply with law enforcement. With his gun drawn, Medina turned the blind corner to locate Romero. Witnesses stated that when the officers came around the corner, Romero was turning quickly toward the officers; one of those witnesses stated that as Romero turned toward the officers, he simultaneously raised his hands to chest level. Another witness described Romero as holding the gun in his hand with a look of frustration and actively shooting in the direction of the officers when they turned the corner. Under these circumstances, Medina was forced to make a split second decision in order to end what he reasonably perceived as the deadly threat posed by Romero. In fear for his life, and the lives of his partner and others in the area, Medina fired his duty weapon at Romero.

Based upon the foregoing considerations, we conclude that Officer Eden Medina used reasonable force in self-defense and defense of others. We are closing our file and will take no further action in this matter.