

**Officer Involved Shooting of Cesar Frias  
Los Angeles Police Department**

**Officer Enrique Anzaldo, #25462**

**J.S.I.D. File #16-0169**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**March 14, 2018**

**MEMORANDUM**

TO:                   COMMANDER ROBERT A. LOPEZ  
Los Angeles Police Department  
Force Investigation Division  
100 W. 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 Cesar Frias  
J.S.I.D. File #16-0169  
F.I.D. File #F021-16

DATE:               March 14, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 6, 2016, fatal shooting of Cesar Frias by Los Angeles Police Department (LAPD) Officer Enrique Anzaldo. It is our conclusion that Officer Anzaldo acted in lawful defense of others.

The District Attorney's Command Center was notified of the shooting on April 6, 2016, at approximately 2:49 a.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by detectives with the LAPD Force Investigation Division. Officer Anzaldo's compelled statement was not considered as part of this analysis.

**FACTUAL ANALYSIS**

On April 5, 2016, at 7:52 p.m., uniformed LAPD Officers Eric Hernandez and Missak Diar-Bekirian arrived at 14708 Lakeside Street in the City of Sylmar, regarding a mentally ill man threatening family members. The officers contacted relatives at the location who advised that Frias had recently been released from a 72-hour mental health hospitalization. Frias was acting erratically and aggressively and they believed he was suicidal. The family needed assistance transporting Frias to the hospital for a medical and psychological evaluation. The family advised

the officers that Frias recently had a physical altercation with law enforcement.<sup>1</sup> Based on the information provided by the family, Hernandez and Diar-Bekirian decided to detain Frias and, if necessary, contact personnel from the LAPD Mental Evaluation Unit for assistance.

Hernandez and Diar-Bekirian contacted Frias, who was seated with his brother, Alberto [REDACTED], in the living room. Frias immediately stood up and walked into a corner near the front door. Diar-Bekirian told Frias that he was not in trouble and they were there to help him. Diar-Bekirian explained to Frias that they needed to pat him down to make sure he did not have any weapons. Diar-Bekirian assured Frias that he was not going to jail. Frias became agitated and repeatedly stated, "You're not going to touch me." Alberto attempted to calm Frias, but Frias refused to cooperate. The officers requested additional units to respond to the location.

Frias approached Diar-Bekirian aggressively with his fists clenched by his chest. Alberto tried to hold Frias back, however, Frias broke free. Frias then raised his arms in the air and walked between Hernandez and Diar-Bekirian. Diar-Bekirian and Hernandez grabbed Frias's arms, while Alberto grabbed him around the torso from behind. A struggle ensued. Frias punched Alberto in the head when Diar-Bekirian lost control of Frias' arm. Hernandez deployed his Taser several times, without effect. The struggle continued until Frias broke free and barricaded himself inside a front bedroom. A perimeter was set up around the residence by the responding units.

Uniformed LAPD Officers John Cooke and Francisco Rubio positioned themselves near the front door and began communicating with Frias. Rubio heard Frias moving large items within the bedroom as if he was barricading the door. A decision was made to breach the bedroom door, believing that Frias was unarmed. Cooke kicked a small hole in the door, but he was unable to see inside the bedroom. Rubio reassured Frias that he was not in trouble and that the police were only there to help him and take him to the hospital. A request was made for the LAPD Mental Evaluation Unit (MEU) to respond to the scene.

Family members and friends were brought to the front door to urge Frias to exit peacefully. There was no response. A clinician with MEU also attempted to contact Frias, without success. A decision was made to gain entry into the bedroom. The bedroom door was broken open with a sledgehammer while other officers broke out the bedroom window. Rubio illuminated the bedroom through the broken door with his flashlight and observed Frias moving around in a boxing stance. At the broken window, LAPD Officer Eric Gutierrez observed Frias standing on the bed with a knife in each hand. Gutierrez fired his beanbag shotgun, striking Frias in the abdomen. Frias momentarily disappeared from view then attempted to exit through the hole in

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<sup>1</sup> On March 28, 2016, LASD deputies responded to Eternal Valley Memorial Park in the city of Newhall, regarding a suspicious person call. Deputies discovered Frias seated on a 20-foot high water tower. Frias ignored the deputies. Deputies climbed atop the tower to contact Frias. Once on the tower, Frias fought with the deputies when they attempted to detain him. Deputies utilized a Taser, OC spray, bodily force and ultimately a hobble restraint in order to detain Frias. Frias was placed on a 5150 mental evaluation hold at the hospital. He was released on April 4, 2016.

the bedroom door, armed with a knife. Rubio pointed his service weapon at Frias and ordered him to drop the knife. Frias retreated into the bedroom.

Frias ran around the bedroom with the knives clenched in his hands. Officers repeatedly ordered Frias to drop the knives.<sup>2</sup> Frias refused to comply and lunged forward as if he was going to jump through the window. LAPD Officer Juan Garcia fired his beanbag shotgun through the window, striking Frias in the lower abdomen. Two more beanbag rounds were fired at his upper torso when Frias failed to drop the knives. The rounds had no effect.

Multiple officers continued to order Frias to drop the knives. Frias repeatedly advanced toward the broken window while armed, causing the officers to take several steps back. During this time, Frias was struck once with a Taser and six additional beanbag rounds, without effect. LAPD Lieutenant William Heard directed a cease fire and called SWAT to the scene.<sup>3</sup>

At 10:38 p.m., a notification was sent to all SWAT members stating, “We have a 918 male barricaded, armed with a knife and screwdriver. The suspect is barricaded in the bedroom. Beanbag and TASERS were deployed by patrol that proved to be ineffective.”<sup>4</sup> SWAT personnel responded to the location between 11:00 p.m. and 12:00 a.m., replacing patrol officers around the perimeter of the home. An armored vehicle (ARV) was positioned in front of the bedroom, allowing SWAT officers to safely look through the broken window. A light on the ARV was used to illuminate the bedroom interior.

While seated in the ARV, SWAT Officer Richard Alba observed Frias kneeling in the bedroom holding a piece of glass in his hand. Frias had lacerations to his lower abdomen. At various times, Frias placed the glass to his torso and leaned onto it as if he were attempting to injure himself. SWAT Sergeant Mark Jackson observed blood on Frias’ face while he held the piece of glass to his throat.

Numerous attempts were made by SWAT negotiators to communicate with Frias. The only responses heard from Frias were, “Just go away,” “I want you all to be safe. Just go away,” “I’ll be okay,” “I want you to be okay,” and “Don’t come in.” Negotiators played recorded messages from family over the public address system asking Frias to surrender peacefully. Frias ignored their pleas.

At approximately 1:29 a.m., Frias was advised that tear gas was going to be used and was warned of the negative effects. At 1:50 a.m., tear gas was deployed into the bedroom. Frias began to cough and stepped onto the window frame with a pair of scissors pointed to his chest. SWAT Officer Guy Dobine ordered Frias to get on the ground and to drop the weapon. Frias refused to comply. Dobine fired a beanbag round, striking Frias in the torso. Frias jumped into

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<sup>2</sup> Some officers observed Frias with one knife while others observed him holding two knives. A bloody knife was located in the bedroom after the officer involved shooting. When Frias exited the bedroom, he was armed with a pair of scissors. It is likely that some officers mistook the scissors for a knife.

<sup>3</sup> SWAT was requested at 10:12 p.m.

<sup>4</sup> The code 918 is used when referring to an individual with mental health issues.

the front yard. Dobine fired a second round when Frias failed to comply with his repeated orders. Frias moved toward SWAT Officer Joseph Dominguez, who was taking cover behind the ARV, with the scissors in his hand. Dominguez ordered Frias to drop the weapon. Dominguez fired two sponge rounds from his 40mm less lethal weapon when Frias failed to comply. Frias dropped the scissors after being struck with the second round. Frias retrieved the scissors and turned back toward the bedroom window. Frias was ordered to get on the ground multiple times. Dobine fired three additional beanbag rounds, striking Frias. The rounds had no effect on Frias and he ran down the west side of the house with the scissors still in his hands. Dominguez struck Frias in the back with a Taser, activating it twice. Frias continued south down the side of the residence.

#### Statement of SWAT Officer James Hart

SWAT Officers James Hart and Enrique Anzaldo were directed to the southwest corner at the rear of the residence upon their arrival at the location. Anzaldo was designated lethal coverage and Hart was designated less lethal coverage.<sup>5</sup>

Hart heard the negotiators attempt to communicate with Frias over the public address system. After the tear gas was deployed, Hart heard Frias coughing and moving around the house. Hart then heard SWAT officers at the front of the residence ordering Frias to stop and get on the ground. Hart also heard less lethal weapons being deployed. Shortly thereafter, Frias rounded the northwest corner and headed down the side of the house toward Hart and Anzaldo. Hart illuminated Frias with a tactical light affixed to his beanbag shotgun. Frias was not wearing a shirt and was covered in blood. Frias held a shiny metal object to his chest with his right hand. The object appeared to be some type of stabbing instrument.<sup>6</sup>

Hart yelled, "Stop! Put your hands up!" Frias ignored Hart and continued advancing toward the officers. Hart fired one beanbag round, striking Frias in the upper torso. Frias backed away and began looking for another avenue of escape. Frias turned toward a chain link fence and put his hands on the fence as if he was about to climb it. Hart ordered Frias to stop and put his hands in the air. Frias refused to comply. Hart deployed two more beanbag rounds, striking Frias in the upper torso. Frias turned back toward Hart with the scissors in his right hand. Frias took several more steps toward Hart. Hart yelled, "Get down! Get down!" Hart fired two more beanbag rounds when Frias continued forward.

Frias sat on the ground with his back against the house after being struck by the two rounds.<sup>7</sup> Hart and Anzaldo retreated around the southwest corner of the house to avoid a crossfire situation with the officers at the northwest corner. After several seconds, Frias stood up and moved toward the front of the house and out of view. Hart heard officers order Frias to the

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<sup>5</sup> Anzaldo was armed with a .223 semiautomatic rifle. Hart was armed with a beanbag shotgun.

<sup>6</sup> Hart later identified the object as a pair of scissors.

<sup>7</sup> At that time, approximately 1:52 a.m., Anzaldo broadcast, "He's on the 4 side, he's lying down on the ground, but he's got the scissors in his hand." Anzaldo requested a Taser.

ground followed by additional less lethal weapon fire.<sup>8</sup> Moments later, Frias reappeared and headed back down the west side of the house toward Hart and Anzaldo.

Frias closed the distance quickly, holding the scissors. Hart yelled, "Stop! Put your hands up!" Frias did not comply. Hart deployed another beanbag round, however, it did not appear to strike Frias. Frias continued to close the distance, now slashing the scissors wildly in front of him. Hart and Anzaldo retreated into the rear yard, as Hart continued to order Frias to stop. Hart attempted to fire another round from the beanbag shotgun, but it was out of ammunition. Frias advanced within three feet of Hart while slashing the scissors at him. Hart stepped back and pivoted to create distance from Frias. Frias then lunged toward Hart with the scissors as Hart discarded the beanbag shotgun and reached for his service weapon. Hart felt something strike his left forearm. At that time, Hart heard Anzaldo fire one round from his rifle. Frias fell to the ground with the scissors gripped in his right hand.

### Arrest

Frias continued to struggle and fight with officers after being shot. Efforts were made to physically restrain him, using bodily force. Frias continuously attempted to stand up with the scissors in his hands. He refused to obey multiple orders to drop the weapon and to cease fighting. Several officers deployed their Tasers multiple times. Frias remained combative. A pinning pole was applied to his chest in an effort to control him. SWAT medical personnel who responded to the backyard to treat his gunshot wound, administered a fast acting sedative in an attempt to subdue him. It had no effect. Officers were finally able to gain possession of the scissors after applying the Taser directly to Frias' body. Frias was eventually taken into custody.

### Medical Treatment

Frias was transported to Holy Cross Hospital and treated for a single gunshot wound to the jaw. Frias failed to respond to medical treatment and was pronounced dead at 4:30 a.m.

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<sup>8</sup> Officers at the front of the house moved down the west side of the residence. Dominguez observed Frias holding the scissors to his chest. Dominguez ordered Frias to drop the scissors multiple times. Frias did not comply. Dominguez fired two sponge rounds that appeared to strike Frias. Frias ran back toward the rear of the residence.

Weapons



A beanbag round fired at the scene



A sponge round fired at the scene



The bloody knife recovered in the bedroom



Scissors used by Cesar Frias

### Autopsy Report

Los Angeles County Deputy Medical Examiner Ogbonna Chinwah, M.D., performed a postmortem examination of Cesar Frias on April 10, 2016, and ascribed his death to a gunshot wound to the chin. Frias also sustained multiple round contusions to his chest, abdomen, back and extremities.

### Injury to Officer Hart

Hart sustained a small laceration to his left forearm.

### **LEGAL ANALYSIS**

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed the following: (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury; (2) that the immediate use of force was necessary to defend against that danger; and (3) that he used no more force than was reasonably necessary to defend against that danger. See, *CALCRIM No. 505*.

### **CONCLUSION**

The evidence examined shows that officers encountered a mentally ill man who had been behaving erratically and aggressively toward family members. When the responding officers attempted to contact Frias, he was uncooperative. The officers did not treat Frias as a criminal, rather, they attempted to reassure him that they were there to help him. It was not until Frias approached Diar-Bekirian with clenched fists, that force was first used against Frias, by his brother. Alberto tried unsuccessfully to hold back Frias. Diar-Bekirian and Hernandez then



grabbed Frias and a physical struggle ensued. Hernandez deployed his Taser at Frias after he punched Alberto in the head. Frias escaped into the bedroom.

Officers deescalated the situation by setting up a perimeter and attempting to reinitiate communication with Frias. Officers had family members and friends urge Frias to surrender peacefully. A mental health clinician was called to the scene and tried to talk with Frias. All attempts were unsuccessful. The situation escalated again to the use of force when Frias armed himself. One non-lethal beanbag round was fired at Frias when he was first observed in the bedroom with a weapon in each hand. Officers ordered him to drop the weapon(s) multiple times, but he refused. Additional beanbag rounds were fired at Frias when he repeatedly ran toward officers positioned outside the broken window. Frias retained possession of the weapon(s) and refused to surrender.

SWAT was called to the scene and the situation was again deescalated. For the next two to three hours, negotiators attempted to persuade Frias to leave the house voluntarily. Recordings of family members were played over the public address system. Tear gas was introduced into the bedroom when Frias refused to exit. The tear gas caused Frias to vacate the bedroom via the broken window, armed with a pair of scissors. Frias refused multiple orders to drop the weapon and advanced toward SWAT officers. Officers fired a Taser and multiple beanbag and sponge rounds at Frias, which were ineffective. Eventually, Frias ran down the side of the house toward Hart and Anzaldo.

Hart observed Frias holding a pair of scissors to his chest as he ran toward them. Hart fired several beanbag rounds at Frias when he ignored commands to stop and attempted to escape in the neighboring yard. Frias momentarily ran from view toward the front of the house. When he reappeared, he was still armed with the scissors.

Frias closed the distance between Hart and Anzaldo while slashing the scissors wildly. He ignored multiple commands to stop. Hart tried to fire another beanbag round, but was out of ammunition. Frias closed the distance to within three feet of Hart and lunged toward him, striking Hart in the arm with the scissors. At that time, Anzaldo fired one round from his semiautomatic rifle, striking Frias.

The officers who encountered Frias that night were at the mercy of Frias' decision making, which was severely hampered due to mental illness. The officers showed great patience and restraint. The original officers arrived at the location on April 5, 2016, at 7:52 p.m. and the officer involved shooting did not occur until six hours later, at approximately 2:00 a.m. The slow escalation of force from verbal persuasion by family members, police officers and a mental health expert, to the use of non-lethal weapons and tear gas, and ultimately to the use of deadly force, was in direct response to Frias' actions. Frias refused to obey dozens, if not hundreds, of commands to stop, get on the ground, drop his weapon(s) and surrender peacefully. Only one lethal round was fired that night. That round was fired after Frias lunged at Hart with the scissors, cutting him. Frias' actions placed Anzaldo in reasonable fear that his partner was in imminent danger of great bodily injury or death, and he responded with reasonable deadly force.

We conclude that Officer Enrique Anzaldo acted in lawful defense of others when he used deadly force against Cesar Frias. We are therefore closing our file and will take no further action in this manner.