

**Officer Involved Shooting of Andrew Lane
Los Angeles County Sheriff's Department**

Deputy Nathan Botten, #528103

Deputy Brian Vance, #430186

Deputy Scott Inthavong, #541581

J.S.I.D. File #17-0154



JACKIE LACEY

District Attorney

Justice System Integrity Division

March 22, 2018

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
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: Officer Involved Shooting of Andrew Lane
J.S.I.D. File #17-0154
L.A.S.D. File #017-03249-0522-013

DATE: March 22, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 20, 2017, fatal shooting of Andrew Lane by Los Angeles County Sheriff's Department (LASD) Deputies Nathan Botten, Brian Vance, and Scott Inthavong. We find that the deputies acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on March 20, 2017, at 8:56 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by LASD Lieutenant Joe Mendoza.

The following analysis is based on reports prepared by the LASD Homicide Bureau, submitted to this office by Detectives Marc Boisvert and Louie Aguilera. The reports include photographs, coroner records, radio transmissions, and audio-recorded interviews of witnesses and the deputies.

FACTUAL ANALYSIS

Introduction

On March 20, 2017, at approximately 7:25 a.m., Andrew Lane drove his blue SUV into the parking lot of the LASD station in Temple City, backed into a parking space, and parked, apparently for the purpose of going into the station to re-register as a sex offender.¹

An aerial photograph of Lane's vehicle and the Sheriff's station is shown below:

¹ Lane was required to register as a sex offender in case number GA046624 for a conviction of Penal Code section 288a(b)(1), oral copulation of a person under age 18.



Figure 1- Aerial photograph of LASD – Temple City Station. The positions of Lane's blue SUV and an LASD Special Enforcement Bureau vehicle, at the time of the shooting, are shown inside the red circle.

Lane went inside and spoke with Deputy Brian Vance, who was the sex registrant deputy on duty that day. Vance recognized Lane from prior contacts. Vance asked Lane for his identification and registration documents. Lane complied. Vance conducted a record check and confirmed that Lane had an outstanding felony warrant.² Vance called for the assistance of other deputies to arrest Lane. Vance informed the deputies that Lane possessed “SWAT” identifications and could be armed.³

Vance, Sergeant James Long, and Deputies Henry Shue, Scott Inthavong, and Nathan Botten, walked into the lobby to arrest Lane. In the meantime, Lane had exited the lobby and was standing outside the front door of the building, leaning against a wall.

Lane saw the deputies approaching and asked what they were doing. When Inthavong told Lane to turn around and put his hands behind his back, Lane ran toward his vehicle parked nearby, and the deputies chased him.

Lane entered his vehicle on the passenger side and reached for something in the backseat. Inthavong took a position directly adjacent to the rear passenger door in order to see what Lane was doing. At the same time, Botten approached the driver's side door and opened it. He positioned himself between the driver's side door and the driver's seat. Long positioned himself directly behind Botten.

The deputies ordered Lane to show his hands, but Lane did not comply. As Lane produced a shotgun, Inthavong yelled, “He's reaching for something!” Long yelled, “Shoot! Shoot!

² At the time of the shooting, Lane had an outstanding warrant in case number BA453740 for distributing child pornography.

³ Lane was not a law enforcement officer. He claimed he was a security officer authorized to have the SWAT identification.

Shoot!” Inthavong, Botten, and Vance fired their service weapons at Lane and took cover. Lane was struck by the gunfire.

A shotgun blast was then heard coming from inside Lane’s vehicle.

The deputies contained Lane’s vehicle and LASD Special Enforcement Bureau (SEB) personnel arrived, approached Lane’s vehicle, and saw him in the backseat with a shotgun on his chest. A deputy fired two less-lethal rubber tipped rounds at Lane, but he did not respond. SEB medical personnel entered the vehicle and saw that Lane had a single shotgun entry wound under his chin, and a large exit wound to the top of his head. It appeared that he had a self-inflicted shotgun wound to the head.

Deputies removed Lane’s shotgun from the vehicle and placed it on the ground nearby. It is shown in the photograph below:



Figure 2 – Photograph of Lane’s vehicle and the LASD SEB vehicle. Lane’s shotgun is circled in red in the position where it was moved by LASD personnel to render it safe.

Statement of Deputy Brian Vance

Vance was assigned to the Temple Station Patrol and was also designated as the sex registrant deputy for that day. Vance went into the lobby and immediately recognized Lane from prior contacts. Vance was aware that the Los Angeles Police Department had issued a warrant for Lane for a lewd act with a child violation.

Vance contacted Lane and asked for his identification and registration receipt. Lane complied and retrieved his wallet from his back pocket and placed it on the counter. While the wallet was on the counter, Vance saw two identification cards in the name of "Andrew Lane" that contained "SWAT" markings. When questioned about these identification cards, Lane stated that he was a security officer and was authorized to carry them. After Vance finished speaking to Lane, he confirmed that Lane had an outstanding felony warrant. Vance contacted other deputies who were attending their morning briefing. He informed the deputies regarding Lane's status as a sex offender and the outstanding felony warrant. Vance also advised the deputies about Lane's "SWAT" identifications and advised them that Lane could possibly be armed.

Vance, accompanied by Botten, Shue, Inthavong, and Sergeant Long, walked toward the front counter to contact Lane. Lane was standing outside of the front door. When Lane saw the uniformed deputies approach, he took off his cowboy hat and ran toward a blue SUV parked in the station's front parking lot. Vance remained by the front door and saw Lane running toward the passenger side of the vehicle and saw Inthavong running after Lane. Vance heard Inthavong shout, "He's reaching for something!" Vance also heard Long yell, "Shoot! Shoot!" Inthavong and Botten fired their service weapons at Lane. Vance drew his service weapon and took cover behind a tree as Long and Botten took cover behind a vehicle parked next to Lane's vehicle. Shue took cover behind a wall. Vance heard a gunshot and saw glass and debris shatter from the driver's side of the SUV. He believed that Lane was shooting at the deputies. Vance fired three to four rounds at Lane to prevent him from firing any more rounds at the deputies who were taking cover near the driver's side of Lane's SUV.

Statement of Deputy Scott Inthavong

Inthavong was in the station briefing room when Vance notified him that there was a suspect in the lobby with an outstanding felony warrant. Inthavong, Shue, Botten, and Sergeant Long walked to the front lobby to arrest Lane. Vance provided a description of the suspect and warned them that Lane might possibly be armed. The deputies walked into the front lobby and saw Lane standing outside the entrance door.

Inthavong approached Lane, who began backing up while asking why the deputies were approaching him. Lane ran toward a blue SUV that was backed into a parking space in the parking lot. Inthavong gave chase. As Lane ran, he took off his cowboy hat and threw it at Inthavong. Lane ran to the passenger side rear door and entered the vehicle.

Inthavong drew his service weapon and ordered Lane, "Show me your hands!" Inthavong advised the other deputies that he saw Lane reaching for something. Inthavong heard one of the other deputies say, "Gun!" and then Long yelled, "Shoot! Shoot! Shoot!" Inthavong fired at Lane and backed up to get cover. He then heard a single rifle shot come from the inside of Lane's vehicle.

Statement of Deputy Nathan Botten

Botten was in the watch sergeant's office when he heard Inthavong speaking with Vance about a suspect with a felony warrant. Inthavong explained that Lane was possibly armed due to the "SWAT" identifications in Lane's wallet. Botten and the other deputies walked into the lobby to arrest Lane.

Lane was standing outside leaning against the front entrance wall. When Lane saw the deputies approach, he asked, "What's going on?" Inthavong ordered Lane to turn around and place his hands behind his back. Lane stepped back, ran toward a blue SUV in the parking lot, and threw his hat at Inthavong.

Lane entered the back seat of the vehicle. Botten approached the driver's side door of the vehicle and opened the door, positioning himself between the door and the driver's seat. Inthavong and Long approached the passenger side of the vehicle.

Botten drew his service weapon and ordered Lane to show his hands as Lane reached for something in the backseat. He saw Lane retrieve what appeared to be a rifle or a shotgun. Inthavong yelled, "He's reaching for something!" Botten heard gunshots coming from the passenger side of the vehicle. He shut the driver's side door and backed away. Through the front windshield, Botten viewed the barrel of a long gun moving back and forth between the front driver and passenger seat and he saw Lane looking toward him. Lane lifted the gun and Botten believed Lane was going to use it against the deputies. Botten fired three rounds at Lane through the windshield.

After Botten fired, Lane was still manipulating the firearm. Botten fired three more rounds at Lane.

Botten and Long moved away from Lane's vehicle and took cover behind an adjacent vehicle, and he saw Lane fire out the driver's side rear window.⁴ Botten felt glass hit him in the face and a bullet go by him, and believed Lane was shooting at him.

Statement of Sergeant James Long

Long was assigned as a supervisor when Vance informed him and other deputies that he needed assistance with a man in the lobby who had an outstanding felony warrant. Vance also advised that Lane might be armed. Long, Botten, Shue and Vance walked into the lobby. They saw Lane standing outside the station, leaning against a wall.

Lane began running toward the parking lot and approached the rear passenger door of a vehicle. Long approached the vehicle with Botten and saw Lane reaching into the vehicle for something. Long heard Inthavong scream, followed by a large volley of gunshots. Through the driver's door, Long could see Lane moving and saw the barrel of a long gun in Lane's hands. Long ordered Botten to shoot. Botten fired several rounds. Long, Botten, and Shue then took cover behind an adjacent vehicle. Long saw glass shattering around the vehicle he was next to and believed that the window was blown out by a shotgun round fired by Lane. Long believed that Vance possibly fired back.

⁴ Based on the examination of the evidence, it is likely that this shattering of the glass was the byproduct of Lane's self-inflicted shotgun wound.

Statement of Deputy Henry Shue

While Shue was in the briefing room, Vance notified him of a sex registrant in the lobby with an outstanding felony warrant. Shue, Vance, Inthavong, and Sergeant Long walked to the front lobby to arrest the suspect. Lane was standing by the exit door of the station. Lane ran toward the parking lot. Lane took off his cowboy hat and threw it at Inthavong as he ran. Lane ran toward a blue SUV and entered the vehicle through the rear passenger door. Shue heard one of the deputies yell, “Shoot! Shoot! Shoot!” Shue was positioned behind Long and Botten on the east side of the parking lot. Inthavong fired. Shue took cover behind a small concrete block wall on the sidewalk area in front of the station. He did not fire because Botten and Long were in his direct line of fire. Shue saw Vance firing at the SUV from behind a tree in front of the station as he requested assistance on his handheld radio.

Statement of Deputy Andrew Toone

Toone and other SEB personnel responded to a call of an “active shooter” at the Temple Station. They were informed that the suspect had armed himself and was barricaded in the backseat of a blue SUV in the parking lot. The deputies at the scene were unsure if the suspect was hit by their gunfire and informed SEB that the suspect remained lying in the backseat with a long gun and he was not moving.

SEB drove an armored rescue vehicle into the parking stall directly next to the passenger side of the suspect’s vehicle. The back-passenger door window had been shattered and the deputies could clearly see Lane lying across the back seat, on his back, with one foot resting on the rear passenger door window sill. The deputies could not get a clear view of Lane’s head because it was under clothing and what appeared to be a police tactical vest labeled “SWAT” on one side. Resting on Lane’s torso was a shotgun with the barrel pointed at his chin. Lane remained motionless.

Toone threw a sound diversionary device on the hood of Lane’s vehicle. Lane remained still. Behind a ballistic shield, Toone led the team toward the vehicle. At approximately ten feet away, Toone could see Lane’s foot, mid-section and chest area and could clearly see the shotgun in Lane’s hands, pointed at his chin. However, they could not determine from their vantage point whether Lane was shot or deceased.

Another deputy fired nonlethal rounds at Lane’s abdomen, but Lane did not move. As the team moved closer, another deputy reached inside the vehicle and grabbed Lane’s shotgun and placed it safely on the ground.⁵ SEB medical personnel entered the vehicle and saw that Lane had a large hole under his chin in the same area that the shotgun barrel was pointed, and he had a large head wound. They declared Lane deceased.

Statement of Lisa P.

Lisa P. married Lane in 2011, and they divorced in 2015. Before the shooting, Lisa P. saw a shotgun at Lane’s house. Lane possessed bulletproof vests because of his previous job working as a security officer. Lane had a history of methamphetamine use. On the day of the shooting,

⁵ Investigators also located a white bulletproof vest on the left passenger seat in the rear row.

Lane called Lisa P. and told her that if she did not hear from him by 9:00 a.m., “something had gone wrong.” Lane said that Deputy Vance had contacted him and told him to come to the station to retake his photograph. Lane was suspicious, and deduced that he was wanted by the police for something.

Statement of Gregory L.

Gregory L. is Lane’s brother. He said Lane had a negative experience in prison and was adamant about not going back. Lane was also distrustful and fearful of law enforcement officers and he was stressed every time he had to go to the police station to register as a sex offender. Lane never attempted suicide in the past, but spoke about being suicidal while in prison.

Statement of Christopher D.

Christopher D. was at the Sheriff’s station and saw the deputies approach Lane. He heard the deputies yell, “Get on the floor! Get on the floor! Let me see your hands!” and then he heard gunshots.

Statement of Ruben M.

Ruben M. was at the Sheriff’s station and saw the deputies approach Lane and say to him, “You’re under arrest.” He then heard gunshots.

Statement of Scott E.

Scott E. was in the Temple Station’s parking lot and saw the deputies pursuing a fleeing Lane. He heard the deputies yell, “Stop! Stop! Get on the ground! Get on the ground!” At the same time, Scott E. also believed that he heard a deputy say, “Tase him!” Scott E. then witnessed Lane run to a blue SUV and “jump” into the backseat. At this time, he heard additional commands directed at Lane from the deputies stating, “Let me see your hands! Let me see your hands!” Scott E. then evacuated the parking lot and began to hear gunshots. As he hid behind bushes toward the north wall of the station, Scott E. witnessed a deputy firing at Lane. The deputy took cover behind a vehicle located next to the SUV and reloaded his handgun.

Interview of Dat V.

Dat V. was in the lobby of the Sheriff’s station and saw Lane run to a blue SUV and “dive” into the backseat. Dat V. believed that Lane was “going for a gun.” He then heard and saw the deputies shooting.

Statement of Richard H.

Richard H. was working in the parking lot of the Sheriff’s station and saw the deputies chase Lane. He saw Lane get into the SUV and thought his behavior was odd. Someone said, “Tase him! Tase him!” Someone also said, “Shoot him! Shoot him!” and then he heard gunshots.

Statement of Jason L.

Jason L. was working in the parking lot of the Sheriff's station and saw Lane running to a blue SUV. Lane then dove headfirst into the backseat. When one of the deputies approached, Jason L. heard a deputy yell, "Gun!" At this point, Jason L. heard and saw the deputies shooting at Lane.

Statement of David D.

David D. was working in the parking lot of the Sheriff's station and saw Lane running to a blue SUV. As Lane approached the vehicle, David D. heard someone say, "Tase him! Tase him! Tase him!" Lane was able to open the rear passenger door, but David D. was unable to see Lane enter the SUV. David D. turned to find shelter and heard someone yell, "Shoot him! Shoot him! Shoot him!" followed by a volley of gunfire. He is unsure if the gunshots preceded or were simultaneous with the yelling.

Firearms Evidence

Lane was armed with a J. Stevens Arms pump action 12 gauge shotgun. When recovered it contained one unfired shotshell in the chamber and one fired shotshell partially extracted from the chamber. The safety was in the "fire" position. One expended shot cup was located in the armrest of Lane's vehicle.

Botten, Vance, and Inthavong were armed with 9mm semiautomatic pistols. There were 29 9mm expended cartridge casings located at the scene. Based on an examination of the deputies' firearms and the number of expended cartridge casings at the scene, Botten fired six times, Vance fired four times, and Inthavong fired 19 times.

Autopsy

Deputy Medical Examiner Ajay Panchal, M.D. performed a postmortem examination of Lane's remains and determined that Lane was either shot or grazed in six locations. He had a fatal shotgun wound to the head that entered under the chin and exited through the top of the head. There was a second fatal gunshot wound to the back of the right leg. Lane had sub-lethal gunshot wounds to the right leg, a graze wound to the right chest, a superficial gunshot laceration to the left leg, and a gunshot wound abrasion on the right foot.

Lane's cause of death was determined to be a shotgun wound to the head, after he had blood loss from gunshot wounds to the lower extremities.

A toxicology analysis was performed and showed that Lane had 12000 ng/ml of methamphetamine in his bloodstream at the time of his death, which is approximately 600 times the peak therapeutic range for that drug. This is also approximately twelve times the lethal dose of methamphetamine, in the average user.⁶

⁶ A lethal dose of methamphetamine varies depending on characteristics of the drug and the user and cannot be determined with certainty. Each person has a different sensitivity to a specific amount of methamphetamine due to personal tolerance levels, means of ingestion, and other variables. In this way, toxic levels are different for each

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of another if that person reasonably believes that he or others are 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 505. The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." *Munoz v. City of Union City* (2004) 120 Cal.App.4th 1077, 1102. In sum, the United States Supreme Court has long held that, "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 the police 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.

Analysis

Lane, who had the presence of methamphetamine in his bloodstream at the time of his death, and suspected that he was wanted by the police, armed himself with a shotgun, told his ex-wife that he was going to the police station and something could go "wrong," and drove to the Sheriff's station to re-register as a sex offender.

He arrived and backed his vehicle into a parking space in a "getaway" position near the entrance of the police station, and waited outside the lobby area after identifying himself to deputies, indicating by his behavior that he was ready to flee if challenged. Lane's possession of a loaded shotgun and bulletproof vest suggests that Lane was prepared to use deadly force against the deputies to effectuate his escape if they attempted to arrest him, and/or he was prepared to commit "suicide by cop" by provoking the deputies into shooting him if he was cornered.

When the deputies attempted to arrest Lane, he ran away, entered his vehicle, drew a loaded shotgun, raised it in the direction of the deputies, and appeared to be manipulating it. Based on those circumstances, the deputies reasonably believed that Lane was going to shoot them, and he presented a deadly threat. As such, the deputies were justified in shooting at Lane, in lawful self-defense and defense of others.

The evidence examined in this investigation shows that when his escape became impossible, Lane committed suicide by shooting himself in the head with a shotgun.

individual. Methamphetamine overdose may also be complicated by other drugs the user may have taken. Diseases that the person may have developed also play a role due to the current health condition of the body. Lane had approximately 12 µg/mL of methamphetamine in his system. 1.0 µg/mL is the average lethal dose of methamphetamine. Elizabeth Kiely, C. Jeff Lee & Laureen Marinetti, [A Fatality from an Oral Ingestion of Methamphetamine](#), 33 J. Analytical Toxic. 557, 560 (2009). *See also*; Robert H. Williams, [Cut-off and Toxicity Levels for Drugs-of-Abuse Testing](#), Clinical Laboratory Reference (2012).

CONCLUSION

Based on a review of the evidence in this case, the deputies acted reasonably and in lawful self-defense and defense of others by shooting Lane when he pointed a loaded shotgun at them. Therefore, we are closing our file and will take no further action in this matter.