

Officer Involved Shooting of Adrian Solis
Los Angeles Police Department

Officer Sherwin Vigilant #37010

J.S.I.D. File #15-0140



JACKIE LACEY

District Attorney

Justice System Integrity Division

March 1, 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 Adrian Solis
J.S.I.D. File #15-0140
F.I.D. File #F026-15

DATE: March 1, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 26, 2015, fatal shooting of Adrian Solis by Los Angeles Police Department (LAPD) Officer Sherwin Vigilant. It is our conclusion that Officer Vigilant used reasonable force in self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on March 26, 2015, at approximately 10:30 a.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, private home security video, and photographs submitted to this office by the LAPD's Force Investigation Division. The departmentally compelled statement of Officer Vigilant was not considered in this analysis.

FACTUAL ANALYSIS

On Thursday, March 26, 2015, at approximately 9:20 a.m., Leticia S. called 9-1-1 and stated that her son, Adrian Solis, was strangling himself with a belt and cutting his throat with a knife at [REDACTED] North Bay View Avenue, in the City of Wilmington.¹ The LAPD Communications Division broadcast an "Attempt Suicide in Progress" radio call to Harbor Patrol Division units and also notified the Los Angeles Fire Department (LAFD). LAPD Harbor Patrol Division Officers Sherwin Vigilant and Justin Koby responded to the call.

Vigilant and Koby arrived at the location at approximately 9:24 a.m., and Leticia S. directed them to Solis, who was lying face down on the kitchen floor in a pool of blood, but alive. Koby

¹ Solis had been diagnosed with schizophrenia 15 years earlier. In the months leading up to March 26, Solis' doctor had been gradually reducing his medication dosage. Solis took his last dose at the end of February and family members began seeing significant changes in his behavior, including social withdrawal, anxiousness, loss of focus, and insomnia. Solis' mother and sister had become concerned and tried to convince him to resume his medications but he refused.

observed a deep cut to Solis' throat, a belt wrapped around his neck, and two blood-stained steak knives with four-and-one-half-inch blades on the counter near the kitchen sink.² Vigilant sat next to Solis and attempted to calm and comfort him. At the sound of sirens a few minutes later, Koby went outside and flagged down LAFD personnel and advised them of the extent of Solis' injury. Paramedic Noe Lopez and Koby walked toward the front door while others obtained additional supplies from the rescue ambulance.



Figure 1. Street view of [REDACTED] North Bay View Avenue and position of the rescue ambulance during the officer involved shooting. The house is located on the west side of North Bay View Avenue.

When Koby and Lopez reached the front porch they suddenly heard Vigilant yell from inside, “Stop! Freeze!” They looked into the house through the open front door and observed Vigilant running out, yelling, “Back out! Back out!” or “Clear out! Clear out!” Solis, substantially larger in size than Vigilant,³ was pursuing him, armed with one steak knife in each hand. Lopez stated that Solis looked very angry as he aggressively pursued Vigilant, swinging his arms back and forth and side to side as he held the knives. Solis was grunting, and Lopez felt Solis “was not really there” because he never made eye contact with anybody, but rather, looked “through” people. When Lopez saw Solis approaching with the knives in his hands, the belt around his neck and a substantial amount of blood on his T-shirt, Lopez ran to the adjacent garage area at the top of the driveway.

² Leticia S. had taken the knives away from Solis and placed them on the counter.

³ Adrian Solis was 35 years of age, 6 feet 2 inches tall, and weighed 345 pounds. Officer Vigilant was 5 feet 11 inches tall, and weighed approximately 220 pounds. Officer Koby was 6 feet 1 inch tall, and weighed approximately 200 pounds.

When Vigilant ran out of the house he stopped momentarily next to Koby, at which time Koby saw Solis advancing aggressively toward their position outside the front door. At that moment, Koby believed Solis would cause serious bodily injury or death to him and his partner. Vigilant and Koby quickly moved a few feet away from the front door onto the driveway and turned to face Solis as he ran through the front entrance. Vigilant yelled to Koby, “Tase him!” Vigilant drew his service weapon⁵ and Koby drew and attempted to activate his Taser, but was unable to activate the switch to discharge the weapon. Side by side and within a few feet of each other, Vigilant and Koby backpedaled quickly away from Solis toward the street. Solis continued to rapidly advance toward them with one knife in each hand.



Figure 2. Still frame of video from security camera located across the street from [REDACTED] North Bay View Lane. Frame shows positions of involved persons prior to first gunshot as Solis began to chase Vigilant and Koby down the driveway. Solis is wearing a white shirt. Vigilant, Koby, and Lopez are wearing dark uniforms. Other LAFD personnel are seen in the foreground wearing yellow uniforms.

Solis ignored commands to stop and drop the knives. When Vigilant and Koby reached the sidewalk, Solis moved to within five to seven feet of them, with at least one knife raised above his shoulder. Vigilant fired one round at Solis with no apparent effect. Solis continued running forward. Vigilant and Koby separated from each other and moved out of Solis’ direct path. Solis continued toward LAFD Captain Robert MacInnes at the rear of the rescue ambulance. MacInnes, initially unaware of the situation until the first gunshot, stated he feared for his safety when he saw Solis charging toward him “with both knives in his hands, above his head and just running with a crazed look in his eye,⁶ blood coming out of his neck.” MacInnes heard Vigilant fire three additional rounds at Solis. Solis stopped approximately five to seven feet from MacInnes, then suddenly turned to face Vigilant. Refusing to comply with Vigilant’s continuing

⁵ Vigilant’s service weapon was a .45 caliber semiautomatic Glock pistol.

⁶ MacInnes elsewhere described Solis as having a blank stare with wide-open eyes.

orders to stop and drop the weapons, Solis charged toward Vigilant. Vigilant fired a final round from a distance of approximately ten feet and Solis fell face down on the sidewalk near the rear of the rescue ambulance.

Koby immediately approached Solis as he lay motionless and removed one knife from each of Solis' hands and tossed them out of Solis' reach. The paramedics rendered medical treatment to stabilize Solis but were unsuccessful. Lopez declared Solis dead at approximately 9:35 a.m. Firefighters Lopez, MacInnes and Shawn Gill each advised in separate statements that they believed officers and firefighters would have been harmed or killed if Vigilant had not taken action.



Figure 3. Knives removed from Solis' left hand (marker 1) and right hand (marker 2).

Additional Witness Statements

Jose R.

Jose R. looked out his north-facing window when he heard yelling come from Solis' home next door. Officers were yelling in a manner that conveyed fear. Within seconds Solis charged out of his home, bloody and grunting with hands raised in a football tackle posture. Solis was running toward officers who were moving backward in the direction of firefighters near the street. Solis refused to obey commands to stop and get down on the ground. Though there was open space for Solis to run northbound on his property away from fire and police personnel, he ran directly and aggressively toward the firefighters and police officers. Jose R. stated that because events happened so quickly, he did not notice whether Solis or the officers were armed. He heard a gunshot, at which point he ducked below the window, and then heard approximately five additional gunshots in rapid succession. When he looked out again, he saw Solis lying on the ground.

Leticia S.

Leticia S. was inside the house retrieving Solis' identification for officers when the initial shots were fired. She came to the door when she heard the shots and looked outside to witness Solis running toward the ambulance with hands held up and extended outward, but she could not tell if he was holding any knives. Solis ran into the street between the sidewalk and the ambulance. Leticia S. saw an officer shoot and Solis fell to the ground.

Private Home Security Video

A private security camera capable of audio and video recording was affixed to the roof of [REDACTED] North Bay View Avenue, directly east of [REDACTED] North Bay View Avenue. The camera was pointed west and captured the officer involved shooting; however, some events on the northern half of the driveway were obscured by the rescue ambulance that was parked in the middle of the street.

The video largely confirms the accounts of witnesses. Koby meets with LAFD personnel at the rescue ambulance in the street and then walks up the driveway with Lopez.⁷ When they reach the porch they suddenly look right toward the front entryway and Vigilant runs out to them yelling unintelligible words. Lopez immediately runs to the garage area. Vigilant and Koby stand momentarily in front of the entryway looking into the house and suddenly run off the porch as Solis charges out of the house.

The officers run a few feet down the driveway and then turn to face Solis who is chasing them. As Solis advances toward them aggressively, Vigilant and Koby backpedal quickly down the driveway to maintain distance from him. Within three seconds of Solis exiting the house, Vigilant and Koby reach the bottom portion of the driveway.

Vigilant, who had been moving down the driveway directly east toward the street, suddenly moves south into the portion of the driveway that is not obscured from the camera by the rescue ambulance. Simultaneously, Koby continues straight down the driveway and becomes obscured by the rescue ambulance, and Solis continues running toward Koby and the rescue ambulance. Solis raises both hands above shoulder level as Koby disappears from sight and immediately a single gunshot is heard.⁸

Solis disappears from view behind the rescue ambulance and MacInnes is at the rear of the vehicle. Three successive gunshots are heard less than one second after the initial gunshot. During the four gunshots, Vigilant is seen extending his arms toward Solis and following Solis' movement as he disappears from camera view. Vigilant then moves up toward the middle of the driveway, now facing east toward the ambulance and then he, too, disappears behind the rescue ambulance. After a few seconds he can be heard saying, "Stop! Stop! Stop!" before a fifth gunshot is heard, immediately after which Solis comes into view, falling to the ground at the rear of the rescue ambulance. The sequence of events from Solis exiting the house to Solis falling to the ground occurs in the span of ten seconds.

Coroner Examination

The Los Angeles County Coroner autopsy revealed that Solis suffered four gunshot wounds.⁹ Gunshot wounds to the right jaw and upper abdomen were determined to be not immediately life threatening. A gunshot wound to the right lateral chest was determined to be potentially life threatening, and a gunshot wound entering the posterior right shoulder and terminating in the pericardial sac was determined to be immediately life threatening. A projectile associated with each of the four wounds was recovered from Solis' body and later tested. All four projectiles were determined to be consistent with having been fired from Vigilant's service weapon.

⁷ The identities of individuals are readily ascertainable by the descriptions in the various witness accounts.

⁸ The poor video quality makes it difficult to discern objects in Solis' or Vigilant's hands.

⁹ The sequence of the four gunshot wounds could not be determined by the autopsy.

In addition to gunshot wounds, Solis had a wound to his anterior upper neck consisting of a gaping horizontal incision four inches in length and with a maximal depth of approximately one inch. The examination revealed seven stab wounds generally parallel to, and contiguous with, the incised wound. The carotid arteries and jugular veins remained intact.

Ballistics Analysis

Investigators determined from physical examination of Vigilant's service weapon that Vigilant fired five rounds during the officer involved shooting. Five expended cartridge casings were recovered in the driveway and sidewalk area of [REDACTED] North Bay View Avenue, and were determined to have been ejected from Vigilant's firearm. A bullet jacket and bullet core fragment were found near the front door.

Body Worn Video and Digital In-Car Video

Neither Vigilant nor Koby were wearing Body Worn Video equipment. Their patrol vehicle was equipped with Digital In-Car Video but was positioned in such a way that only the audio component captured any relevant recording of the incident.

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 Vigilant. Adrian Solis had been experiencing significant mental distress and instability related to schizophrenia. His recent discontinuation of medication resulted in severe social withdrawal, insomnia, and anxiousness, prompting family members to urge him to resume his medication, which he refused.

On March 26, Solis' mental instability caused him to commit violent acts of self-harm. Having seen Solis lying in a pool of blood from a self-inflicted wound to his throat moments earlier, it was reasonable for Vigilant and Koby to believe Solis was unpredictable and dangerous.

As Vigilant ran out of the house, he yelled at Koby and Lopez to clear out for their safety as Solis pursued him. Despite the peril he faced, Vigilant sought first to employ less-than-lethal measures to contain the situation when he directed Koby to use his Taser. The rapid succession of Solis' actions, however, prevented such a resolution.

Solis, armed with two knives, rapidly advanced upon Vigilant and Koby. In fear for his and his partner's lives, Vigilant fired his duty weapon at Solis. Solis continued forward toward Koby and MacInnes. To protect their lives, Vigilant fired three additional rounds. Despite being shot multiple times, Solis turned and faced Vigilant. Ignoring continuing commands to stop, Solis advanced again toward Vigilant, and Vigilant fired the final round.

At all points in the series of events that ultimately led to Solis' death, Vigilant appeared to exercise restraint, and fired his weapon only when it appeared reasonably necessary to safeguard himself or others from the harm posed by Solis. Solis' behavior was unpredictable and unstable. He demonstrated no regard for his own life and assaulted others aggressively with knives. Vigilant found himself in a situation that was truly "tense, uncertain, and rapidly evolving," and was forced by Solis to make split-second judgments regarding the amount of force to be used. The evidence demonstrates that Vigilant used a reasonable amount of force to prevent the specific danger posed by Solis.

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