

**Officer Involved Shooting of Pedro Echeverria
Los Angeles Police Department**

Officer Anthony Lanza #37644

J.S.I.D. File #17-0284



JACKIE LACEY

District Attorney

Justice System Integrity Division

April 23, 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 Pedro Echeverria
J.S.I.D. File #17-0284
F.I.D. File #043-17

DATE: April 23, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 8, 2017, non-fatal shooting of Pedro Echeverria by Los Angeles Police Department (LAPD) Officer Anthony Lanza. It is our conclusion that Officer Lanza used reasonable force in self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on June 8, 2017, at approximately 4:46 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Jeffrey Wenninger.

The following analysis is based on reports, recorded interviews, videos and photographs submitted to this office by the LAPD's Force Investigation Division. The departmentally compelled statement of Officer Lanza was not considered in this analysis.

FACTUAL ANALYSIS

On June 8, 2017 at approximately 3:15 p.m., LAPD Officers Anthony Lanza and Jared Barahona were on patrol in a marked LAPD Ford Explorer and driving northbound on Huntington Drive near Huntington Drive South. As Lanza was driving, Barahona observed Pedro Echeverria on Turquoise Street, walking towards a home while removing his shirt.¹ Barahona told Lanza what he had seen and Lanza drove around the block and onto Turquoise Street with the intention of contacting Echeverria. Barahona told investigators that the neighborhood where they saw Echeverria is a known hangout for 18th Street gang members and he and Lanza decided to initiate a consensual stop with Echeverria.

¹ Turquoise Street is a short street which runs between Huntington Drive and Huntington Drive South; while it abuts Huntington Drive, the streets do not connect. It is only accessible from Huntington Drive South.

While driving on Turquoise Street, Barahona saw Echeverria sitting on the stairs in front of [REDACTED] Turquoise Street. The home where Echeverria was sitting is a back house, located away from the street at the end of a driveway. Lanza maneuvered the patrol vehicle down the driveway and both he and Barahona exited the vehicle and approached Echeverria. Both officers activated their body worn cameras (BWV) just after exiting the vehicle.

Echeverria, who was wearing basketball style shorts and a t-shirt which was pulled up to his chin, stood upon the arrival of the officers. When he did so, Barahona immediately noted a bulge on the right side of Echeverria's waistband, and believed Echeverria was armed with a handgun. The officers asked Echeverria if he lived at the home, and he falsely told them that he did and that his aunt was in the front house. Lanza told Echeverria that he wanted to verify that Echeverria lived at the home, but needed to ensure that Echeverria wasn't armed. The officers' BWV recorded the subsequent interactions with Echeverria.

As Barahona stepped toward Echeverria, Echeverria pulled away, spun his body and tried to run past both Barahona and Lanza. As he started to run, a Jimenez Arms 9mm semiautomatic handgun fell from Echeverria's shorts and landed on the ground.



Figure 1: Still from Barahona's BWV. As Echeverria tried to run, a 9mm semiautomatic handgun fell from his shorts.

As soon as Echeverria's handgun fell to the ground, Echeverria stopped trying to escape, reached down, and grabbed the weapon with his left hand.



Figure 2: Still from Lanza's BWV showing Echeverria holding a handgun in his left hand. After dropping his gun, Echeverria stopped and picked it up with his left hand while continuing his attempts to fight off Lanza and Barahona.

After retrieving the gun from the ground, Echeverria continued to fight with the officers. He knocked both of the BWV off of the officers' uniforms and his shirt came off over his head.



Figure 3: Still from Lanza's BWV. Echeverria continued to fight with officers while he had a gun in his hand even as his shirt came off over his head.

Once his shirt was off, Echeverria dropped the cellular phone he had been holding and transferred the gun from his left hand into his right hand.



Figure 4: Still from Lanza's BWV after it fell to the ground. Echeverria moved the gun to his right hand after his shirt came off.

During the struggle, Lanza's hand brushed against the firearm in Echeverria's left hand. In response, he yelled, "Gun! Gun! Gun! Watch out! Watch out! Watch out!" Echeverria was able to slip out of the grasp of the officers and, almost simultaneously, Lanza fired three times at Echeverria in quick succession.² Echeverria fell down as soon as he was shot.³

Only 12 seconds elapsed from the moment Barahona attempted to conduct a pat down search of Echeverria until the shots were fired. During those 12 seconds, the officers were unable to control Echeverria in any meaningful way, and the BWV depicts Echeverria, armed with a handgun, breaking free from the grasp of the officers immediately prior to the shots.

After the shots, Lanza and Barahona both ordered Echeverria to stay down. Barahona asked Lanza, "Where's the gun?" and Lanza replied, "He tossed it over there."⁴ The weapon was found in the driveway, approximately 15 feet away from where Echeverria fell after he was shot. It was later determined to be functional and loaded with eleven rounds; however, the chamber was empty.

² Although the video does not visually capture Lanza firing his weapon, it does record the sound of the shots. The shots occur just moments after Echeverria is seen holding the gun in his right hand as depicted in Figure 4.

³ Barahona was unable to articulate where Echeverria was or what he was doing when Lanza shot. He explained that, in response to Lanza's warning about a gun, he pushed Echeverria away and drew his firearm, but as soon as his firearm was out, Echeverria was on the ground.

⁴ This statement was recorded on both officer's BWV.



Figure 5: The 9mm handgun with which Echeverria was armed when he was shot was recovered from the scene of the shooting.

A resident of the front house was interviewed about the shooting. She was inside her home when she heard Echeverria struggling with the officers and ran outside just as the shots rang out. When she saw Echeverria, he was lying on the ground on his side and facing the officers.⁵ She told investigators that there are always problems with “kids” hanging out on the property or using it as a cut through and she has asked her landlord to install a gate around the property as a consequence of “constant problems.”

Echeverria was struck by three bullets. One of the bullets hit his left arm, two of the bullets impacted his left side. A bullet was recovered from Echeverria’s right rectus abdominis, suggesting that the bullet pathway was primarily left to right and also back to front.

Echeverria declined to give a statement to investigators.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others, and, if someone dies as a result, this is a “lawful excuse” which precludes a conviction for murder. Penal Code sections 197, 198; CALCRIM No. 505. This defense is available if the killer actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; CALCRIM No. 505; *see also* 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. In protecting himself or another, a

⁵ The witness believed both officers shot Echeverria and that they continued to shoot at Echeverria after he fell to the ground. There is no evidence to suggest Barahona fired his sidearm. The suggestion that Echeverria was shot after he fell is unsupported by the rapidity of Lanza’s shots and is undermined by the witness’s statement that the shooting was over and Echeverria was on the ground when she first saw them.

person may use all the 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 the injury which appears to be imminent. CALCRIM No. 3470.

In this case, Barahona and Lanza approached Echeverria in an area known for gang activity. Upon contacting him, Barahona immediately noted a bulge in Echeverria's shorts which was consistent with a handgun. When Lanza and Barahona attempted to conduct a pat down search to ensure Echeverria was not armed, Echeverria spun away and attempted to elude the grasp of the officers. When he did so, a 9mm semiautomatic handgun fell from his shorts. Instead of continuing his flight, Echeverria, who was in a position to escape, stopped and retrieved the handgun. Echeverria continued to fight the officers, dropped the phone he had been carrying in his right hand, transitioned the weapon from his left hand to his right hand, and broke away from the officers.⁶ Lanza fired his service weapon three times at Echeverria, striking him three times on his left side, indicating that Echeverria was not turned and running away from the officers when Lanza shot.⁷ Because Echeverria retrieved his handgun instead of continuing to escape and then transitioned that handgun from his left to right hand as he was breaking free from the officers who were attempting to detain him, a reasonable person would believe Echeverria posed a deadly threat to Lanza and Barahona at the moment Lanza shot. Therefore, Lanza's use of deadly force was lawful.

CONCLUSION

We conclude that Officer Anthony Lanza used lawful force in self-defense and in the defense of others when he shot Pedro Echeverria. We are closing our file and will take no further action in this matter.

⁶ Before struggling with the officers, Echeverria was holding and manipulating his cellular phone with his right hand in a way which could reasonably suggest his right hand is his dominant hand.

⁷ The primary direction of travel of the bullets which impacted Echeverria was left to right. This is consistent with Echeverria turning toward or away from the officers when Lanza fired. Therefore, the evidence is inconsistent with any suggestions that Echeverria was on the ground or had turned and was running away from the officers when Lanza fired.