

Officer Involved Shooting of Alan Bartley

San Fernando Police Department

Officer Brian Woodward, #10241

Officer Ernesto Esquivel, #10402

J.S.I.D. File #16-0016



JACKIE LACEY

District Attorney

Justice System Integrity Division

June 12, 2017

MEMORANDUM

TO: CHIEF ANTHONY VAIRO
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CAPTAIN CHRISTOPHER BERGNER
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Homicide Bureau
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Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Alan Bartley
J.S.I.D. File #16-0016
S.F.P.D. File #16-0096
L.A.S.D. File #016-00006-3199-013

DATE: June 12, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 11, 2016, fatal shooting of Alan Bartley by San Fernando Police Department (SFPD) Officers Brian Woodward and Ernesto Esquivel. It is our conclusion that Officers Woodward and Esquivel acted in lawful self-defense and defense of others at the time they fired their weapons.

The District Attorney's Command Center was notified of this shooting on January 11, 2016, at approximately 1:20 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant Victor Lewandowski.

The following analysis is based on reports, recorded interviews, the officers' dash camera recording, surveillance video recordings, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On January 11, 2016, at approximately 12:00 p.m., SFPD Officers Brian Woodward and Ernesto Esquivel were dressed in police uniform and patrolling in a marked black and white police vehicle. Esquivel was the driver and Woodward was the right front passenger. The officers were traveling westbound on Truman Street when they noticed a Nissan Altima driving

eastbound on Truman Street, straddling the lanes. Esquivel made a U-turn and the officers drove eastbound, following directly behind the Altima.

The officers intended to run the license plate of the Altima. However, before they could accomplish this task, the driver and sole occupant of the Altima, later identified as Alan Bartley, placed the Altima in reverse, turned to look behind him, and drove his car in reverse towards the officers' patrol vehicle. Esquivel attempted to put the police car in reverse, but was unsuccessful, causing their vehicle to stall. The officers began to draw their weapons and exit the car. Both officers ordered Bartley to "Stop!" Bartley ignored the officers' orders and crashed the Altima into the officers' patrol vehicle.¹ At the time of impact, both Esquivel and Woodward were still exiting their patrol vehicle. The impact caused the passenger's door to strike Woodward.²

After colliding with the patrol vehicle, Bartley changed direction, drove eastbound on Truman Street and turned south onto Hubbard Street. The officers entered their patrol vehicle, broadcast what had occurred, and followed Bartley with their lights and sirens activated. Bartley ran the red light at the intersection of Hubbard Street and San Fernando Road, and attempted to turn eastbound onto San Fernando Road. As Bartley turned, he collided with a Toyota Corolla that was driving westbound on San Fernando Road, just entering the intersection. The collision caused significant damage to both vehicles. Bartley's Altima proceeded forward a few feet, hit a crossing light pole positioned on the sidewalk, and bounced backwards a short distance.

Almost immediately, the officers arrived at the location and parked their car facing southeast, north of Bartley's vehicle. The Corolla was also stopped facing southeast, just northeast of Bartley's vehicle and southeast of the officers' vehicle. The officers immediately exited their car, drew their weapons, and ordered Bartley to raise his hands and not move.³ Bartley leaned to the side and extended his arm towards the passenger's side of the vehicle, ducking down briefly. He then sat straight in the driver's seat, turned over his right shoulder to look in the officers' direction, and extended one arm towards the officers, in a motion consistent with pointing a firearm.

Woodward saw Bartley's motion and believed he was pointing a gun at the officers. In fear, Woodward immediately fired one round from his duty weapon at Bartley. Esquivel also saw Bartley's movement and thought Bartley was holding a handgun. When Esquivel heard the first round, he believed Bartley had opened fire on the officers. In fear for his life and the lives of the others in the area, Esquivel fired his service weapon at Bartley. Woodward, hearing Esquivel's pistol fire, believed Bartley had fired on the officers and again fired his service weapon. Bartley continued to move, bringing his arm back, but then extending it as if he were pointing a pistol at the officers. In response, the officers continued to fire through the back windshield of Bartley's Altima until they saw he ceased to make that motion.

¹ Woodward estimated the Altima's speed as 20-25 miles per hour at the time of the collision. Woodward believed Bartley's actions were intentional because he could clearly see Bartley looking in the officers' direction as he traveled in reverse.

² The surveillance system of the gas station located on the corner captured this action.

³ Several witnesses corroborate the officers' statements that they issued orders to Bartley prior to discharging their duty weapons.



Photograph Taken from the Officers' Dash Camera Depicting Bartley's Arm Extended.

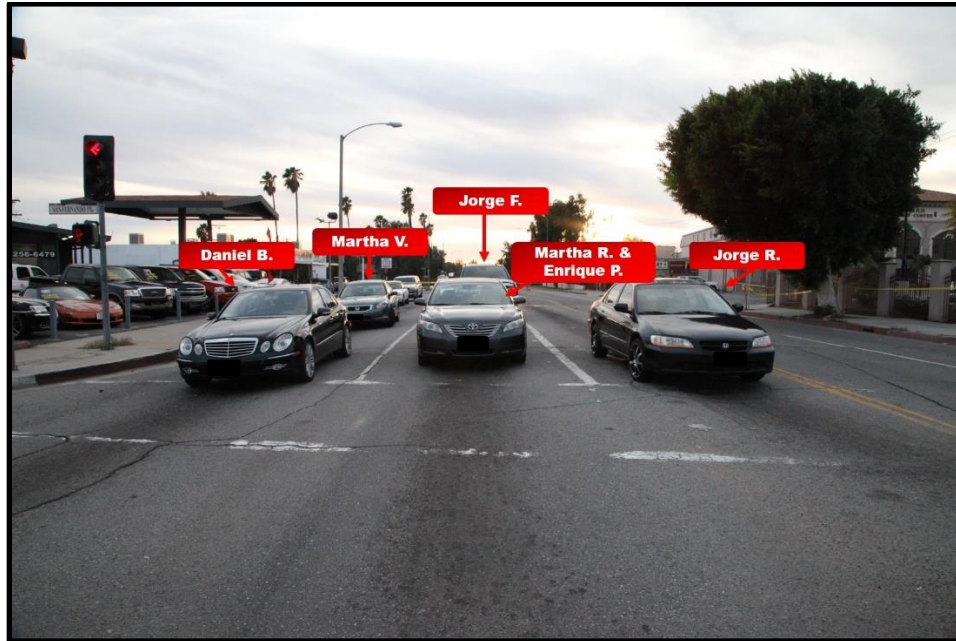
Woodward broadcast to other units, requesting help and an ambulance for both Bartley and the passengers in the Corolla. Additional units arrived quickly and, with their assistance, Bartley was removed from the Altima. Paramedics arrived at the location, but were unable to resuscitate Bartley. He was pronounced dead at the scene.

On January 14, 2016, Deputy Medical Examiner Paul V. Gliniecki, M.D., performed an autopsy on Bartley's body. Bartley sustained a single gunshot wound to the head, located above and slightly behind his right ear. The path of the gunshot wound was upward, right to left, and back to front. Dr. Gliniecki ascribed the cause of death as a gunshot wound of the head. An analysis of Bartley's blood showed the presence of methamphetamine and marijuana.

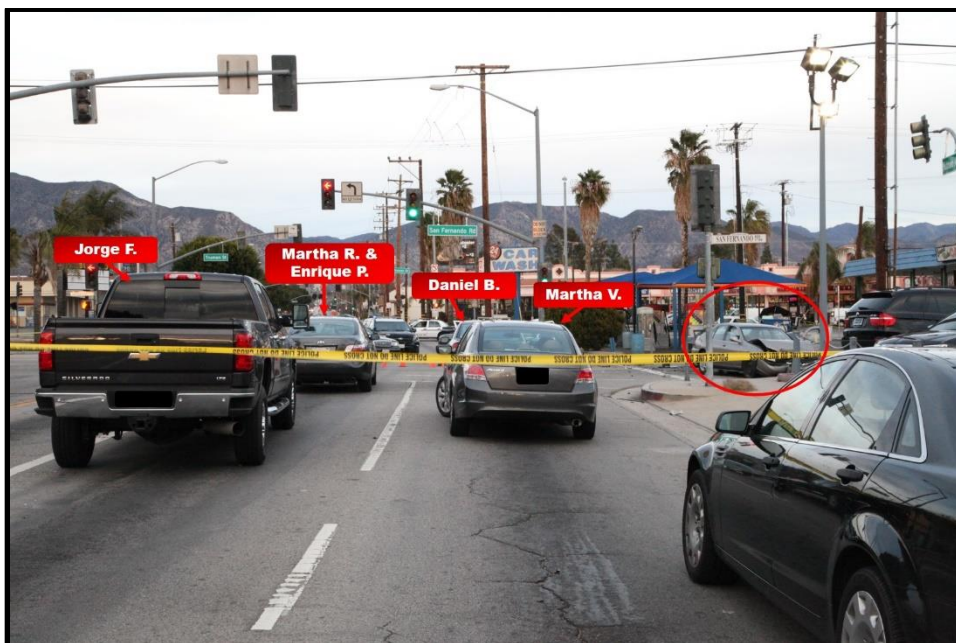
Both officers were armed with a Glock, .45 caliber, Model 21 semiautomatic firearm. An analysis of the cartridge casings recovered at the scene shows the officers collectively fired twenty-three rounds.

Several witnesses were present at the location and provided statements to the investigators. All these witnesses were inside vehicles facing northbound on Hubbard Street at San Fernando Road. Martha V. told investigators she saw Bartley collide with the black car. She then saw Bartley turn around and start shooting at the officers. Martha R. told investigators she believed Bartley had a gun. Enrique P. told investigators that after the accident, Bartley turned sideways and motioned toward the officers as if he had a gun. At that moment, Enrique P. believed Bartley was holding a gun. Jorge R. told investigators Bartley turned toward the officers and extended his arm in a motion consistent with holding a firearm. Jorge R. told investigators the officers fired their weapons because they believed Bartley had a gun. Jorge R. explained, "[Bartley] did something that, you know, everybody would think he was gonna shoot." Jose F.

saw Bartley extend his arm toward the back of his car and assumed Bartley fired the first shot, although he did not see Bartley holding a gun. Jose F. said, "If I was the cop, I probably would've thought he had a gun." Daniel B. saw Bartley turn around with his left hand on the steering wheel and point his other arm and hand over the seat as if he was holding a gun. Daniel B. did not believe Bartley was actually holding a gun, but said, "You're like an idiot to do that... You don't care about your life and the life [sic] of others."



Cars Stopped Northbound on Hubbard Street at San Fernando Road
(Photo Taken from North of the Cars)



Cars Stopped Northbound on Hubbard Street at San Fernando Road
(Photo Taken from South of the Cars)

The officers' patrol vehicle was equipped with a dash camera. After Bartley crashed his Altima into the police officers' car, the officers activated their lights and sirens, which caused the dash camera to begin recording.⁴ The video shows the officers following a short distance behind Bartley as he briefly attempted to evade them. As Bartley tried to turn east on San Fernando Road, he collided with a Toyota Corolla. Bartley's Altima came to rest and the officers pulled in behind it. Bartley leaned toward the passenger's side of the car. He then returned upright, turned toward the officers, and extended his arm in the officers' direction. The officers' actions are not displayed as they were not standing within the camera's view, but a single shot can be seen, which caused a hole in Bartley's rear windshield. After this initial shot, Bartley is seen moving and his arm is still visible at times. The officers fire several more shots, as demonstrated by additional holes to the rear windshield.

CONCLUSION

“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.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505. If the defendant's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM No. 505. The People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

The evidence examined shows Officers Woodward and Esquivel saw Bartley straddling the lane while driving his Altima eastbound on Truman Street. The officers conducted a U-turn and began to follow Bartley's vehicle. Bartley stopped his car, placed it into reverse, and intentionally crashed into the police vehicle. Bartley then sped off.

The officers followed Bartley with their lights and sirens activated. As Bartley fled, he attempted to turn eastbound onto San Fernando Road. As he did so, he collided with another

⁴ The camera did not record any audio from the incident.

vehicle, causing significant damage to both cars. Bartley's Altima came to a stop and the officers pulled behind him.

Woodward and Esquivel exited their vehicle and ordered Bartley to raise his hands and not move. In response, Bartley leaned toward the passenger's side of his car, returned to an upright seated position, and turned toward the officers, extending his arm toward them in a manner consistent with pointing a firearm. Both officers saw Bartley's movements and reasonably believed he was pointing a firearm in their direction, as did many other individuals who witnessed Bartley's actions. Woodward, in fear, immediately fired one round from his service weapon. Hearing Woodward's gunshot, Esquivel mistakenly, but reasonably, believed Bartley had fired on the officers and, in response, fired his duty weapon at Bartley. Woodward heard Esquivel's gunshots, and mistakenly, but reasonably, believed Bartley had fired on the officers. In response, Woodward again discharged his service weapon.

We conclude that Officers Brian Woodward and Ernesto Esquivel were placed in reasonable fear of death or great bodily injury by Alan Bartley's actions and acted lawfully in self-defense and defense of others when they used deadly force. We are therefore closing our file and will take no further action in this matter.