

**Officer Involved Shooting of Carlos Granados
Los Angeles Police Department**

Officer Alejandro Feria #39922

J.S.I.D. File #15-0108



JACKIE LACEY

District Attorney

Justice System Integrity Division

July 17, 2017

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 Carlos Granados
J.S.I.D. File #15-0108
F.I.D. File #019-15

DATE: July 17, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 3, 2015, non-fatal shooting of Carlos Granados by Los Angeles Police Department (LAPD) Officer Alejandro Feria. It is our conclusion that Officer Feria used reasonable force in self-defense and in defense of others when he shot Granados.

The District Attorney's Command Center was notified of this shooting on March 4, 2015, at approximately 2:00 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Steve Lurie.

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

FACTUAL ANALYSIS

On February 28, 2015, two uniformed LAPD officers assigned to the Hollenbeck Division were sitting in their vehicle when a white, Chevy Astro van drove toward them and stopped approximately ten feet from their vehicle. The driver of the van pointed a handgun out of the driver's side window and fired one shot into the air in view of the officers. The driver fled in the van and officers were unable to locate him. On March 1, 2015, in an apparently unrelated incident, a white, Chevy Astro van was identified as the vehicle used in a drive-by shooting in which a known gang member was shot and injured. The second shooting also occurred in the Hollenbeck Division.

On March 3, 2015, at 7:00 p.m., officers assigned to the Hollenbeck Division received a roll call briefing which included the details of the two shootings and described the suspect vehicle as a white, Chevy Astro van. Officers Alejandro Feria and Steve Megliorino, who were assigned to

the Hollenbeck Division Gang Enforcement Detail, attended the Hollenbeck Division roll call briefing and started their patrol shift.

Just after 11:00 p.m., Megliorino and Feria were in the area of Folsom Street and Mott Street when they observed a white, GMC Safari van drive through a stop sign without stopping.¹ Megliorino, who was driving a marked LAPD vehicle, activated the car's emergency lights and spot light to conduct a traffic stop on the van. The driver of the van, later identified as Jaime R [REDACTED], started to pull the van to the curb before abruptly accelerating away from the officers. Feria, who was riding in the passenger seat, radioed the dispatcher to advise of the traffic stop and then, almost immediately thereafter, to advise that the van was not yielding and that he believed the van to be related to the shootings discussed at the roll call briefing. Multiple other LAPD units converged to the area where Megliorino and Feria were pursuing R [REDACTED].

After making a series of turns within a geographical area comprising just a few square blocks, R [REDACTED] drove his van northbound into an alleyway between Boulder Street and Malabar Street, just east of Soto Street. Megliorino observed that the passenger side door of the van was opening as the van slowed dramatically. R [REDACTED] stopped the van momentarily at a "T" intersection in the alleyway and two men, later identified as Carlos Granados and Angel G [REDACTED], jumped from the van and started running eastbound in the adjoining alley. R [REDACTED] then accelerated northbound in the alley.

Feria exited the patrol car as the van came to a stop. After he exited, Feria ran northbound and turned right into the eastbound alleyway in pursuit of Granados and G [REDACTED]. Simultaneously,

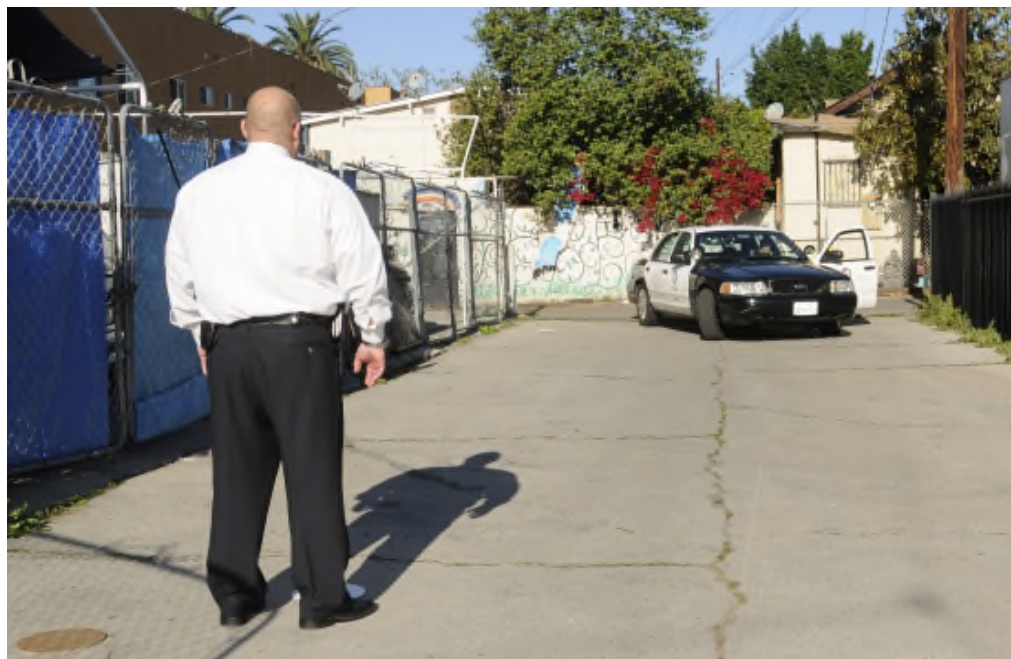


Figure 1: Reenactment Depicting Granados' Position at Time of Shooting

¹ A GMC Safari and Chevy Astro are identical vehicles except for their badging.

Megliorino drove the patrol car into the eastbound alley to allow two other LAPD vehicles to continue the pursuit of R [REDACTED].²

When Megliorino turned the corner, he saw Granados running while holding his waistband and G [REDACTED] climbing a fence into the backyard of a home which adjoined the alley to the south. Megliorino watched as Granados turned toward him and Feria, pulled a black, semiautomatic handgun from his waistband, and pointed it in their direction. Feria discharged his service weapon at Granados and Megliorino saw Granados toss his handgun over a fence into a driveway and fall to the ground. Feria fired eight times at Granados, who was struck once in the leg.

Officers Jose Carbajal and Michael Romero were driving behind Megliorino's vehicle when R [REDACTED] turned his van northbound into the alley. Both officers saw Feria discharging his firearm in an eastward direction, but did not see at what he was shooting. Those officers did not stop at the shooting scene, but continued in pursuit of R [REDACTED].³

Feria immediately advised the dispatcher of the shooting and requested an ambulance for Granados, who was taken into custody at the scene of the shooting.

A black semiautomatic handgun was recovered in the driveway where Megliorino saw Granados throw it. It had scrapes near the muzzle and grip which were consistent with it impacting the cement after having been thrown. The gun was examined by an LAPD firearms expert and was found to be loaded with 12 cartridges in the magazine and one in the chamber. The cartridge recovered from the chamber of the firearm was observed to have a firing pin strike on the casing.



Figure 2: Scrapes on Front of Handgun



Figure 3: Cartridge Recovered from Chamber

² A number of witnesses were identified during the investigation into the shooting; however, no one besides Megliorino saw Granados' or Feria's actions at or near the time Feria opened fire.

³ The officer involved shooting discussed in this memorandum was part of a more complex situation which culminated in the arrest of five individuals in three locations, including Granados, R [REDACTED], and G [REDACTED]. The other crimes and arrests are not relevant to this analysis.

This mark is consistent with the trigger of the firearm being pulled in an attempt to shoot, but the cartridge failed to discharge.⁴

Granados was interviewed in the hospital after he was shot. He told detectives that he had been shot one time in the leg and that the shot entered the front of his leg and exited the back.⁵

Granados was reluctant to give a comprehensive statement about what happened, saying that he just remembered being shot and falling to the ground. He claimed that he was shot without any warning and that he never had a gun.

As a result of his actions, Granados was charged with assault on a police officer with a firearm in case BA434275. He entered a plea of no contest to that charge and was sentenced to nine years in state prison on January 31, 2017.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others, and, if he is charged with a crime for that use of force, this is a “lawful excuse” which precludes a conviction for the crime. CALCRIM No. 3470. This defense is available if the person actually and reasonably believed that he or others were in imminent danger of bodily injury. *Id.*; *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 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. A person is not required to retreat; he may stand his ground and defend himself even if safety could have been achieved by retreating. *Id.*

In this instance, Feria was lawfully pursuing a man he reasonably believed to be armed into an alleyway. When he turned the corner and confronted Granados, Granados pointed a handgun in his direction. Feria’s decision to discharge his weapon at Granados was both necessary and reasonable to protect himself and the public under the circumstances. Feria used only the force necessary to end the deadly threat posed by Granados.

CONCLUSION

We conclude that Officer Alejandro Feria used reasonable force in self-defense and defense of others when Carlos Granados pointed a handgun in his direction. We are closing our file and will take no further action in this matter.

⁴ A “misfire” occurs when the trigger of a firearm is pulled but the cartridge fails to discharge; usually because the primer or powder in the cartridge failed to ignite. Although it is impossible to determine when the trigger of Granados’ firearm was pulled, a misfire would render the firearm inoperable until the user ejected the faulty cartridge, making it unlikely that a failed attempt to shoot the firearm was made earlier without an effort to clear the fault.

⁵ [REDACTED]