

Officer Involved Shooting of Michael Lopez
Torrance Police Department

Officer Anthony Chavez, #18509
Officer Blake Williams, #20724
Officer Joshua Satterfield, #20784
Officer Anthony Fontanez, #18848
Officer Chris Tomsic, #19938

J.S.I.D. File #17-0488



JACKIE LACEY

District Attorney

Justice System Integrity Division

August 13, 2019

MEMORANDUM

TO: CHIEF EVE R. IRVIN
Torrance Police Department
3300 Civic Center Drive
Torrance, California 90503

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

SUBJECT: Officer Involved Shooting of Michael Lopez
J.S.I.D. File #17-0488
T.P.D. File #170053263

DATE: August 13, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 14, 2017, fatal shooting of Michael Lopez by Torrance Police Department (TPD) Officers Anthony Chavez, Blake Williams, Joshua Satterfield, Anthony Fontanez and Chris Tomsic. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on October 14, 2017, at 3:49 a.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by TPD Detective Lucas Ryono. The officers provided voluntary statements which were considered as part of this analysis.

FACTUAL ANALYSIS

On October 14, 2017, at approximately 12:48 a.m., Palos Verdes Estates Police Department (PVEPD) Sergeant Steven Lebeau observed a green Ford Ranger truck driving with a broken center brake light in violation of Vehicle Code §22450(a). The vehicle was being driven by Michael Lopez. Lebeau attempted to conduct a traffic stop, however, Lopez failed to yield and a vehicle pursuit ensued. Lebeau made the decision to terminate the pursuit after approximately 60 minutes and 32 miles.

At 1:30 a.m., TPD Officers Nicholas Rea and Anthony Chavez were on patrol when they received information regarding the PVEPD pursuit, including the vehicle description, license plate number and last direction of travel. At 2:07 a.m., Rea and Chavez observed the suspect vehicle northbound on Hawthorne Boulevard approaching Pacific Coast Highway in the City of Torrance.

The officers noted the brake light violation. Rea and Chavez initiated a traffic stop and a second vehicle pursuit ensued when Lopez ran the red light at the intersection.

During the second pursuit, Lopez drove at speeds as high as 85 miles per hour on surface streets and ran through stop signs and red lights. During this time, TPD Officers Blake Williams and Joshua Satterfield joined the pursuit as the secondary unit, and TPD Officers Anthony Fontanez and Chris Tomsic joined the pursuit as the third unit.

At approximately 2:13 a.m., in the area of Sepulveda Boulevard and Maple Avenue, Lopez slowed to approximately 35 miles per hour. At that time, Rea initiated a Pursuit Intervention Technique (PIT) maneuver, causing the truck to spin and lose control. Lopez corrected the spin and continued fleeing eastbound on Sepulveda Boulevard. Williams conducted a second PIT maneuver a short distance later, causing the truck to spin into the westbound lanes of traffic and slowly roll back toward the north curb. As Lopez attempted to flee the scene, an officer involved shooting occurred.

Statement of TPD Officer Anthony Chavez

Chavez was assigned to uniformed patrol and was partnered with Rea. Rea was the driver of the black and white marked sports utility vehicle (SUV) designated Unit 7313. Initially, Chavez suspected that Lopez was under the influence and driving recklessly. However, when Lopez ran red lights while traveling at speeds over 80 miles per hour, Chavez suspected that Lopez was more than a DUI suspect. Lopez' reckless disregard for everyone's safety, including his own, led Chavez to suspect that he may be armed and have a criminal history.

Chavez lost sight of the truck after the first PIT maneuver. Chavez heard over the radio that the truck regained control and was again driving eastbound. Chavez again spotted the truck as Williams conducted the second PIT maneuver, sending the truck into a 180-degree spin. The truck traveled backward and ended up near the north curb of Sepulveda Avenue, facing south and slightly east, perpendicular to the curb.

Rea attempted to block in the truck to prevent Lopez from escaping. Rea stopped their vehicle facing northwest to the front of the truck, offset to the driver's side. The front driver side bumper of the truck was approximately five to six feet from the front driver side fender of the police vehicle.

Chavez and Rea exited their vehicle to initiate a felony stop. Chavez drew his service weapon and pointed it at Lopez. Lopez was bending down and appeared to be digging beneath his seat with both hands. Chavez feared Lopez was attempting to retrieve a weapon and ordered him to show his hands.

At the same time, Chavez heard the truck engine revving loudly. The tires were screeching and smoking. It was clear to Chavez that Lopez did not intend to surrender and was attempting to flee. The truck suddenly lurched forward six to ten feet toward Rea, who was standing behind the driver door of his patrol vehicle. It appeared that the truck was going to run over Rea and seriously injure or kill him. Based on the possibility that Lopez was retrieving a weapon and the fact that he was driving his vehicle at Rea, Chavez fired three rounds. Chavez fired over the hood

of his police vehicle while standing at the passenger door. Chavez stopped firing his weapon when the truck's forward movement created a crossfire situation with officers standing on the opposite side of the truck. Chavez ran around the rear of his vehicle and across the front of the truck. Chavez heard additional gunfire as he ran. Approximately one to two seconds elapsed between the time the truck came to a stop until he fired his weapon.

Statement of TPD Officer Nicholas Rea

Rea turned his police vehicle around after the second PIT maneuver and stopped facing the truck. He was approximately five feet in front of the truck, offset to the east (driver side.) Fontanez rammed the passenger side of the truck and stopped perpendicular to it. Rea put his vehicle into park and exited the driver door. The truck's engine was revving loudly and it appeared that Lopez was attempting to flee the scene. Rea realized that if Lopez drove forward, the truck would either run over him or pin him against his police vehicle. Rea also noticed officers standing at a police unit on the other side of the truck. Rea wanted to move from the officers' line of fire and remove himself from the truck's escape path.

Rea ran to the rear of his unit and across the front of the truck toward the officers on the west side of the truck. In his peripheral vision, Rea sensed movement coming from the area of the truck when he was at the passenger side of the front bumper. At that time, Rea heard gunfire. He did not know who was firing. Rea ran clear of the truck, turned around and drew his service weapon. The gunfire had stopped by that time.

Statement of TPD Officer Blake Williams

Williams was assigned to uniformed patrol and partnered with Satterfield. Williams was the driver of the black and white marked patrol vehicle designated Unit 7262. After initiating the second PIT maneuver, the truck came to a stop facing southeast. Williams stopped his police unit ten to fifteen yards to the front of the truck, offset to the passenger side facing north to northeast.

Williams exited his vehicle, drew his service weapon and walked to the driver side headlight of his vehicle. Multiple officers ordered Lopez to show his hands. Lopez raised his hands then lowered them and leaned forward. Williams feared that he was reaching for a gun. At the same time, Williams heard the truck's engine revving as if Lopez was attempting to accelerate forward. In Williams' far right peripheral vision, he observed an officer running across the front of the truck. Williams thought the officer was either Rea or Chavez.

Williams feared Lopez was going to come up shooting or drive forward and strike him or Satterfield in an attempt to escape. Lopez had drove through multiple red lights, evaded a PIT maneuver, was reaching for something in his vehicle, revving the truck's engine and refusing to comply with officers' orders. As the truck started to move forward toward him, Williams fired two to three rounds into the truck's windshield.¹ Williams heard other officers firing their weapons as the truck continued to move toward him. Williams stepped to his left to evade the truck, however he was still "too close for comfort." Williams fired additional rounds through the

¹ Williams clarified that he was not certain whether he fired the first rounds before or after the truck began to move. Both happened almost simultaneously.

truck's passenger window until the truck finally came to a stop. Williams believed that Lopez would have killed him, Satterfield or an innocent motorist if Lopez had not been stopped. Williams estimated that fewer than five seconds elapsed between the end of the pursuit and the officer involved shooting.

Statement of TPD Officer Joshua Satterfield

Lopez showed a complete disregard for public safety throughout the pursuit. Satterfield suspected Lopez was wanted for something more serious than driving while under the influence due to his reckless behavior. Lopez reached speeds of 80 miles per hour, ran through three to four stale red lights and narrowly missed colliding with cross traffic at two intersections. Satterfield believed that Lopez would do anything to avoid arrest.

The truck came to a stop facing south after Williams conducted the second PIT maneuver. Williams positioned their unit facing northeast, approximately 15 yards in front of the truck. Satterfield exited the passenger door and pointed his service weapon at Lopez, who was bent over after dropping his hands from the steering wheel. Satterfield thought Lopez may be retrieving a firearm or hiding evidence. Satterfield ordered Lopez to show his hands. At the same time, Satterfield heard the truck's engine revving at a high rate, as if Lopez was pushing the gas pedal to the floor.

Satterfield ran toward Williams on the driver side to avoid being hit directly by the truck or struck by his vehicle if the truck were to collide into it. As Satterfield was running, the truck lurched forward toward he and Williams as if it had kicked into gear. In fear for his life, and his partner's life, Satterfield fired his service weapon toward the truck to stop its forward movement. Satterfield also feared Lopez would kill an innocent bystander if he were to escape. The truck continued forward as Satterfield fired his weapon until it struck his unit. Satterfield stated that seven to ten seconds elapsed from the end of the pursuit and the officer involved shooting.

Statement of TPD Officer Anthony Fontanez

Fontanez was assigned to uniformed patrol and partnered with Tomsic. Fontanez was the driver of the black and white SUV designated Unit 7315. The truck spun into the westbound lanes after the second PIT maneuver, rolling back to the north curb. The truck accelerated forward and struck the front passenger bumper of Fontanez's vehicle. Fontanez drove forward and struck the passenger side of the truck with his vehicle's push bar. It appeared that the truck became locked onto the push bar. Fontanez was perpendicular to the truck and had a clear view of Lopez through the passenger window.

Lopez attempted to drive forward and disengage his vehicle. The truck's wheels were spinning and smoking.² At the same time, Lopez reached between his legs beneath the front seat. Lopez did not want to surrender and Fontanez feared he was arming himself with a gun. Fontanez was eight feet from Lopez and would have been a "sitting duck" if Lopez came up firing a weapon. Fontanez noticed Chavez and Rea's vehicle in his line of fire on the other side of the truck.

² Fontanez and Tomsic activated their personal audio recorders during the pursuit. The recordings captured the continuous revving of the truck's engine, which continued after the gunfire. Approximately 12 seconds elapsed between the initiation of the second PIT maneuver and the officer involved shooting.

Fontanez exited his vehicle to reposition himself. Rea exited his vehicle at the same time and began to run southbound in front of the truck. Fontanez assumed Chavez was with Rea. The truck began to slide from the push bar toward Rea and Chavez. Rea was approximately one to two feet from the truck. Williams and Satterfield were standing to Fontanez' right and were also at risk if the truck was able to accelerate forward. The truck's wheels continued to spin and smoke as Lopez tried to detach himself from Fontanez' vehicle.

Fontanez exited his vehicle and yelled, "Let me see your hands!" Simultaneously, Fontanez heard gunfire coming from his right. Fontanez kneeled behind his open driver door. The truck slowly lost traction from the push bar and moved toward the officers. Fearing that the truck would break free at a high rate of speed and strike the officers, Fontanez fired his service weapon into the windshield of the truck to stop its forward progress. Fontanez stated that everything happened almost simultaneously and that only four seconds elapsed between the time his vehicle came to a stop and the shooting.

Statement of TPD Officer Chris Tomsic

Lopez reached speeds between 35 and 70 miles per hour and drove through multiple red lights without slowing down. The second PIT maneuver spun the truck into the westbound lanes. Fontanez drove his vehicle into the passenger side of the truck, making contact. Tomsic exited the passenger door and pointed his service weapon at Lopez, ordering him to show his hands. The truck's engine was revving. Williams was standing to Tomsic's right next to his police vehicle. Williams' unit was in the truck's escape path. If Lopez steered to the right, Tomsic would be in the truck's path. The truck began to move toward Williams and Satterfield. Tomsic believed that Lopez would use any means necessary to escape, even if that meant striking and killing him or his fellow officers. Tomsic fired his service weapon at Lopez to stop the truck and prevent it from striking Williams and Satterfield. Tomsic also wanted to prevent the truck from getting back on the road and risk killing an innocent motorist.

The engine continued revving after the truck came to a complete stop. Two to five seconds elapsed from the end of the pursuit and the officer involved shooting.

Statement of TPD Officer Rey Lara

Lara was assigned to uniformed patrol with his K-9 partner, Nemo, in a marked black and white vehicle designated K-9. Lara was within 100 yards of the truck during the second PIT maneuver. It appeared that Fontanez made contact with the truck at the passenger door. Williams positioned his vehicle in a northeastern direction, facing the truck's front bumper. Rea positioned his unit on the driver side of the truck. Lara stopped his unit west of the truck, toward the rear bumper. Lara exited his vehicle and heard officers yelling commands. He also heard the truck's wheels spinning and saw them smoking. Lopez was attempting to gain traction with the truck's tires.

Lara moved to the rear passenger door to remove Nemo. At that time, Lara observed Rea exit the driver door of his unit and run across the front of the truck to join the officers on the other side. At that time, the truck jumped forward toward Rea. Rea was three to four feet from the truck and would have been run over if the tires were able to grip the road. At that time, Lara heard gunfire. He did not see who was shooting. Lara grabbed Nemo and dropped to his knees to the rear of his

vehicle. Lara was concerned about possible crossfire with Chavez, who may have been firing on the east side of the truck. After the gunfire ceased, the truck's tires were still spinning and the engine was smoking.

Statement of TPD Sergeant Dave Maitlen

The truck spun after the second PIT maneuver and rolled back toward the north curb. Patrol units surrounded the truck. One unit rammed it. Maitlen stopped his unit further west and exited. The truck's engine was revving at full throttle and started to move forward. Maitlen heard multiple gunshots but did not see who fired.

Aerial Photograph of Involved Vehicles



The aerial photograph was taken on October 14, 2017, during daylight hours. It depicts the position of the involved vehicles after the officer involved shooting. This photograph was shown to the involved officers to assist their description of where the vehicles were positioned at the time of the shooting.

Maitlen moved Williams and Satterfield's vehicle (Unit 262) approximately half a car length forward after the shooting to block in the truck. TPD Sergeant David Ortega moved Unit 263 to the rear of the truck after the shooting. Chavez, Rea, Williams and Tomsic stated that the truck moved slightly forward after Maitlen moved Unit 262, making contact with it.

All of the involved officers stated that the truck was closer to the north curb when it came to a stop after the second PIT maneuver. Rea stated that the front bumper of the truck and his police vehicle (Unit 315) were originally aligned with one another. Williams stated that the truck was originally where Unit 263 is depicted in the photograph. Satterfield estimated that the truck moved forward a car length during Lopez' attempt to escape.

Extraction from Vehicle

The truck's tires continued to spin and the engine rev until officers approached the vehicle with a ballistic shield and removed the keys from the ignition. Lopez was extracted from the truck and officers rendered first aid until personnel from the Torrance Fire Department responded to the scene. Lopez was transported to Harbor General Hospital and pronounced deceased at 2:44 a.m.

Autopsy

Los Angeles County Deputy Medical Examiner J. Daniel Augustine, M.D., performed a postmortem examination of Lopez on October 18, 2017. Death was ascribed to multiple gunshot wounds. Toxicology tests revealed the presence of cocaine in Lopez' blood.³

LEGAL ANALYSIS

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *Mehserle* at 1147. And he may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Mehserle* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190.

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

³ The involved officers fired between 42 and 45 rounds, striking Lopez 23 times. A narcotics pipe used to ingest a controlled substance was removed from Lopez' hand after he was extracted from the truck.

Actual danger is not necessary to justify the use of 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 these circumstances. The right to self defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal.App.2d 577, 580.

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.

The use of deadly force by an officer to end a dangerous high-speed vehicle pursuit that poses a grave public safety risk and threatens the lives of innocent bystanders does not violate the Fourth Amendment right against unreasonable seizures. *Plumhoff v. Rickard* (2014) 134 S.Ct 2012, 2020-2022; *Scott v. Harris* (2009) 550 U.S. 372, 384-386.

CONCLUSION

The evidence examined shows that Lopez led the PVEPD on a 32-mile pursuit before TPD officers attempted to stop him. Lopez ran multiple stop signs, red lights and reached speeds over 80 miles per hour on city streets while TPD officers pursued him. It was reasonable for the officers to have a heightened concern about the danger Lopez posed due to the perilous nature of his driving which appeared extreme for a broken brake light.

Officers surrounded Lopez' truck after the second PIT maneuver spun him into the opposing traffic lanes. The evidence showed that Lopez had no intention of surrendering peacefully and every intention of continuing his flight. Lopez was revving the truck's engine in an attempt to flee from the scene. It appeared, however, that the truck was locked onto the push bar of one of the police vehicles, preventing it from moving. The wheels were spinning and the tires smoking as Lopez attempted to detach the truck from Fontanez and Tomsic's patrol unit. Moments later, the truck lurched forward as it began to slide from the push bar. The truck was moving toward Rea, as he ran across the front of the truck, and Williams and Satterfield, as they stood on the driver's side of their patrol car. Lopez had the gas pedal pushed to the floor. Had the truck gained traction, it could have impacted the officers with considerable force, causing serious bodily injury or death. Lopez' actions placed Williams and Satterfield in reasonable fear for their lives, and Chavez, Fontanez and Tomsic in reasonable fear for the lives of Rea, Williams and Satterfield. The officers responded with reasonable deadly force in order to stop the imminent threat.

Additionally, the officers observed Lopez reaching beneath his seat immediately after coming to a stop. Although no gun was recovered, it was reasonable for the officers to believe that he was arming himself with a weapon to facilitate his escape. Lopez was trapped and surrounded by officers. His behavior during the pursuit showed that he was a person desperate to avoid arrest. It was reasonable under the circumstances to conclude that Lopez was willing to do anything to escape, include shoot at the police, rather than surrender peacefully.

Finally, the officers used reasonable deadly force in order to end a vehicle pursuit that posed a substantial risk of death or serious bodily injury to the public.

We conclude that Officers Blake Williams and Joshua Satterfield acted in lawful self-defense, and Officers Anthony Chavez, Anthony Fontanez and Chris Tomsic acted in lawful defense of others when they used deadly force against Michael Lopez. We are therefore closing our file and will take no further action in this matter.