

Officer Involved Shooting of Jerauld Hammond

Los Angeles Police Department

Officer Edward Agdeppa #41000

J.S.I.D. File #17-0377



JACKIE LACEY

District Attorney

Justice System Integrity Division

September 14, 2018

MEMORANDUM

TO: CAPTAIN ALAN HAMILTON
Force Investigation Division
Los Angeles Police Department
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 Jerauld Hammond
J.S.I.D. File #17-0377
L.A.P.D. File #F58-17

DATE: September 10, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 4, 2017, fatal shooting of Jerauld Hammond by Los Angeles Police Department (LAPD) Officer Edward Agdeppa. We have concluded that Officer Agdeppa acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 2:45 p.m., on July 27, 2017. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings and transcripts of interviews, firearm analysis reports, the autopsy report, crime scene diagrams and sketches, photographic and video evidence, and witness statements submitted to this office by LAPD Force Investigation Division (FID) Detective Arteaga. Agdeppa's compelled statement was considered as part of this analysis.

FACTUAL ANALYSIS

On Thursday, July 27, 2017, at approximately 10:40 a.m., Diana R. was working as a housekeeper for the Motel 6 located at 1738 Whitley Avenue in Hollywood. A guest in room 211 of the motel, later identified as Jerauld Hammond, exited the room and told Diana he did not need his room cleaned. When Diana advised him that he needed to check out of the motel, Hammond gestured with his middle finger and told Diana, "Fuck you!"

At the same time, motel guests Carmen R. and Payton R. were walking down the second floor hallway and passed Diana. Hammond approached Carmen, armed with a handgun, placed the gun

against Carmen's forehead, smiled and said, "Poof!" Hammond then approached Payton, pointed the gun at the right side of her head, said, "Pow!"¹

Ramirez heard something happening behind her and turned around. Hammond pointed the gun towards the right side of Diana's head and said, "Boom! Boom!" before laughing and returning to his motel room.

Shortly thereafter, Mian A. and Liyba A. were returning to their second floor room when Hammond exited his room again. Hammond had a firearm in each hand. Hammond approached Mian and Liyba, pointed the guns at each of them, and told them to, "Get the fuck out of here!"² Mian and Liyba ran and entered their room.

As Diana notified the front desk to call the police, Hammond pointed a gun at four additional guests. At approximately 10:54 a.m., Damaris F., the manager of the Motel 6, called 9-1-1. Damaris advised the LAPD Communications Division (CD) that a motel guest was threatening employees with an unknown type of gun. Damaris provided a description of Hammond as well as the room number of the room in which he was staying.

Hollywood Patrol uniformed officers Edward Agdeppa and Nicolas Padilla responded to the call and arrived at the motel at approximately 10:59 a.m. Upon arrival they were directed to the second floor. Agdeppa and Padilla entered the east/west hallway and proceeded east towards Room 211, which was located on the north side of the hallway. Both officers un-holstered their service weapons due to the nature of the call and at approximately 11:03 a.m., Agdeppa knocked on the door.³ Agdeppa then positioned himself to the east of the door to Room 211, while Padilla positioned himself to the west of the door. Agdeppa identified himself as a police officer and told Hammond he needed to speak to him. Hammond refused to open the door and told the officers to leave. [REDACTED]

Padilla requested an additional unit over the radio and Agdeppa continued trying to talk to Hammond through the door. Officers David Anaya and Jeanette Lawrence arrived at the scene, followed by Sergeant Andrew Moody. Additional motel guests were still walking on the second floor hallway, as well as inside rooms on the floor. Lawrence placed herself in the doorway of Room 209 while Anaya positioned himself behind Agdeppa. Both officers un-holstered their weapons due to the nature of the call. Padilla briefed Moody, who requested two additional units to assist in evacuating the floor and securing the area outside the external window of Room 211 in case Hammond attempted to flee.

¹ Payton was 17 years old at the time of the incident.

² Mian and Liyba were 12 years old at the time of the incident.

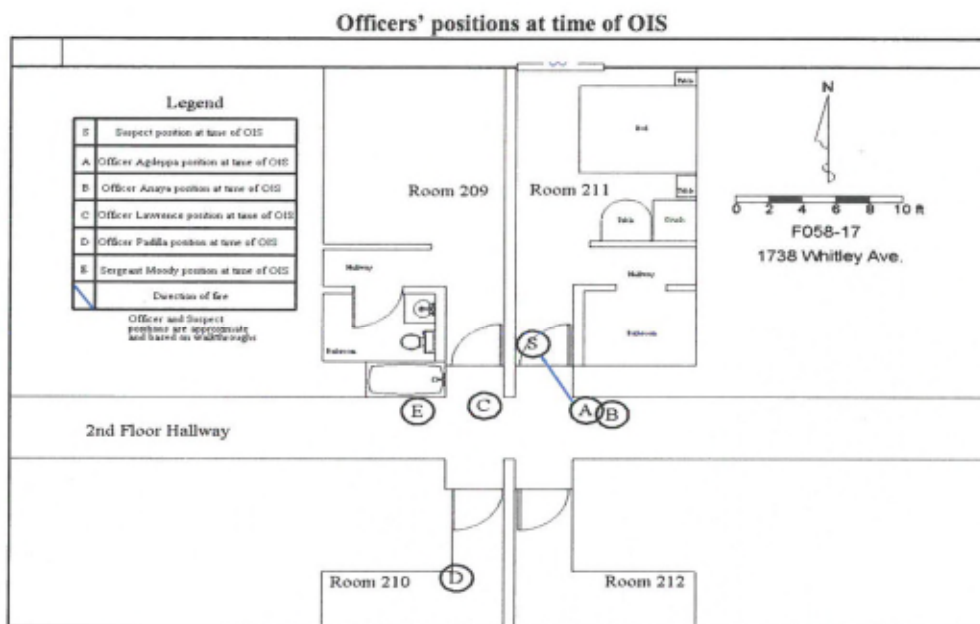
³ The door to Room 211 is recessed 2 feet and four inches. There is an eight-inch-thick wall which separates Room 211 from Room 209 which is next door to the east.

⁴ The officers had activated their vehicle's dash-cam on the way to the call, which includes audio recording. Their contact with Hammond is captured by the audio portion of the recording, but the coverage is spotty. During this portion of the audio, Hammond can be heard saying something unintelligible followed by the word "shot."



Doorway area outside of Room 211.

The guests staying in Room 210, across the hall from 211, were evacuated and Padilla took a position inside the room with an un-obstructed view to the door of Room 211. Lawrence evacuated the guests in Room 209, then remained on the west side of the door to Room 211.



Agdeppa continued attempting to communicate with Hammond and get him to exit the room. For a period of approximately 11 minutes and 39 seconds, Agdeppa attempted to persuade Hammond that it was safe to exit the room and that whatever issue Hammond was having with the motel could be resolved. Hammond sporadically replied, sometimes making statements that were not responsive. At one point Hammond indicated he was angry at actress Scarlett Johansson. Hammond also made reference to his “God,” during the conversation.

At 11:15, Hammond unexpectedly opened the door. Padilla observed the door open, made eye contact with Hammond, then saw a gun pointed in his direction.⁵ Padilla, fearing he was about to be shot, took cover behind a wall. Anaya heard the door open, but could not see the door open or the firearm due to his position behind Agdeppa. Lawrence heard the door open, but was blocked by the door itself from seeing Hammond or a firearm. Moody heard the door open, but was standing behind Lawrence and was unable to see the doorway.⁶ Agdeppa, [REDACTED]

[REDACTED] yelled, “Gun! Gun! Gun!”⁷

Agdeppa then [REDACTED]
[REDACTED] fired four rounds from his service weapon at Hammond through the door.⁸

[REDACTED] Anaya heard Hammond grunt briefly as the door was closing.⁹

Agdeppa continued ordering Hammond to drop the gun and exit the room with his hands up for several minutes, with no audible response from Hammond. Additional units responded to the location and took over for Agdeppa, Anaya, Padilla, Lawrence and Moody. Eventually a SWAT team was deployed, and a robot was utilized to view Hammond inside the room after breaking the room window to the outside. Once the room was deemed safe, Paramedics responded to the room and pronounced Hammond dead at 2:17 p.m.

Four discharged cartridge cases were recovered from outside of the door to Room 211, consistent with having been fired from Agdeppa’s service weapon. Inside the room, three firearms were recovered.

⁵ LAPD criminalists determined that for Padilla to have made eye contact with Hammond, the door must have been opened approximately 60 degrees from the closed position.

⁶ Multiple motel guests in the immediate area also heard the door to Room 211 opening, though none were in a position to see Hammond or the firearm.

⁷ All of the officers present as well as multiple civilian witnesses heard Agdeppa shout that there was a gun immediately prior to hearing gunshots.

⁸ [REDACTED]

⁹ The dash-cam audio captured the sound of the door opening at 11:15:14, immediately followed by Agdeppa yelling “Gun! Gun! Gun!” and the sound of gunshots at 11:15:18.

A blue steel 9mm Luger Model FNS-9C semi-automatic was found lying on the floor in between Hammond's legs.¹⁰ The pistol was loaded and the safety mechanism was in the off position. The magazine contained ammunition designed to deliver superior controlled expansion and large, deep wound cavities over a wide range of velocities.



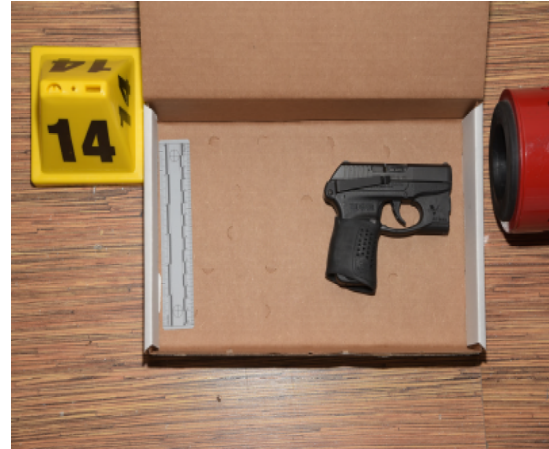
¹⁰ This weapon was swabbed and tested for DNA. It was determined that Hammond's DNA was a match for the profile obtained from the firearm. The random match probability is greater than one in one septillion (1E24) unrelated individuals.

A loaded 45 caliber Springfield Armory Model XDS semi-automatic pistol was recovered from the ground approximately 6 feet away from Hammond.¹¹



¹¹ There was insufficient DNA found on this weapon for comparison to Hammond.

A loaded .380 caliber Ruger Model LCP semi-automatic pistol was recovered from Hammond's rear right pant pocket.¹² None of the weapons were registered to Hammond.¹³



On July 28, 2017, LAPD was notified that additional items belonging to Hammond had been recovered from the motel. Two backpacks were retrieved by LAPD and searched. They were found to contain multiple items including Taser guns and cartridges, trip wires, daggers, knives, lock pick tools, gun magazines, live ammunition, a door stop and alarm, two gun cases, a saw, duct tape, paperwork in Hammond's name and a cell phone and tablet with tape over the cameras.

An autopsy was conducted on July 30, 2017. Doctor Martina Kennedy determined that the cause of Hammond's death was multiple gunshot wounds to the upper torso. Swabs taken from Hammond's hands revealed particles consistent with gunshot residue on both hands.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *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; *see also*, CALCRIM No. 505.

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. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

¹² DNA found on this firearm was determined to be a mixture of at least two individuals. The major profile is consistent with the profile obtained from Hammond. The random match probability is approximately one in 700 quintillion (7E20) un-related individuals.

¹³ The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms (ATF) and Explosives conducted firearms traces on all three weapons. None were purchased by Hammond, and the pattern of purchases were determined to be suspicious.

“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, 589. “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.

Officer Agdeppa was faced with an armed suspect who had already threatened numerous individuals refusing to come out of his motel room. Agdeppa attempted to persuade Hammond to come out of the room, but received no verbal agreement. Instead, Hammond repeatedly told Agdeppa and other officers to leave. When Agdeppa mentioned entering the room, Hammond threatened to shoot him. During his attempts to communicate with Hammond, which lasted over 10 minutes, Hammond abruptly opened the door and extended his hand out the doorway pointing a gun. Padilla was forced to take cover to avoid having the gun pointed at him. Having seen the gun, Agdeppa warned other officers by shouting, “Gun! Gun! Gun!” Hammond then began to move the gun so it was pointed at Lawrence, who could not observe his movements given the position of the door. At that point in time, Agdeppa had no way to eliminate the threat Hammond posed other than the use of deadly force. Under these circumstances, Agdeppa having fired his service weapon was justified to stop Hammond from firing his weapon at Lawrence, other officers or any of the guests who remained on the motel floor.

CONCLUSION

We find that Officer Agdeppa acted lawfully in self-defense and in defense of others when he used deadly force against Jerauld Hammond. We are closing our file and will take no further action in this matter.