

Officer Involved Shooting of Elijah Castille
Los Angeles Police Department

Officer Erin Daugherty, #41321

J.S.I.D. File #15-0439



JACKIE LACEY

District Attorney

Justice System Integrity Division

October 17, 2016

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 Elijah Castille
J.S.I.D. File No. 15-0439
L.A.P.D. File No. F071-15

DATE: October 17, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 22, 2015, non-fatal shooting of Elijah Castille by Los Angeles Police Department (LAPD) Officer Erin Daugherty. It is our conclusion that Officer Daugherty acted in lawful defense of another.

The District Attorney's Command Center was notified of the shooting on August 22, 2015, at approximately 1:35 a.m. The District Attorney Response Team (DART) responded and was given a briefing and a walk-through of the scene.

The following analysis is based on various reports submitted by Detectives Brandy Arzate and Peter Stone from the LAPD's Force Investigation Division. The compelled statement of Officer Daugherty was considered for purposes of this analysis.

PROLOGUE

On August 21, 2015, at approximately 5:30 p.m., Maureen Ward received a phone call from her adult son, Elijah Castille, age 20, who was living at the [REDACTED] Facility in the City of Los Angeles.¹ Castille asked Ward if she would allow him to move back into her apartment at [REDACTED] Street in the City of Los Angeles. Ward explained to Castille that he could not return to her apartment and ended their telephone conversation.

Ward later received a call from Jerrhonda Holman, the administrator of the residential care facility, who informed her that Castille had left the facility and was likely in route to her apartment. At approximately 9:00 p.m., Castille arrived at Ward's apartment, entered, laid down

¹ According to Ward, Castille was diagnosed with Asperberger's syndrome when he was 5 years old. Ward placed Castille into a group home after he became increasingly volatile and she could no longer care for him. On the date that Castille was shot, he weighed approximately 280 pounds and stood six feet, 2 inches tall.

on the living room couch and told Ward that he did not want to return to the group home where he was living. Subsequently, Holman contacted Ward to check on Castille's whereabouts. Holman learned that Castille was at Ward's apartment and arranged for employees from the group home to pick him up.

At approximately 11:30 p.m., Andrea Graham and Elloy Hemmans, two employees from the Holmans facility, arrived at Ward's apartment to escort Castille back to the residential care facility. When Graham woke Castille up as he slept on the couch, Castille suddenly stood up and punched Graham in the shoulder several times. Hemmans grabbed Castille and tried to stop the attack as Ward called out for Castille's brother Timothy, who was in his bedroom. Timothy helped calm Castille and persuaded him to sit on the couch. When the situation appeared to be stable, Timothy returned to his bedroom.

At approximately 11:45 p.m., Graham called LAPD to report that she was assaulted by Castille. Shortly after midnight on August 22, 2015, LAPD Officers Truong Nguyen and Edward Corpuz responded and met Ward and Graham on the northeast corner of West 29th Street and Walton Avenue where they interviewed the two women.² Ward informed the officers that she did not want Castille at her home and asked the officers to consider placing a "mental health hold" on her son. Graham reported the assault committed by Castille.

After speaking to Ward and Graham, Nguyen and Corpuz walked to Ward's apartment to contact Castille. Corpuz positioned himself on the elevated landing outside the apartment's security door while Nguyen stood several feet away at ground level diagonally to the front door as back up for his partner. Corpuz knocked on the door and watched as Castille approached the front security door holding his right hand behind his back.³

Castille opened the front security door and without warning threw a large kitchen knife at Nguyen who ducked to avoid being struck.⁴ After throwing the knife, Castille closed the door, withdrew into the apartment and threw a rock in Corpuz's direction which struck the inside of the security door. Corpuz drew his service pistol and Nguyen unholstered his Taser. Through the screen security door, Corpuz saw that Castille had armed himself with another knife.⁵

Nguyen broadcast for back-up and took cover behind a tree near the north sidewalk of West 29th Street while Corpuz took cover behind a concrete post/pillar nearby. Both men watched the front door of Ward's apartment for any sign of Castille. Castille exited the apartment and walked towards Nguyen and Corpuz holding a knife. Corpuz ordered Castille to drop the knife and warned him that he would shoot him if he did not comply. Castille did not comply, twice told

² West 29th Street runs east and west; the closest cross street to Ward's residence [REDACTED] is Walton Avenue which runs north and south.

³ Ward's apartment has a see through front screen/security door and a wooden inner door. Because the screen security door is not solid, Corpuz was able to see into the apartment as Castille approached the front door.

⁴ Ward was present and witnessed this event. According to Ward, Castille had never been violent or confrontational with any police officer prior to this date.

⁵ Castille's brother Timothy, who was inside the apartment, watched as Castille went to the kitchen and removed an object from the kitchen drawer; he also observed Castille throw a rock at the front door towards Corpuz.

Corpuz to shoot him and walked within approximately 15 feet of the officers.⁶ Castille then pivoted away and used the apartment building walkway to access an east/west alley located north of Ward's apartment building where the officers could no longer see him.⁷

Nguyen broadcast that Castille was in the area and was armed with a knife. After broadcasting this warning, Nguyen, along with Corpuz, continued to monitor the area for Castille. Castille returned to the walkway and walked southbound towards Nguyen and Corpuz. Corpuz, who had relocated behind a squad car parked in front of Ward's apartment building, ordered Castille not to throw the knife in his hand and repeatedly told Castille to stop and drop his weapon. Castille did not comply and continued to press closer to the officers. When Castille was within approximately 15 feet of their position, Corpuz ordered Nguyen to shoot Castille with a "bean bag" shotgun that Nguyen had retrieved from their patrol vehicle. Before Nguyen could fire, Castille ran north away from the officers back towards the alley and out of sight.

Shortly thereafter, at approximately 12:13 a.m., Officers Lester Salguero and Erin Daugherty arrived at [REDACTED] West 29th Street where they observed Corpuz and Nguyen in front of the location. Nguyen and Corpuz warned Daugherty and Salguero that Castille was armed with a knife and had run into the alley near the apartment building. Salguero unholstered his service pistol and, along with Daugherty, moved to the intersection of West 29th Street and Walton Avenue while Corpuz and Nguyen stayed at [REDACTED] West 29th Street.

A few seconds later, Officers Domic Sanchez and Elvira Valenzuela arrived at the location and parked their patrol car near the northwest corner of West 29th Street and Walton Avenue. Sanchez, Valenzuela, Daugherty and Salguero quickly took different positions at the intersection of West 29th Street and Walton in anticipation that Castille would return to the area.⁸

Moments later, Castille emerged from the alley north of Ward's apartment building holding a large knife and walked south on Walton Street.⁹ Castille stopped momentarily and then ran directly towards Salguero and Valenzuela who had repositioned themselves to the middle of the intersection at West 29th Street and Walton Street.¹⁰ Sanchez spotted a knife in Castille's hand and moved to the rear of his car to take cover. Salguero yelled at Castille to drop the knife in his

⁶ The in-car video recording system installed in Corpuz and Nguyen's patrol car did not capture any video of this exchange between the officers and Castille due to the fact that Castille was not within the video frame. However, the video system did capture audio of Castille twice telling the officers to shoot him.

⁷ The alley is located north of the building at [REDACTED] [REDACTED] and runs east and west parallel to 29th Street. Walton Avenue is accessible through the alley.

⁸ Salguero and Valenzuela stood in the middle of West 29th Street facing Walton Avenue and Daugherty positioned herself at the northeast corner of the intersection. Sanchez stood at the northwest corner of the intersection near the rear of his police vehicle which was parked next to the corner facing northeast towards Walton Avenue.

⁹ Approximately 10 seconds elapsed from the time Sanchez and Valenzuela arrived at the location and the time that Castille emerged from the alley, ran towards the officers while holding a knife and was shot.

¹⁰ The video recording system installed in Sanchez and Valenzuela's patrol car captured Castille as he ran with the large knife in his hand south on Walton Avenue towards Salguero who is outside the picture frame. Because Castille was outside the frame of the recording system, the system did not capture video of him being shot. However, the recording system did capture audio of communications between some of the officers at the scene, the oral commands shouted at Castille to stop and drop the knife, the sound of a Taser activation and the sound of Daugherty firing one shot at Castille. The video captured Castille falling to the ground and screaming after he was shot. The video also shows Castille dropping a large knife.

hand.¹¹ Castille did not comply and continued advancing towards Salguero and Valenzuela as Salguero repeatedly ordered him to drop the knife and backed away towards his patrol vehicle. Valenzuela aimed her Taser at Castille, fired but missed. Castille continued running quickly towards Salguero pointing the knife forward towards Salguero. Daugherty, who was near the northeast corner of Walton and West 29th Street, fired one shot at Castille [REDACTED].¹² Castille was struck in the right leg above his right knee.

Castille fell to the ground and dropped the knife he had been holding.¹³ As Castille lay in the middle of Walton Street, he waved his right hand back and forth and tucked his left hand under his body as Salguero repeatedly ordered him to raise his hands and make them visible to the officers at the scene. Salguero approached Castille and kicked the knife out of his reach as Valenzuela stood ready with her Taser and Nguyen stood ready with a beanbag shotgun.

Castille initially resisted the officers' efforts to handcuff him but shortly thereafter complied. Personnel from the LAPD's Forensic Science Division (FSD) responded to the location and recovered a knife near the area that Castille was shot. Two additional knives were recovered, one from the ground near the walkway outside Ward's apartment and one from the ground near the walkway adjacent to the building apartment entry gateway. One rock was recovered from inside Ward's apartment next to the screen door and three rocks were recovered which Castille had in his pants pockets at the time he was shot.¹⁴

Castille was transported to the California Hospital where he received treatment for a single gunshot wound to his leg.

On August 22, 2015, Castille spoke to LAPD investigators. Castille admitted he punched Graham several times and also told investigators that he threw two knives and rocks at the police officers who responded to his mother's apartment.¹⁵ Castille further told the investigators that he did not comply with orders to stop and drop the knife he was holding before he was shot.

¹¹ The in car video recorder installed in Daugherty and Salguero's patrol car indicates that it was approximately 12:14 a.m. and 18 seconds when Salguero ordered Castille repeatedly to drop the knife he was holding. The officer involved shooting occurred approximately 4 seconds later at approximately 12:14 a.m and 22 seconds. Daugherty and Salguero, who arrived at approximately 12:13 a.m. and 56 seconds, had been at the location less than thirty seconds before Castille ran at Salguero with the knife and was shot.

¹² The evidence reviewed, including witness statements, indicates that Daugherty was anywhere from five to seventeen feet away from Castille when she fired her weapon.

¹³ Witness Roberto Chavez, a resident of the area, told investigators that Castille was unarmed and was shot as he held his hands up. However, Witness Amanda Robbins, a resident of an apartment building on the corner of 29th Street and Walton Avenue, witnessed the events leading to the shooting of Castille from her second floor bedroom window and stated that she saw Castille running at the LAPD officers with a knife in his hand. She also heard an officer repeatedly order Castille to drop the knife he was holding. Robbin's statement, in addition to Castille's own admission that he ran at officers with a knife and failed to comply with orders to stop, directly contradict Chavez's assertion that Castille was shot while he was holding his hands up and was unarmed. In car video from LAPD patrol cars at the location also contradicts Chavez's statement.

¹⁴ [REDACTED]
[REDACTED] The rocks were later recovered and booked into evidence.

¹⁵ Though Castille stated he threw two knives at police officers, neither Corpuz nor Nguyen had any recollection of Castille throwing more than one knife. However, two knives were recovered from the walkway area outside of

On August 25, 2015, in Los Angeles Superior Court case BA439222, Castille was charged with two counts of assault with a deadly weapon on a peace officer in violation of Penal Code section 245(c) and one count of battery in violation of Penal Code section 242. On February 24, 2016, Castille pled no contest to one count of assault with a deadly weapon on a peace officer and was sentenced to one year county jail and was placed on three years formal probation.

CONCLUSION

The use of deadly force in self-defense or in the defense of another is justifiable if the person claiming the right actually and reasonably believed the following: (1) that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) that the immediate use of force was necessary to defend against that danger; and (3) that he used no more force than was reasonably necessary to defend against that danger. See, *CALCRIM No. 505*.

The test for whether an 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. Reasonableness of force used by an officer depends on the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. *Graham v. Connor* (1989) 490 U.S. 386, 396. "The reasonableness of the particular force used must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* "The calculus of reasonableness must embody allowance for the fact that police 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." *Id.* at 396-97.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard. *People v. Mehserle*, (2012) 206 Cal. App. 4th 1125, 1146 (holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position [citations omitted] . . . the jury should consider all relevant circumstances surrounding the defendant's conduct. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard.")

The evidence presented in this case shows that Officer Daugherty reasonably believed that Elijah Castille posed a significant threat of death or serious physical injury to another before she fired her service weapon.

Prior to LAPD officers arriving at the scene, Castille assaulted Andrea Graham by punching her several times. Castille's assaultive conduct continued when he threw a knife at Nguyen and a large rock at Corpuz when they responded to Ward's apartment to investigate Graham's

Ward's apartment. It is unclear whether both officers were unaware that Castille had thrown a second knife while they took cover or whether Castille dropped the second knife in the walkway area during the time that he was evading the officers. Castille also stated that he threw four rocks at officers but Corpuz reported that Castille only threw one rock at him. No other officer reported being assaulted by Castille with a rock.

complaint. When Corpuz and Nguyen retreated to a position of cover, Castille armed himself with another knife and refused to comply with their orders to stop and drop the knife immediately. Instead, Castille ran away from the officers to an alleyway north of Ward's apartment in order to avoid being detained.

Castille did not surrender when additional officers arrived at the scene, including Officers Salguero and Daugherty. Instead, Castille ran towards Salguero and repeatedly ignored Salguero's commands to drop the large knife he was holding. As Castille rapidly came closer to Salguero, Daugherty, [REDACTED], fired once at Castille and struck him in the leg. Castille finally dropped the knife and fell to the floor. After briefly resisting, Castille was taken into custody by officers at the scene.

When interviewed, Castille admitted that he threw two knives and rocks at the police officers who responded to his mother's apartment. Castille further told the investigators that he did not comply with orders to stop and drop the knife he was holding before he was shot.

Given the totality of the evidence presented, we find that Officer Daugherty acted in lawful defense of another when she used deadly force against Elijah Castille. We are therefore closing our file and will take no further action in this matter.