

**Officer Involved Shooting of Craig Curry
Los Angeles Police Department**

Officer Mark Flores, #40629

J.S.I.D. File #15-0270



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District Attorney

Justice System Integrity Division

October 18, 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 Craig Curry
J.S.I.D. File #15-0270
F.I.D. File #F044-15

DATE: October 18, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 26, 2015, non-fatal shooting of Craig Curry by Los Angeles Police Department (LAPD) Officer Mark Flores. It is our conclusion that Officer Flores acted in lawful self-defense at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on May 26, 2015, at approximately 11:35 p.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, video recordings, and photographs submitted to this office by the LAPD's Force Investigation Division (FID). The departmentally compelled statements of Officer Flores were considered in this analysis.

FACTUAL ANALYSIS

On May 26, 2015, at approximately 10:10 p.m., Officers Mark Flores and Alejandro Zavala were working routine patrol, dressed in LAPD uniform, and driving a marked black and white police vehicle. Zavala was the driver and Flores was seated in the right front passenger seat. The officers were stopped facing west on 6th Street at the intersection of 6th Street and Coronado Street in the City of Los Angeles.

[REDACTED]¹ Two of the men, later identified as Reza Bakhtiari and Zhozef Eivazyan, were facing northbound while the other two men, later identified as Craig Curry and Jason

¹ The southwest corner of this intersection houses a mini mall with several business, including the 24 Hour Coin Laundry.

Bangle, were facing southbound. [REDACTED]
[REDACTED]
[REDACTED] The officers activated their spotlight to illuminate the men.

Bakhtiari saw the officers and began to wave his arms to get their attention. Bakhtiari repeatedly yelled, “He has a gun! He has a gun!” while pointing at Curry and Bangle, who had begun to walk southbound on the west sidewalk of Coronado Street. [REDACTED] Zavala heard Bakhtiari and saw that he was pointing at Curry and Bangle.³ The officers made a left turn and drove southbound on Coronado Street. While their car was still moving, Flores ordered Curry and Bangle to “Stop! Turn around! [REDACTED]

Neither Curry nor Bangle followed Flores’ orders. The officers stopped their car south of Curry and Bangle’s location and exited the vehicle. Curry and Bangle changed direction and began walking northbound, with Bangle proceeding ahead of Curry.⁴ Zavala began to follow Bangle while Flores focused his attention on Curry.

Bangle quickly walked northbound and used the cars parked on the west side of Coronado Street to conceal himself from Zavala, who was standing in the street. Zavala ordered Bangle to, “Let me see your hands! Stop! Stop walking! Stop walking! Stay right there!” as he tracked Bangle. Bangle held his waistband and hunched over as he walked, attempting to hide behind parked cars while moving away from Zavala. As Bangle arrived near the northernmost car parked on the west side of Coronado Street, Zavala heard a gunshot emanating from south of his location.⁵ Zavala ordered Bangle to get on the ground. Bangle immediately complied and Zavala took him into custody.⁶

As Zavala attended to Bangle, Flores [REDACTED] [REDACTED] ordered Curry to put his hands up and turn around. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

⁴ At this time, both Bakhtiari and Eivazyian were on the west sidewalk of Coronado Street, north of the officers, Curry, and Bangle.

⁵ Zavala believed that it was a single gunshot, but added that he might have heard two, indicating, “I know I heard at least one.”

⁶ Zavala believed the gunshot emanated from near a white SUV. This location is consistent with Flores’ location at the time Flores fired his weapon. Additionally, just prior to the gunshot, Bangle tossed his gun, a Derringer pistol, under a parked car. The derringer discharged as it hit the ground. The overall evidence suggests that the two firearms fired at approximately the same time.

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] From approximately fourteen feet, Flores fired one round at Curry, hitting him in the pubic area.⁸ Curry fell to the ground and said, “You shot me! You shot me!” Flores immediately broadcast “shots fired.”

Flores approached Curry and conducted a quick pat down search for weapons along Curry’s waistband and body. Flores found a white cylindrical blue tooth speaker [REDACTED]
[REDACTED]⁹ [REDACTED] Flores [REDACTED] requested a rescue ambulance.

Paramedics arrived, treated Curry at the scene, and transported him to University of Southern California Medical Center for treatment. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Curry survived his injury.

Investigators located a .38 special Derringer pistol under a black Jeep Cherokee parked on the west side of Coronado Street facing south. The Jeep was parked two cars north of the white SUV and south of where Bangle was taken into custody. At the time it was found, the gun was lying on its side with the muzzle pointing in a southeast direction. The hammer of the gun was down and the safety was off, indicating that the gun was ready to fire. One discharged cartridge case was removed from the top chamber and a cartridge was removed from the bottom chamber of the pistol.

A single expended round was located on the west sidewalk of Coronado Street, north of Curry’s location. The round had been fired from Flores’ pistol and a DNA profile found on the expended round matched the DNA profile obtained from Curry. A single cartridge case was recovered from the street near the white SUV. That cartridge case had been fired through Flores’ pistol.

Flores and Zavala were not equipped with body worn video, but their patrol vehicle was furnished with a digital in car video system (DICVS). The officers did not activate the DICVS prior to the officer involved shooting. Several surveillance videos capture the officers arriving at the location and parts of the incident. One camera captured the entire incident, including the altercation over the laundry cart and the officers’ subsequent actions. However, the quality of that video is poor. Shapes and shadows, some of which appear to be people, are visible on the

⁸ [REDACTED] the evidence conclusively established that Flores fired his weapon one time.

⁹ Curry told the police that the speaker was in his left front pants pocket. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

recording, but the details of Curry's actions, muzzle flashes, and the officer involved shooting are not distinguishable.

The evidence showed that Bakhtiari, a 24 Hour Coin Laundry employee, and his friend, Eivazyan, exited the laundromat to get something to eat. While seated in Bakhtiari's car, they saw Bangle enter the laundromat and remove a laundry cart. Bakhtiari exited his car, leaving the car running, and approached Bangle. Bakhtiari told Bangle that he could not remove the cart from the laundromat and Bangle relinquished the cart.

At this time, Curry aggressively approached Bakhtiari. Curry said, "What the fuck you doing, motherfucker? You want me to break your nose and who the fuck are you?" Eivazyan approached the group in an attempt to calm the situation. Curry continued to threaten Bakhtiari, indicating that he was going to "break [Bakhtiari's] nose" and "fuck [him] up." During this encounter, Curry also threatened to take Bakhtiari's car and began to walk toward the car. In response, Bakhtiari and Eivazyan also began to move towards Bakhtiari's car, which was still running. Bangle pulled out a gun, pointed the gun at Eivazyan, and then moved the gun towards Bakhtiari. Bangle then placed the gun in his pocket.

Bakhtiari saw a police car in the westbound lane of 6th Street. Bakhtiari waved his arms and yelled, "Officer! Officer! He has a gun! He has a gun!" Bangle responded, "What the fuck are you saying? Gun? No one has a gun?" Both Bangle and Curry walked south on the sidewalk, away from Bakhtiari and Eivazyan, who followed at a distance.

The officers drove south on Coronado Street and stopped in the street. Bangle ran south, turned and ran north, and one of the officers stopped him. Bakhtiari, whose attention was divided between Bangle and Curry, believed that Bangle "...went to hide his gun, like throw his gun somewhere and then run towards back [sic] the officer..." Another officer pointed his gun at Curry, who stood facing the officer, and told him to turn around and face the wall. Curry did not follow the officer's orders. "...[B]oth of [Curry's] hands was [sic] up at first and then suddenly he brought one of their [sic] hands down. The right hand came down. That's when the officer shot at him."¹¹ Bakhtiari indicated that Curry's hand went to the area near his pocket, but did not go inside his pocket. Curry said, "Why did you shot [sic] me?"

After the officer fired, Bakhtiari felt something in his back. Bakhtiari had a small scrape on his back. Investigators opined that the scrape was caused by a ricochet from either Flores' duty weapon or the Derringer, but were unable to conclusively determine that was the case.

Bangle told investigators that he tried to take a basket out of the laundromat. Bakhtiari approached him and "was like freaking out. I figured he worked there so I gave it back." The situation escalated and Bangle pointed the gun at Bakhtiari and Eivazyan because "[he] just wanted them to go away."¹² When the officers arrived, Bangle tossed the gun, a two shot, under

¹¹ Bakhtiari explained, "I'm assuming...the officers shot at him it's because of when I said, 'He has a gun' so that's why I'm saying the officer didn't know which one has the gun...and as soon as his hand went towards his pocket that's when the officers fired."

¹² Bangle told investigators that he was holding the gun for Curry.

a car. Bangle told investigators, “[The gun] went off, fucking, when I tossed it down and it fucking went off.” Bangle said the officers told him to stop and get on the ground, which he did.

Curry told investigators that he and Bangle went to the laundromat to wash clothes. Bangle brought a laundry cart outside the laundromat and Bakhtiari “just pretty much went ape shit.” Curry and Bakhtiari became involved in a verbal confrontation and Eivazyan tried to separate them. Police officers arrived at the location and Bakhtiari and Eivazyan “got brave and decided to swing at me and try to punch me in front of...the officers.” Curry left, traveling south on Coronado Street. Bakhtiari yelled to the officers that Curry and Bangle had a gun. Curry told investigators that neither he nor Bangle had a gun or other weapon.¹³ The officers ordered Curry to get down and “prone out.” Curry did not want to do so because Bakhtiari was a few feet away and was acting aggressively toward Curry. Instead, Curry said that he kept his hands in the air and the officer shot him. Curry denied lowering his hand toward his waistband.

Bangle and Curry were criminally charged based upon their actions in this case. Bangle was convicted at trial of a violation of Penal Code section 245(a)(2), assault with a firearm. The allegation that he personally used a firearm within the meaning of Penal Code section 12022.5 was found true and he was sentenced to seven years in state prison. Curry was convicted at trial of a violation of Penal Code section 422, criminal threats, and his prior conviction for Penal Code section 245(a)(1) was found true. He was sentenced to 11 years in state prison.

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. 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.

¹³ Curry later said he had a “little tiny ass knife.” Investigators located a folding knife with a 4 inch blade with Curry’s property.

The evidence examined in this investigation shows that Bangle attempted to remove a laundry basket from the 24 Hour Coin Laundry. When Bakhtiari confronted him, Bangle relinquished the basket. Curry approached, threatened to break Bakhtiari's nose, "fuck him up," and steal his car. Eivazyan, Bakhtiari's friend, unsuccessfully attempted to diffuse the situation. Bangle removed a firearm and pointed it at both Bakhtiari and Eivazyan.

Bakhtiari saw a police car driven by Zavala and Flores on 6th Street. Bakhtiari flagged down the officers, pointed at Curry and Bangle, and told the officers, "He has a gun!" Both Zavala and Flores [REDACTED] reasonably believed that Curry or Bangle, or both, had a firearm. Bangle and Curry proceeded southbound on the west sidewalk of Coronado Street and the officers followed. While still inside the police vehicle, Flores ordered Bangle and Curry to "Stop! Turn around! [REDACTED]"

Ignoring Flores' orders, Bangle and Curry fled north on the sidewalk along Coronado Street. Zavala exited the police vehicle and followed Bangle. While fleeing from Zavala, Bangle tossed a two shot derringer pistol underneath a car, causing it to discharge as it hit the ground. Bangle then surrendered to Zavala.

At the same time, Flores focused his attention on Curry, who began to walk eastbound, [REDACTED] Curry [REDACTED] placed his hand or hands in the area of his waistband. Based upon Bakhtiari's statement, Curry's initial attempt to avoid contact with the officers, [REDACTED], and Curry's action of moving his hand or hands toward his waistband, Flores reasonably believed that Curry was going to remove a firearm from his waistband area. In fear for his life, Flores fired one round at Curry, wounding him.

We conclude that Officer Mark Flores was placed in reasonable fear for his life by Craig Curry's actions and that he acted in lawful self-defense at the time he fired his duty weapon. We are closing our file and will take no further action in this matter.