

**Officer Involved Shooting of Pablo Meza**

**Los Angeles Police Department**

**Officer Michael Pettinato, #35704**

**Officer Alberto Funes, #39697**

**J.S.I.D. File #15-0028**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**October 25, 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 Pablo Meza  
J.S.I.D. File #15-0028  
F.I.D. File #F005-15

DATE:               October 25, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 17, 2015, fatal shooting of Pablo Meza by Los Angeles Police Department (LAPD) Officers Michael Pettinato and Alberto Funes. It is our conclusion that Officer Pettinato acted in lawful self-defense and defense of another at the time he fired his duty weapon, and Officer Funes acted in lawful defense of another at the time he fired his duty weapon.

The District Attorney's Command Center was notified of this shooting on January 17, 2015, at approximately 6:00 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, transcripts of recorded interviews, video recordings, and photographs submitted to this office by the LAPD's Force Investigation Division (FID). The departmentally compelled statements of Officers Pettinato and Funes were not considered in this analysis.

### **FACTUAL ANALYSIS**

On January 17, 2015, at approximately 5:00 p.m., Officers Michael Pettinato and Jose Ramirez were dressed in LAPD uniform and working in a marked black and white police vehicle. Ramirez was the driver and Pettinato was seated in the right front passenger's seat. While they were in the area of 5th Street and Ceres Avenue, Yadira B., Abraham B., and Gerardo H. stopped their vehicle next to the officers' patrol car and began speaking with the officers. In Spanish, they told Ramirez that a shirtless man near 7th and Mateo Streets was shooting a gun in the air. Ramirez translated this information to Pettinato, and the officers drove toward 7th and Mateo

Streets.<sup>1</sup> Pettinato broadcast, "Show me on a citizen flag down 5th and Ceres, a citizen is reporting a 415 man with a gun. Shots fired at 7th and Mateo..."

As Pettinato and Ramirez drove toward 7th and Mateo Streets, they were advised LAPD communications division had received additional calls regarding the same incident. Approximately 90 seconds after Pettinato's broadcast, communications division aired, "Central Units, additional on the 415 man with a gun on Mateo and 7th, Mateo and 7th. Suspect is now running eastbound on Jesse from Mateo..." Pettinato advised they were responding Code 3. Dispatch updated their broadcast, describing the suspect as "male Hispanic, no shirt, blue jeans, armed with a handgun."

Pettinato and Ramirez traveled southbound on Mateo Street to the intersection of Mateo Street and Conway Place. Ramirez stopped their vehicle facing south on Mateo Street at Conway Place. Almost immediately, the officers saw Pablo Meza standing at the northeast corner of Mateo and Jesse Streets. Meza was wearing blue jeans and no shirt, and appeared to be arguing with a man, later identified as Richard M., near Richard M.'s Mercedes Benz. Pettinato and Ramirez exited their vehicle and took cover near a catering truck parked on the west side of Mateo Street. Richard M. entered the driver's seat of his Mercedes Benz and drove northbound on Mateo Street, briefly stopping as he passed the officers.<sup>2</sup> Meza walked into the middle of the street.

Pettinato and Ramirez repeatedly ordered Meza to drop the weapon, put his hands up and get down on the ground. Ramirez divided his attention between Meza and the substantial pedestrian traffic in the area, and ordered the pedestrians to stay back. Ramirez saw Meza holding an object in his left hand, but was not initially able to identify the object. Ramirez told Pettinato, "He's got something in his left hand." Pettinato repeated, "He's got something in his left hand, partner." Meza paced back and forth in the street, gesturing with his arms, and speaking words which were not understood by the officers.<sup>3</sup>

At approximately this time, Newton Area Gang Enforcement Detail (GED) Officers Alberto Funes and Rene Santos arrived at the location in response to the call. Both officers were in LAPD uniform, and Funes was driving their marked black and white hybrid police vehicle. They drove north on Mateo Street and parked their vehicle on the west side of Mateo Street, north of Industrial Street and south of Jesse Street. Funes and Santos exited their vehicle, positioned themselves at the driver's side of the patrol vehicle to avoid a cross fire situation with

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<sup>1</sup> The distance between the officers' location and 7th and Mateo Streets is approximately .7 miles.

<sup>2</sup> The investigation determined that Meza unsuccessfully attempted to steal Richard M.'s Mercedes Benz. However, at the time of this incident, the officers did not know what relationship existed between Richard M. and Meza. For that reason, Ramirez split his attention between Meza and Richard M.

<sup>3</sup> Volkert B. heard Meza yell, "I want an open casket. I want an open casket. Shoot me in the chest." Rebecca S. described Meza as "begging" the officers to shoot him and saying he wanted an open casket. Anthony H. heard Meza say, "What are you scared of?" Richard M. heard Meza say, "What are you afraid of?" Christopher P. heard Meza yell, "What are you waiting for?"

Pettinato and Ramirez, and looked northeast. Santos and Funes saw Meza in the middle of Mateo Street holding a handgun in his left hand.<sup>4</sup>



Figure 1 Photo taken by Carrie K. depicting Meza holding the gun with his arms outstretched.

Meza knelt on the street and, at one point, extended his arms out to his side parallel to the ground. Meza dropped his left arm down, briefly placing the gun on the street next to him. Meza picked up the gun and extended his left arm, pointing the gun at Pettinato and Ramirez. Ramirez yelled, "Partner, he's pointing the gun at us! He's pointing the gun!" In response, Pettinato fired three rounds from his service weapon and Funes discharged one round from his service weapon.<sup>5</sup> Meza went to the ground face-first. The handgun fell from his hand and landed just adjacent to his left side.<sup>6</sup>

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<sup>4</sup> Although Funes' statement was not reviewed, Santos communicated to Funes that Meza had a gun as Santos exited the police vehicle. Funes responded, "Yes, I see the gun." Santos looked through the scope on his rifle and emphasized to Funes, "It's a real gun! It's a real gun!"

<sup>5</sup> Santos placed his finger on the trigger of his rifle, but Meza went to the ground before Santos had time to fire his weapon. Ramirez indicated he did not fire his weapon because "my partner was right in front of me. I didn't feel safe." Some witnesses in the area believed Meza fired at the officers first. The physical evidence indicates that Meza did not fire at the officers.

<sup>6</sup> A video recording entitled "A John Dingler Moviette - LAPD Kills Innocent Gunman Downtown LA, South of Seventh" was reviewed, which recorded part of the incident. The movie is edited, includes a soundtrack in the background, and written and verbal commentary as it progresses. The recording was taken from south of Funes and Santos' patrol vehicle, and depicts Funes firing his weapon. Meza's actions at that time are not clearly depicted because the officers' patrol vehicle obstructs the camera's view. However, it appears Meza begins to go to the ground just prior to Funes firing his weapon.

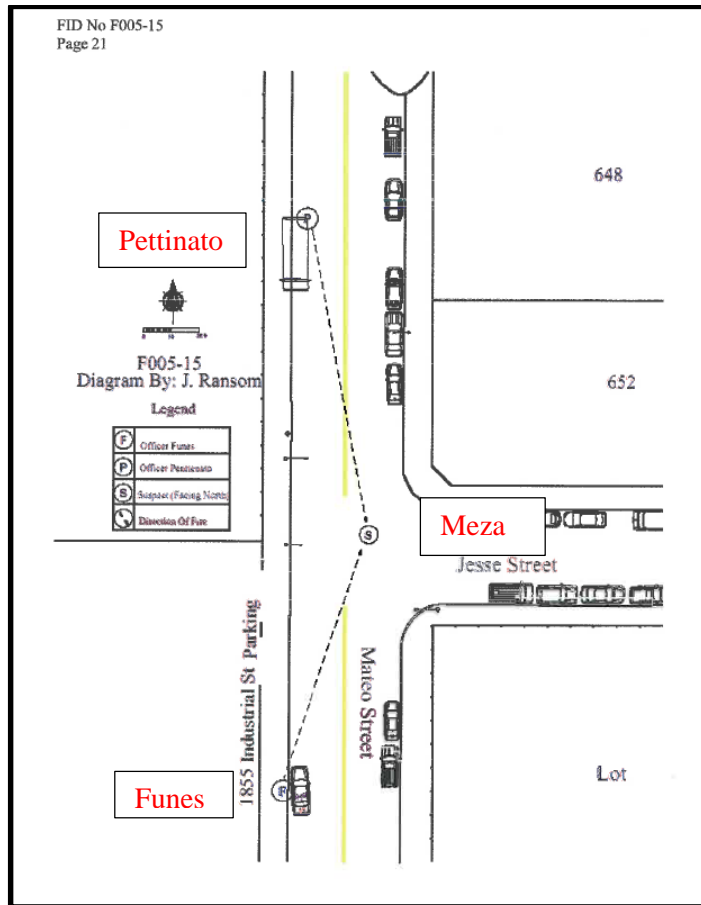


Figure 2 Diagram depicting Pettinato and Funes' locations.

Due to the proximity of the handgun to Meza, paramedics waited to assist until LAPD determined it was safe. A tactical team was ordered to coordinate the approach to Meza. Several Metropolitan K-9 units were called to the scene, as was an armored vehicle. Prior to approaching Meza, a single less-lethal beanbag round was fired at him. Meza did not react to this round. Officer Thomas Call ordered his K-9, Max, to approach Meza. Max pulled Meza by his pants, creating some distance between Meza and the gun. Officers approached and secured the scene. Paramedics arrived at the location and pronounced Meza dead.

On January 19, 2015, Deputy Medical Examiner Ogonna Chinwah, M.D., conducted an autopsy on Meza. Meza suffered a fatal gunshot wound to the chest and a non-fatal gunshot wound to the left thigh. The trajectory of the gunshot wound to the chest was left to right, front to back, and upward. The trajectory of the gunshot wound to the left leg was left to right and back to front. Dr. Chinwah ascribed the cause of death as multiple gunshot wounds.

Pettinato and Funes were each armed with a department issued Glock .40 caliber Model 22 semiautomatic handgun. Both officers kept their duty weapons loaded with sixteen rounds. After the incident, Pettinato's firearm contained a total of thirteen live rounds and Funes firearm contained a total of fifteen live rounds. Three discharged cartridge casings were recovered near Pettinato's shooting location and were determined to have been fired from Pettinato's duty weapon. A single cartridge casing was recovered near Funes' shooting location and determined

to have been fired from Funes' duty weapon. Pettinato fired his weapon three times and Funes discharged his firearm one time.

Meza was armed with a .380 caliber semiautomatic handgun. When recovered, the gun was unloaded and did not have a magazine inserted into the well. The pistol's grips were missing, and the trigger, safety, and disconnecter were not attached to the gun, but were recovered in the street. An empty magazine and four live .380 caliber rounds, each containing a firing pin strike, were removed from Meza's right front pants pocket.<sup>7</sup> A single .380 caliber cartridge case was located near the intersection of Mateo and 7th Streets. LAPD Scientific Investigation Division compared the .380 cartridge case with the four live .380 caliber rounds recovered from Meza's pants pocket, and determined the cartridge case and the live rounds were cycled through the same firearm. Meza's pistol was not functional and was unable to be test fired.<sup>8</sup>



*Figure 3 Meza's gun recovered at the scene*

The investigation determined that Meza, armed with a .380 caliber handgun, fired his gun into the air near Mateo and 7th Streets. Meza tried to fire his gun into the air additional times, but his gun would not discharge. Meza then walked to the intersection of Mateo and Jesse Streets. Several witnesses fled the area and dialed 9-1-1.

Richard M. stopped his Mercedes Benz in a red zone on Mateo Street while waiting for his friend to join him. Meza walked to the passenger's side of Richard M.'s car, hit the hood, and told him, "I'm taking the car. Just lend me your car." Richard M. was confused by Meza's behavior. Meza approached the driver's side of the car, opened the door, and tried to enter the driver's seat as he "ushered" Richard M. out of the car. Richard M. realized Meza was trying to steal his car and told him, "No, you're not taking the car." At that time, Richard M. heard Officers Pettinato

<sup>7</sup> A firing pin strike is caused when a cartridge is positioned in the chamber of the weapon and the trigger is pulled, but the firing pin does not hit the primer with sufficient force to cause the gun to fire.

<sup>8</sup> It appears that Meza fired his gun one time while in the area of Mateo and Seventh Streets. At some point after firing the gun, the gun became inoperable.

and Ramirez, who were positioned north of his location, yell "something" at Meza, and Meza directed his attention toward the officers.<sup>9</sup> As he turned his attention from Richard M. to the officers, Meza drew a handgun.<sup>10</sup>

Meza walked into the middle of the street, waving and gesturing with the gun. Richard M. turned on the ignition and drove north, past Pettinato and Ramirez. Richard M. attempted to communicate to the officers that he was not "part of it" and that Meza "was trying to take [his] car." However, the officers did not understand Richard M.'s words or gestures.

Numerous witnesses watched as Meza began yelling at Pettinato and Ramirez, and Funes and Santos arrived and parked their car south of the incident location. Meza got down on his knees while still in the middle of the street. Meza gestured with the gun, and, at some point, extended both arms out to his side, still holding the gun. Meza dropped his left arm down and held his right arm above his head, and briefly placed his gun on the ground. Meza picked up the gun, and with the gun in his left hand, extended his arm, pointing the gun at Pettinato and Ramirez.<sup>11</sup> In response, Pettinato and Funes fired their duty weapons.

## 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 if (1) he reasonably believed that he 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.

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<sup>9</sup> Several witnesses heard the officers commanding Meza to get down and drop the weapon.

<sup>10</sup> Richard M. thought, "Oh man. I'm in the middle of this. It's like I'm kind of trapped.... [Meza] walked behind me and behind my Mercedes and was trying to like figure out what he should do. So I'm kind of caught between the police and him..."

<sup>11</sup> Investigators interviewed dozens of witnesses as part of the investigation. While most witnesses saw only part of the incident, several individuals, including Richard M., Michael C., Volkert B., Rebecca S., Christopher P., and Jose A., saw Meza point a gun at the officers.

The evidence examined in this investigation shows Pettinato and Ramirez were contacted by several individuals and told that a shirtless man was shooting a gun into the air near 7th and Mateo Streets. As the officers drove to that location, communications division broadcast additional information regarding this incident, corroborating the report that the suspect was armed with a handgun.

As Pettinato and Ramirez proceeded south on Mateo Street, they saw Meza standing near the northeast corner of Mateo and Jesse Streets. The officers took cover behind a catering truck, and watched as Meza walked to the middle of the street. Meza was holding something in his left hand, which the officers ultimately saw was a handgun, and yelling at the officers, but the officers were unable to understand what he was saying. The officers ordered him to drop the weapon, put his hands up and get on the ground. Meza did not comply.

Funes and Santos traveled north on Mateo Street, and stopped south of the incident. They exited their vehicle and took cover along the driver's side of their police vehicle to avoid a crossfire situation with Pettinato and Ramirez. Both officers saw Meza holding a gun.

Meza knelt in the street and then pointed the gun at Pettinato and Ramirez. Knowing that Meza had recently fired his handgun, all officers reasonably believed they faced deadly force. In fear for his and his partner's life, Pettinato fired his duty weapon. Funes, in fear for Pettinato and Ramirez' lives, fired his duty weapon.

We find that Officer Michael Pettinato was placed in reasonable fear for his life and the life of his partner, Officer Jose Ramirez, by Pablo Meza's actions, and acted in lawful self-defense and defense of another at the time he fired his weapon. We further find that Officer Alberto Funes was placed in reasonable fear for Officers Michael Pettinato and Jose Ramirez' lives by Pablo Meza's actions, and acted in lawful defense of others at the time he fired his weapon. We are closing our file and will take no further action in this matter.