

**Officer-Involved Shooting of Nonyere Ofoegbu
Hawthorne Police Department**

Sergeant Joel Romero, #278

Officer Lawrence Williams, #371

J.S.I.D. File #16-0596



JACKIE LACEY

District Attorney

Justice System Integrity Division

October 12, 2017

MEMORANDUM

TO: CHIEF ROBERT FAGER
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CAPTAIN CHRISTOPHER BERGNER
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Nonyere Ofoegbu
J.S.I.D. File #16-0596
L.A.S.D. File #016-00134-3199-055
H.P.D. File #16-14061

DATE: October 12, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 19, 2016, non-fatal shooting of Nonyere Ofoegbu by Hawthorne Police Department (HPD) Sergeant Joel Romero and Officer Lawrence Williams. We find that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on November 19, 2016, at 4:22 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Los Angeles County Sheriff's Department (LASD) Lieutenant John Corina.

The following analysis is based on reports prepared by HPD and LASD Homicide Bureau Detectives Dameron Peyton and Margarita Barron. The reports include photographs, audio-recorded interviews of witnesses, surveillance videotape, and radio transmissions.

FACTUAL ANALYSIS

Introduction

On November 19, 2016, a 9-1-1 caller reported that a tenant at a storage facility was irate and refusing to leave the premises. HPD Sergeant Joel Romero and Officer Lawrence Williams responded to the call.

When the officers arrived, they were briefed by employees at the facility, who said that the tenant, Nonyere Ofoegbu, was a problematic tenant, was violating the rules, including possibly residing in his storage unit, and responded aggressively to them when they asked him to leave.

Williams, Romero, and representatives of the storage facility went to Ofoegbu's second floor storage unit to speak with him. The officers asked Ofoegbu what the problem was and to provide identification. Ofoegbu became agitated, went into his storage unit, and retrieved a machete. The officers retreated, drew their service weapons, and ordered Ofoegbu to drop the machete, which he was "desperately" trying to remove from its sheath. Ofoegbu went back into his storage unit, retrieved a Glock 9mm semiautomatic handgun, "racked" it, and pointed it at the officers.

A gun battle ensued.

Ofoegbu fired 19 rounds at the officers, striking Williams twice in the leg and shattering his femur. Romero suffered a laceration to his right elbow during the shooting, but it is unknown if that injury was caused by a bullet.

The officers fired 41 rounds, striking Ofoegbu in the torso and leg.

Despite his injuries, Ofoegbu retrieved his machete and, still armed with his pistol, ran into the elevator and went down to the lobby on the first floor of the facility. There, he pointed his gun and machete at two people, which was captured on surveillance videotape. A frame from that videotape is shown below:



Figure 1- Surveillance Videotape of Ofoegbu pointing a gun, machete, and machete sheath at two people in the first floor lobby of the storage facility.

Backup officers arrived moments later and took Ofoegbu into custody. He survived his injuries and has been charged in case number SA094457 with two counts of attempted murder of a peace officer.¹

Statement of Sergeant Joel Romero

Romero, who was in uniform and driving a marked black and white patrol vehicle, responded with Williams to a “disturbing the peace” call at the storage facility. Romero arrived and spoke to the manager who reported that Ofoegbu had threatened her, was causing a disturbance, and was in the process of being evicted. Romero, Williams, three employees, and a customer went to the second floor to speak with Ofoegbu. Romero and Williams approached Ofoegbu, who was standing in front of his storage unit. The four other people stayed behind near the elevators. Romero asked Ofoegbu to step toward them so they could pat him down for weapons and talk to him. Ofoegbu complied. Romero asked him for his identification and asked him what the problem was. Ofoegbu became upset and said, “What’s this all about? I know my rights! I don’t have to give you anything. This is illegal!” To that point, the encounter had lasted approximately 10 seconds.

Ofoegbu suddenly went back into his storage unit and produced a large machete, which he tried “desperately” to remove from its sheath. Romero and Lawrence retreated and ordered Ofoegbu to drop the machete. Ofoegbu went back into his storage unit and closed the door partially behind him, and was momentarily out of the view of the officers. Romero heard the sound of a gun racking and saw Ofoegbu emerge with a gun. Romero yelled at Williams that Ofoegbu had a gun. A gun battle ensued. Williams and Romero both fired at Ofoegbu. Ofoegbu fired at them and disappeared from view. When he reappeared, he fired at the officers again, and they returned fire. Ofoegbu ran away with his pistol and machete in hand. Romero radioed for help. He was later treated for a laceration to his arm that occurred during the gun battle. He did not know how or when he received that injury.

Statement of Officer Lawrence Williams

Williams and Romero responded to a disturbance call at the storage facility. They contacted Ofoegbu, who was standing in front of his storage unit. Ofoegbu was agitated with the officers’ presence. Williams attempted to calm Ofoegbu down to speak with him, to no avail. Ofoegbu went into his storage facility and retrieved a machete. Williams and Romero backed away and Ofoegbu went back into his storage unit. Williams heard the “all too familiar noise” of a gun being racked and saw Ofoegbu emerge with a gun and point it at him. A gunfight ensued.

Williams did not remember who fired first, but he was in fear for his life when he fired at Ofoegbu. Williams and Romero returned fire in an initial volley of gunshots. Then they retreated down a hallway to get a better tactical position. Ofoegbu reappeared and started firing at them again. The officers returned fire. Ofoegbu shot Williams in the leg, causing him to fall down. While seated and injured, Williams fired approximately three more rounds at Ofoegbu, who ran away. Romero and Williams held their position until help arrived.

¹ The case is scheduled for pretrial conference on September 20, 2017.

Statement of Mark B.

Mark B. was visiting an employee at the storage facility when he heard that Ofoegbu was irate and confrontational with two employees and they had to call the police. Two officers arrived and were briefed on the situation. Mark B. and two employees from the storage facility accompanied the officers to the second floor to converse with Ofoegbu, who was hostile and aggressive toward the officers. The officers calmly asked Ofoegbu if they could talk. Ofoegbu yelled, "I am God. You need to step away. I am just trying to clean my unit." As the situation escalated, Mark B. and the two employees retreated, got into the elevator, and went to the lobby. He heard multiple gunshots. A few minutes later, he was shocked to see Ofoegbu emerge from the elevator bloody and holding a gun and a machete. He pointed the gun at them and swung the machete. Mark B. retreated into a nearby restroom with one of the employees and locked and barricaded the door. They were later extracted by the police.

Statement of Natalie R.

Natalie R. was working at the storage facility when two other employees reported that Ofoegbu was being aggressive with them. Natalie R. and the manager confronted Ofoegbu and told him they were going to call the police, which they did. Two officers arrived and they briefed the officers on the situation. Natalie R., another employee, and a friend accompanied the officers to the second floor to converse with Ofoegbu. The officers approached Ofoegbu, who said, "I pay rent. This is my home. I am an African prince. Leave me alone." Ofoegbu was becoming more irate and confrontational. Natalie R. could not hear what the officers were saying. She believed that Ofoegbu was going to attack the officers. Natalie R., the second employee, and their friend retreated to the elevators and heard gunshots. She went to the first floor, assisted in evacuating the building, and monitored the lobby via surveillance camera. Natalie R. saw Ofoegbu emerge from the elevator and point a gun and swing a machete at two people. Additional officers arrived and took Ofoegbu into custody.

Statement of Briana R.

Briana R. was working at the facility when she went to Ofoegbu's storage unit, along with another employee, to explain he was in violation of the rules. Ofoegbu said, "I have a right to privacy. I'm a prince. You can't look at what is in my unit. I am an American citizen." Ofoegbu was acting "bizarre and aggressive" and Briana R. was in fear for her safety. She reported Ofoegbu's conduct to the manager.

Statement of Venus M.

Venus M. was the manager of the facility and received a report that Ofoegbu was irate. She spoke with Ofoegbu, who was argumentative and said, "I'm an American citizen! This is my area! Leave me the fuck alone! You're harassing me!" Venus M. called the police who arrived a short time later. She explained the situation and accompanied the officers to the second floor. The officers approached Ofoegbu and asked, "Can we talk to you for a minute?" Ofoegbu responded, "You can't tell me what to do! I'm a prince! You can't make me leave!" She saw Ofoegbu produce what appeared to be a jack handle and thought it was a weapon. She back pedaled, ran to the elevator, and heard gunshots. She went to the lobby and turned the power off

to the doors to prevent customers from entering the building. Venus M. saw Ofoegbu emerge from the elevator with a machete in one hand and a gun in the other. He said, “They shot me! They shot me! I’m bleeding!” Venus M. was afraid and was ushered into a nearby bathroom by her friend. They locked and barricaded the door and were rescued later by the police.

Statement of Towyna W.

Towyna W. was employed at the storage facility and conversed with Ofoegbu about his violation of the rules. Ofoegbu said, “I have a right to privacy! I’m a prince! You can’t look at what’s in my unit! I am an American citizen! You are harassing me!” She reported the incident to the manager.

Statement of Nonyere Ofoegbu

Ofoegbu waived his Miranda rights and spoke with investigators. He said he felt like he was being harassed by the storage facility employees. When the officers arrived, he explained that he was a security guard and had a gun in his storage unit. When they ordered him to come out, he got paranoid and thought someone was trying to kill him. The officers suddenly shot him so he shot back. He did not know why the officers started shooting at him and the officers did not give him an opportunity to talk during the encounter because he is a black person. He did not understand why the officers were there in the first place. Ofoegbu did not know how many times he shot at the officers. He ran away and tried to escape but the doors were locked.

Later in the interview, Ofoegbu said he did not think the two officers who initially contacted him were police officers (they were in full uniform) and were “thugs.”

Ofoegbu said he had no mental problems, is homeless, and drives for Uber and Lyft.

He said he was ambushed in his storage facility and was shot in an effort to protect himself.

Firearms Evidence

Ofoegbu was armed with a Glock 9mm semiautomatic pistol which was recovered with nine live rounds in the magazine. He had a second magazine, which was empty. Nineteen cartridge casings from his firearm were recovered at the scene. The magazines hold nine rounds each. The firearms evidence indicates that Ofoegbu reloaded during the gun battle.

Romero and Williams were armed with Beretta 9mm semiautomatic pistols. Forty-one cartridge casings from their firearms were recovered at the scene.

There were 72 bullet impacts or bullet holes located on the second floor of the storage facility.

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of others if that person actually and reasonably believes that he or others are 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 505.

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.

In sum, the United States Supreme Court has long held that, "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 the 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." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

Analysis

An evaluation of the evidence in this case shows that Ofoegbu was behaving aggressively toward the storage facility staff and was agitated, threatening, and verbally abusive. He turned that aggression toward Romero and Williams when they attempted to investigate the disturbance. In a fit of rage, and possibly due to mental health issues, Ofoegbu produced a machete and attempted to assault the officers with it. In a rapidly unfolding sequence of events, he then produced a handgun and engaged the officers in a gun battle, firing 19 rounds and hitting Williams in the leg. Romero suffered a lacerated elbow during the shooting. Ofoegbu fired two volleys, which necessitated him reloading his firearm, which is compelling evidence that Ofoegbu was willfully and deliberately attempting to murder the officers. In response to the deadly threat that Ofoegbu presented, both from drawing a machete and a firearm, and reasonably believing that Ofoegbu was going to shoot and kill them, Romero and Williams fired their service weapons in lawful self-defense, and defense of each other.

CONCLUSION

Based on a review of the totality of the evidence and circumstances in this case, Sergeant Romero and Officer Williams acted in lawful self-defense and defense of others when Nonyere Ofoegbu fired a handgun at them. We are closing our file and will take no further action in this matter.