

**Officer Involved Shooting of Artyom Gasparyan
Los Angeles Police Department**

Detective Marcelo Raffi, #30296

Detective Peter Miranda, #35101

J.S.I.D. File #16-0010



JACKIE LACEY

District Attorney

JUSTICE SYSTEM INTEGRITY DIVISION

December 11, 2018

MEMORANDUM

TO: COMMANDER ALAN HAMILTON
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 Artyom Gasparyan
J.S.I.D. File #16-0010
F.I.D. File #F002-16

DATE: December 11, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 4, 2016, non-fatal shooting of Artyom Gasparyan by Los Angeles Police Department (LAPD) Detectives Marcelo Raffi and Peter Miranda. It is the conclusion of this office that Detectives Raffi and Miranda acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on January 4, 2016, at approximately 4:35 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene by Lieutenant Steven Lurie.

The following analysis is based on reports prepared by LAPD's Force Investigation Division, submitted to this office by Lieutenant Lurie, and Detectives Kenneth Sanchez and Dwain Anderson. The reports include photographs, videos, transcripts of witness interviews, and radio transmissions. The compelled statements of Detectives Raffi and Miranda were considered as part of this analysis.

FACTUAL ANALYSIS

Background

Between August 5, 2015, and January 4, 2016, Artyom Gasparyan ("Gasparyan") participated in a string of thirty-two crimes committed in 19 separate incidents, throughout Los Angeles County. The crimes committed by Gasparyan ranged from murder, attempted murder against eleven individual victims, shooting at unoccupied vehicles, five robberies, two separate carjacking's, and fleeing from police officers.

The Crime Spree

Beginning on August 5, 2015, Gasparyan committed an assault with a deadly weapon, a knife, on victim Emily J. Gasparyan and Emily were smoking marijuana and crystal meth and shortly after, Emily asked Gasparyan to drive her home. Gasparyan, instead, drove her to an observation point where he told Emily that he wanted to have sex with her. When Emily declined, Gasparyan became angry and a physical altercation ensued. Emily struck Gasparyan repeatedly with her hands and fists while he was driving. Gasparyan stopped the car, reached into the back seat and retrieved a large knife. In fear that Gasparyan was going to stab and kill her, Emily grabbed the knife from him and cut him across his face. When Gasparyan realized he had been cut, he grabbed the knife from Emily, pulled her out of the car, and began stabbing her repeatedly. Gasparyan stabbed Emily five times in her legs and one time in her face. After stabbing Emily, Gasparyan got back inside his car and drove away.¹

On November 30, 2015, Gasparyan shot at five unoccupied parked vehicles. None of the vehicle owners witnessed the shootings, but several witnesses reported hearing gunshots and subsequently observed bullet damage to their cars.²

Exactly one week later, on December 6, 2015, Gasparyan shot at Melissa S. and Isaac C. after leaving a dance club. Melissa and Isaac were standing at an intersection waiting for the light to change. As they crossed the street, Gasparyan, who was driving alone in his silver Jetta, approached the intersection at a high rate of speed and began honking his horn. As Melissa was crossing the street she yelled “Who do you think you are!” at Gasparyan. Gasparyan responded by saying “Oh yeah bitch!” and fired his gun at her, striking her in the leg. Isaac was walking behind Melissa when he saw her get shot. Gasparyan then pointed the gun at Isaac and fired his gun a second time, striking him in the right upper leg. After running through the intersection, Isaac turned around and saw Gasparyan speed away.

Three days later, on December 9, 2015, Gasparyan shot Barry W. and Martin S. Gasparyan parked his silver Jetta in Barry’s driveway without permission. Gasparyan began playing loud music, which caused Barry to walk outside. Barry opened his front door and saw Gasparyan parked in his driveway, rolling what appeared to be a marijuana cigarette. Barry approached Gasparyan’s vehicle and questioned him as to why he was parked in his driveway. Barry repeatedly asked Gasparyan to leave his property. Gasparyan reached toward the left side of his waist, removed a chrome semiautomatic handgun, pointed it directly at Barry, and fired one round. As Barry fell to the ground, Gasparyan backed out of the driveway, briefly stopped his car a few houses down the street, and fired his gun at Martin, who was working as a landscaper.³

¹ Emily’s attack was witnessed by two bystanders who described seeing a man stabbing a woman. One witness described the vehicle as a silver Jetta. Gasparyan drove a 2011 silver Jetta that was registered to his mother. Emily’s DNA was found in the interior passenger side of Gasparyan’s Jetta.

² When police officers canvassed the area, there were several 9mm casings recovered from the ground. The casings were booked and subsequently linked to other crimes committed by Gasparyan.

³ Several 9mm casings were found at the crime scene and booked into evidence. The casings were later determined to match the 9mm casings recovered from other crimes committed by Gasparyan. In addition, a silver car resembling a Jetta was captured by a home surveillance camera a block away from the shooting involving Martin, traveling in a direction consistent with the fleeing shooter.

Four days later, on December 13, 2015, Gasparyan attempted to rob and shot Dmitry L. Dmitry was working as a valet parking attendant when Gasparyan pulled into the parking lot. Gasparyan was sitting alone inside of his silver Jetta when Dmitry approached Gasparyan to park his car. Gasparyan rolled down the driver's side window, pointed a gun directly at Dmitry, and demanded money. When Dmitry turned to look at his boss, Gasparyan shot Dmitry once in the abdomen and immediately drove out of the parking lot.⁴

On December 28, 2015, Gasparyan shot at Viktor M. and Arsen S. Viktor and Arsen were traveling east on Victory Boulevard, when Gasparyan, driving his silver Jetta, merged into their lane and collided with the front driver side of Arsen's vehicle. After the collision, Gasparyan drove off without stopping to exchange information. Viktor and Arsen pursued Gasparyan and took photos of the rear of his vehicle. Viktor and Arsen caught up to Gasparyan and blocked his vehicle from passing. As Viktor began to exit the vehicle, Gasparyan also exited his vehicle and shot at Viktor and Arsen three to four times. Gasparyan got back into his vehicle and fled. Viktor and Arsen chased Gasparyan for a second time. A short distance later, Gasparyan stopped, exited his vehicle and began to shoot at Viktor and Arsen a second time. During the second shooting, Gasparyan struck Arsen's vehicle several times. Victor and Arsen were not struck in either of the two shootings.

On December 29, 2015, Gasparyan and an accomplice shot James L. Gasparyan and his accomplice observed James delivering food to an apartment complex. Gasparyan's accomplice parked the silver Jetta a short distance from where James' vehicle was parked. Gasparyan got out of the vehicle and waited for James to return to his vehicle. When James returned to his vehicle, Gasparyan approached him with a handgun. Gasparyan told James to unlock his vehicle and get inside. James unlocked his vehicle and ran away. Gasparyan pursued James and shot him several times.⁵

On December 30, 2015, Ronnie D. was driving his vehicle with Steven Y. seated in the front passenger seat. As Ronnie was driving, he observed two people in a vehicle, later determined to be Gasparyan's Jetta, approaching rapidly from behind. The Jetta caught up to Ronnie and Steven and both vehicles continued driving, swerving in and out of driving lanes. Both vehicles eventually came to a stop at a red light. The front passenger of Gasparyan's vehicle pointed a handgun at Ronnie and Steven while they were stopped at the intersection waiting for the light to change. The shooter fired approximately five rounds, striking Ronnie in the right leg and Steven in the chest.⁶ After the shooting, the silver Jetta sped down to the intersection of Plummer and Van Nuys Boulevard where the shooter shot and killed Adan C.⁷

On December 30, 2015, Adan C. was driving his vehicle, waiting to make a left turn. Gasparyan's vehicle, speeding away from the shooting involving Ronnie and Steven, pulled up alongside of Adan and attempted to cut his vehicle off. The person in the front passenger seat of Gasparyan's vehicle leaned out of the passenger side window and fired one round striking Adan in the left shoulder. Adan's vehicle rolled in reverse and collided with another vehicle before it

⁴ One 9mm casing was found at the crime scene.

⁵ Gasparyan's accomplice also shot James with a different gun.

⁶ Witnesses described the shooter generally as Hispanic or possibly Armenian. Gasparyan is Armenian.

⁷ Several 9mm casings were recovered from the intersection. The 9mm casings matched all of the casings recovered from all of the other shooting scenes involving Gasparyan.

came to a stop. Adan exited his vehicle and collapsed to the ground. Gasparyan's vehicle fled the scene. Adan died as a result of his gunshot wound.⁸

On December 30, 2015, William R. and James S. were walking home from Trader Joes when they observed a vehicle driving slowly behind them. The vehicle looked like it was going to make a U-turn, but it pulled over and parked ahead of them. The passenger of the vehicle got out and walked toward William and James. The man said, "Give me your money." William and James both saw that he was armed with a handgun in his right hand, close to his body. The man pointed the gun at William and James, and ordered them to put their wallets in the grocery bag that William was holding. Out of fear, William and James complied. The man grabbed the bag, entered the front passenger seat of the vehicle, and as the vehicle drove away, the driver stated, "Happy New Year's."⁹

On December 30, 2015, armed with handguns, Gasparyan and an accomplice entered a Shell gas station in Burbank. Gasparyan's accomplice was armed with a semiautomatic handgun and Gasparyan was armed with a stainless-steel revolver. Gasparyan and his accomplice entered the gas station store, pointed their guns at John R., and demanded money. John told them that he didn't have a key to open the safe. One of the men told John, "You think we're fucking playing around?" Shortly after, Gasparyan walked around the counter and placed the revolver muzzle to John's left hip/lower abdomen area and stated, "You want a fucking hole to your side? You better hurry up and give us the money." Meanwhile, Gasparyan's accomplice leaned over the counter and pointed his gun at John. Gasparyan grabbed the money from the register, and grabbed some Swisher Sweets and cigarettes before exiting the store with his accomplice. After Gasparyan and his accomplice left the store, John noticed they got onto a silver vehicle and drove away.¹⁰

On December 31, 2015, armed with handguns, Gasparyan and an accomplice entered a Chevron gas station located in Woodland Hills. Gasparyan's accomplice pointed a chrome handgun at gas station attendant Narender R. and stated, "Give me the money." Gasparyan took cigarettes from the shelf, walked around the counter and stood behind Narender. Narender attempted to open the register several times, but was nervous, afraid and unable to do so. Gasparyan's accomplice stated, "Don't joke with me. I'll shoot you." Narender opened the register and gave Gasparyan the money that was underneath the register. Gasparyan took the money from inside the register. While this was occurring, Gasparyan's accomplice pointed his gun at a customer, Aja D., and said "Give me your phone." Fearing for her life, Aja gave the accomplice her phone. Gasparyan took an unknown number of lottery scratchers and told Aja, "You should have never come in here." Gasparyan and his accomplice fled in a silver Jetta.¹¹

On January 1, 2016, at approximately 6:00 a.m., Benjamin K. was locked out of his apartment and sleeping in his parked vehicle when he was awakened by a knocking noise and a light shining in his face. Benjamin saw Gasparyan and his male accomplice standing at the driver side door of his vehicle, armed with handguns. Fearing for his life, Benjamin exited his vehicle.

⁸ A 9mm casing was found at the scene of the shooting that matched all of the 9mm casings recovered from the other crime scenes involving Gasparyan.

⁹ A receipt from Trader Joes and a can of Ginger beer purchased by William and James were later found in Gasparyan's vehicle.

¹⁰ The entire robbery was captured on surveillance video and Gasparyan's face can be identified.

¹¹ The entire robbery was captured on surveillance video and Gasparyan's face can be identified.

Gasparyan told Benjamin, “You see what I have, right?” Benjamin responded, “Yes” and handed Gasparyan his keys. Gasparyan ordered Benjamin to walk away or get shot. Benjamin fled and called the police.¹²

A few hours later, on January 1, 2016, at approximately 9:50 a.m., Felipe R. was driving with his wife, Maria R., who was sitting in the front passenger seat. Felipe was looking for an address and driving at a slow rate of speed. Felipe saw a vehicle pull directly in front of him, causing him to stop abruptly. The passenger of that vehicle, Gasparyan’s male accomplice, exited and pointed a stainless-steel semiautomatic handgun at Felipe. The accomplice opened Felipe’s driver side door and pointed the handgun directly into the vehicle. Felipe pushed the gun away from his chest and heard a gunshot. The accomplice pulled Felipe out of his vehicle, causing him to fall to the ground. Felipe heard more gunshots and saw the accomplice enter his vehicle and drive away. As the vehicle began to drive away, Maria exited the vehicle.¹³

Surveillance

On January 2, 2016, members of the Special Investigation Section (SIS) assigned to LAPD’s Robbery Homicide Division (RHD) were assigned to conduct a surveillance operation to locate and arrest Gasparyan for his involvement in the afore-mentioned crimes.¹⁴ SIS detectives were briefed and advised that Gasparyan had been identified in a robbery that occurred at a Chevron gas station on December 31, 2015, and was armed with a stainless-steel revolver. Detectives were also advised that Gasparyan was involved in an armed car-jacking on January 1, 2016, where he fled the scene driving a silver Jetta and was pursued by officers from LAPD’s Harbor Division. Gasparyan entered the off-ramp of the San Diego Freeway driving northbound into oncoming southbound traffic when officers terminated their pursuit.¹⁵

SIS detectives were provided with multiple locations that Gasparyan was known to frequent. The objective was to conduct spot checks in search of Gasparyan or the silver Jetta that Gasparyan was known to drive. On January 3, 2016, at approximately 7:45 a.m., SIS Detective Jason Leikam, dressed in plain clothes and driving an unmarked surveillance vehicle, was in route to LAPD’s Foothill Area Community Police Station, when he observed a silver Jetta driving alongside him. Leikam believed the driver to be Gasparyan and began to surveil the vehicle. Leikam notified Communications Division that he believed he was following Gasparyan, and requested back-up and an air unit. Leikam continued to follow the vehicle until he lost sight of it.¹⁶

¹² Belongings from Benjamin’s vehicle were recovered from Gasparyan’s Jetta.

¹³ Gasparyan fled this scene by entering a freeway through an off-ramp, driving the wrong way. Officers briefly pursued Gasparyan with lights and sirens activated, but assessed the danger was too high to continue and terminated their pursuit. Gasparyan eluded capture.

¹⁴ A citywide officer-safety broadcast was made hourly and officers were made aware of Gasparyan’s propensity for violence and that he was to be considered armed and dangerous. SIS members were briefed with Gasparyan’s prior criminal history activity and in anticipation of encountering and capturing Gasparyan, were armed with their department issued rifles in their vehicles while conducting surveillance on Gasparyan.

¹⁵ A Crime Alert Notification was issued to the officers that stated, “The suspect is wanted for numerous crimes and has two active LAPD warrants. The suspect is armed with a handgun and is possibly wearing body armor. The suspect should be considered – armed and dangerous. The suspect’s vehicle has California license plates; however, he changes the plates periodically with stolen plates or paper plates....”

¹⁶ Leikam was able to note the last three digits of the license plate number.

Pursuit/Officer Involved Shooting

On January 4, 2016, at approximately 3:10 p.m., Leikam, along with other Fugitive Task Force detectives, were conducting a spot check at an auto repair shop located at 11864 Sheldon Street that was supposedly owned by an associate of Gasparyan. Leikam drove eastbound on Sheldon Street, and saw a silver Jetta drive passed him. Leikam pursued Gasparyan and notified his unit that he had located Gasparyan. Leikam was following Gasparyan and was slowing to a stop when he saw Gasparyan look over his left shoulder in the direction of Leikam. Gasparyan placed his right hand over his left shoulder, extended his middle finger upward, yelled “Fuck you,” and accelerated southbound.¹⁷ Fearing Gasparyan would elude arrest, Leikam upgraded the backup request call to a help call. LAPD’s Metropolitan units and Air Support were advised to respond and assist. Gasparyan continued to drive at a high rate of speed southbound down the north 5 Freeway off-ramp along the left shoulder and onto the freeway. Leikam lost sight of Gasparyan and at approximately 3:16 p.m., he notified Communications that Gasparyan entered the 5 Freeway and was driving against traffic. Responding units entered various on-ramps that accessed the 5 Freeway.

At 3:18 p.m., Angela S., along with her three minor children, entered the north 5 Freeway and were in the number four-lane of traffic when she saw Gasparyan’s vehicle in the number one lane, traveling the wrong way. Gasparyan’s vehicle suddenly veered in her direction and struck the left front quarter panel of her vehicle. Angela’s vehicle came to a stop along the shoulder of the freeway facing northbound, while Gasparyan’s vehicle came to rest behind her, facing eastbound. Angela saw Gasparyan exit his vehicle and as he began to run northbound, she screamed for someone to stop him.¹⁸ Several SIS detectives responded to the location, including Detectives Marcelo Raffi and Peter Miranda, who entered the southbound 5 Freeway at Sunland Boulevard. Miranda transitioned to the carpool lane while officers from the Metropolitan Division followed in an attempt to locate Gasparyan. As they proceeded south toward Glenoaks Boulevard, northbound traffic came to a stop. Miranda and Raffi stopped their vehicle in the south 5 Freeway carpool lane and exited their vehicle wearing their tactical vests with “Police” clearly visible on the front and back, and armed with their Department-approved rifles.

Officer Edgar Hernandez stopped his vehicle near Raffi and Miranda and exited his vehicle armed with his Department-issued shotgun. Hernandez proceeded over the center median toward Gasparyan while giving Gasparyan commands to stop. Hernandez then saw Gasparyan lift his shirt while he was running, and grab a chrome or silver revolver. Hernandez raised his shotgun in Gasparyan’s direction as he warned the other officers that Gasparyan was armed with a gun.

Gasparyan was still running when he turned his upper body clockwise toward Miranda. Raffi raised his rifle in the direction of Gasparyan and as Gasparyan’s upper torso continued to turn, Raffi fired at Gasparyan. Simultaneously, in response to Gasparyan’s upper body movement toward Miranda, Miranda raised his rifle and fired at Gasparyan. Miranda ceased fire when Gasparyan fell to the ground still holding the gun in his right hand. Hernandez approached Gasparyan and saw that his finger was on the trigger guard. Hernandez told the other detectives

¹⁷ Leikam notified the Communications Division at approximately 3:12 p.m., “5K363, southbound Glenoaks Boulevard, following a 187 suspect in a grey Jetta.”

¹⁸ All of the airbags from Angela’s vehicle deployed as a result of the collision. Angela and her three minor children were transported to the hospital by ambulance and were treated for their injuries.

of his observations and maintained cover as Raffi and Miranda deployed to the west of Gasparyan. An arrest team was assembled and a Rescue Ambulance was requested to provide aid to Gasparyan. Gasparyan was handcuffed and taken into custody, and was transported to Providence Holy Cross Medical Center where he was treated for his injuries. Gasparyan sustained seven gunshot wounds to his right and left upper shoulders, his right upper arm, the right scrotum, his right inner bicep area, his right hand, and his right buttock.¹⁹

Officer Statements

Compelled Statement of Detective Marcelo Raffi²⁰

[REDACTED]

[REDACTED]

¹⁹ Due to Gasparyan's refusal to authorize the release of his medical records, the exact location and extent of his injuries are unknown. The number of gunshot wounds and their locations were ascertained when investigators spoke with hospital medical personnel.

²⁰ Unlike private citizens, public sector employees can be forced to submit to questioning regarding the performance of their official duties and, so long as they are not required to waive their privilege against self-incrimination, their refusal to submit to such questioning can result in administrative discipline including termination from public service. *Gardner v. Broderick* (1968) 392 U.S. 273, 278; *Uniformed Sanitation v. City of New York* (1968) 392 U.S. 280, 284-285. The detectives involved in this incident were interviewed and ordered to submit to questioning concerning the performance of their official duties. Like any other individual, peace officers possess a right under the Fifth Amendment of the United States Constitution to be free from being compelled to give testimony against themselves. *Uniformed Sanitation v. City of New York, supra, at 284-285*. Because the LAPD ordered the detectives to answer questions which might expose them to criminal liability, the LAPD compelled Detective Raffi and Detective Miranda to participate in interviews. The effect of this legal compulsion is that the detectives' statements cannot be used against them in a criminal proceeding, nor can any material derived from the compelled interviews be used against them. *Garrity v. New Jersey* (1967) 385 U.S. 493, 496-497; *Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 715. Further, because these compelled statements are part of the detectives' police personnel files, the statements are confidential and may not be disclosed absent an evidentiary showing and court order. Penal code section 832.7.

²¹ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Compelled Statement of Detective Peter Miranda

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statement of Officer Edgar Hernandez

On January 4, 2016, Officer Edgar Hernandez was assigned to assist RHD and SIS in apprehending Gasparyan.²⁹ Hernandez' role was to assist in the perimeter of the storage location that Gasparyan was known to frequent. As Hernandez was waiting at his post, he heard a request for help broadcast that Gasparyan was located and was being pursued by officers. Hernandez left his location and drove to catch up to the detectives pursuing Gasparyan. In route, Hernandez heard another broadcast stating Gasparyan entered the 5 Freeway traveling in the wrong direction. Gasparyan was traveling southbound in the northbound lanes. Hernandez was approximately one block away from the entrance to the south 5 Freeway. Hernandez entered the freeway traveling southbound in an attempt to catch up to Gasparyan.

Hernandez drove for approximately one mile when he saw a small SUV stopped in the middle of the freeway. Hernandez stopped his vehicle, looked to his left, and saw Gasparyan running alongside the freeway with two detectives chasing him. Hernandez grabbed his shotgun and exited his vehicle. Hernandez chambered a round, jumped over the center median and began to run toward Gasparyan and the two detectives. As the two detectives were running behind Gasparyan, Gasparyan made eye contact with Hernandez. Hernandez heard the detectives yelling at Gasparyan to, "Stop! Police!" Hernandez also yelled at Gasparyan to, "Stop!"

As Hernandez got closer to Gasparyan, he could see him reach towards his waistband with his right hand. Hernandez saw Gasparyan lift his shirt up while he was running, reach into his waistband with his right hand and retrieve a chrome or silver revolver. Hernandez immediately yelled, "He's going for his gun! He's going for a gun! He's going for a gun!" As Hernandez brought up his shotgun, he heard several rounds being fired from behind him, where the detectives were located.³⁰ Hernandez, along with the detectives and other officers that arrived, stopped near Gasparyan who was lying face down. Hernandez saw a gun in Gasparyan's right hand, near his waist, with his finger inside the trigger. Gasparyan was still moving and trying to talk.

²⁸ [REDACTED]

²⁹ Hernandez was present in the briefing regarding Gasparyan's criminal history and that he was armed and dangerous.

³⁰ Hernandez did not see who fired at Gasparyan.

Hernandez told the detectives and other officers that Gasparyan still had the gun in his hand. A plan was discussed to handcuff Gasparyan. Berke pulled the gun out of Gasparyan's hand and pushed it to the side, away from Gasparyan, while Hernandez covered him and Raffi handcuffed Gasparyan.

Statement of Officer Leon Maya

On the date of the incident, Officer Leon Maya was assigned to assist SIS in capturing Gasparyan. Maya arrived after the shooting, and assisted taking Gasparyan into custody. Maya performed a pat down on Gasparyan after he was handcuffed, and recovered a "coin purse" from Gasparyan's left front pants pocket that contained live ammunition. Gasparyan told Maya, "Those are just my, my bullets."

Witness Statement

Statement of Sam S.

On January 4, 2016, at approximately 3:00 p.m., Sam S. was traveling south on the 5 Freeway in the number one lane near Lankershim Boulevard when he saw several police vehicles. Sam stopped his vehicle as all traffic had stopped. He looked to the left and saw Gasparyan being chased by several police officers. Sam heard them identify themselves as police while yelling orders to Gasparyan.³¹ Sam took his cell phone and began recording the incident. He heard the officers say, "Stop running! Put your hand down!" Sam then saw Gasparyan slightly turn around and reach for an unknown object with his right hand near his waistband. Gasparyan was still running forward, but was swinging his right arm back as if he had something in his hand. The object in Gasparyan's hand appeared to be a pistol, but Sam could not be certain. It appeared to Sam that Gasparyan was pointing the object back without looking while he was still running forward. Officers fired at Gasparyan and he fell to the ground. Sam was still recording and could see that the officers were making sure Gasparyan was not reaching for anything. Gasparyan was still moving and the officers were giving him commands, "Don't move anymore!" Sam stopped recording as traffic began moving again and drove away.

Artvom Gasparyan

Gasparyan was interviewed by investigators on two separate occasions and was read his Miranda rights, which he stated he understood and waived.

During the interview, he stated a van had been following him and he did not know who it was. He was trying to get away from it and stated he was being chased by terrorists. He was afraid the police were following him because he had violated his probation. He admitted he had a gun, a .357 magnum, for protection in case he got robbed. He took his chance on running because he did not want to go to jail. He stated he has been chased by the police many times and had gotten away. He fled onto the freeway, driving in the opposite direction to get away. He then crashed into another vehicle, got out of his car, and began running. While he was running, he looked back and saw men with rifles get out of a Ford SUV. He was running and looked back again and

³¹ Sam recalled the officers were not in uniform and looked like they were "off duty." The officers were wearing vests and badges.

saw their badges flashing. Gasparyan realized the police were chasing him and he tried to throw the gun.

He was running away from the police toward the exit (offramp), and tried to throw the gun when they (police) shot him.³² He said the police told him, “Stop or we’re going to shoot.” He replied by saying “No.” and took the gun out of his pants and tried to throw the gun. He was trying to get away from a minivan that was following him everywhere.

Gasparyan told investigators the reason he was shot by police was because he was trying to throw his gun away, but when he took it out to throw it away, the police shot him. Gasparyan admitted that he was under the influence of illegal drugs and alcohol at the time of the incident.³³

At the time of the incident, Gasparyan had two active LAPD warrants; one for assault with a deadly weapon, another for attempted murder, and was on formal probation for two separate burglaries.

Gasparyan was arrested and booked for the aforementioned warrants and was later charged with one count of Penal Code section 187, murder; eleven counts of Penal Code section 664/187, attempted murder; two counts of Penal Code section 245(d)(1), assault with a firearm upon a peace officer; one count of Penal Code section 245(a)(1), assault with a deadly weapon; five counts of Penal Code section 247(b), shooting at an unoccupied vehicle; six counts of Penal Code section 211, second degree robbery; one count of Penal Code section 664/211, attempted second degree robbery; two counts of Penal Code section 215(a), carjacking; one count of Penal Code section 29800(a)(1), possession of a firearm by a felon; one count of Vehicle Code section 20001(b)(1), hit and run driving resulting in injury; and one count of Vehicle Code section 2800.2, fleeing a pursuing peace officer, in Los Angeles Superior Court case number BA442550 and is currently pending trial.

Scene Description

The incident occurred on the north 5 Freeway along the east shoulder, at the beginning of the Glenoaks Boulevard off-ramp. The closest on-ramp which accesses the north 5 Freeway is south of the location at Hollywood Way.

³² Gasparyan admitted to having additional rounds for the gun

³³ Gasparyan told investigators he smoked “weed,” and used “Crystal Meth.”



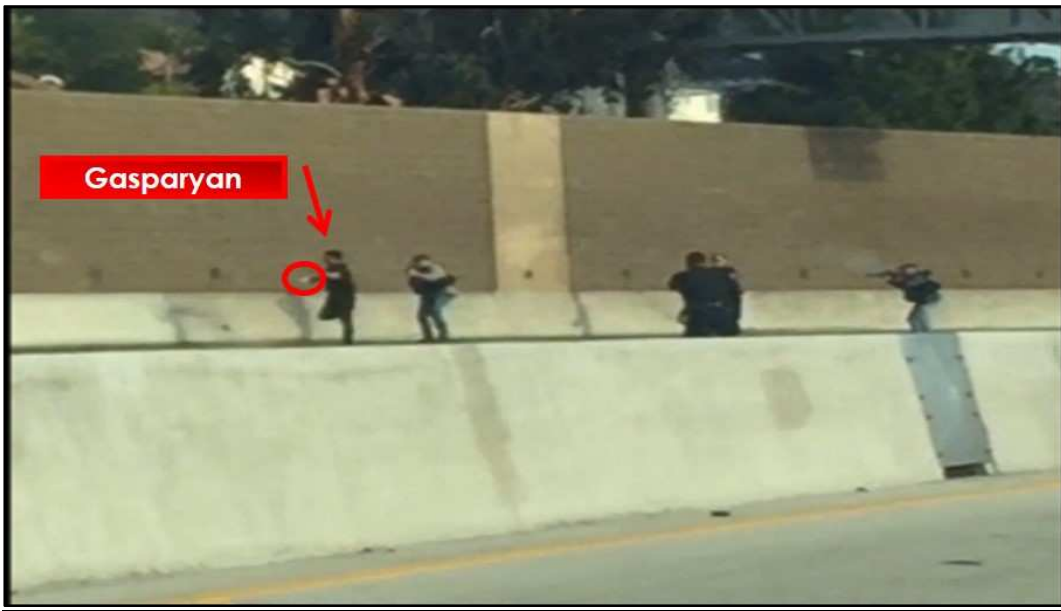
Photo depicting the scene of the incident.

Video Footage

Video footage was obtained from the cell phone of witness Sam S. Below are stills taken from the video that depicts the officer involved shooting.



Still from video depicting Gasparyan running, while turning to his right.



Still from video depicting Gasparyan holding an object in his right hand.



Still from video depicting Gasparyan with an object in his right hand, running away and turning to his left.

Firearms Evidence

Miranda was armed with his department issued Colt, M4 carbine, semiautomatic rifle. Four cartridge cases were collected from the scene and determined to have been fired from Miranda's rifle.

Raffi was armed with his department issued Colt, M4 carbine semiautomatic rifle. Six cartridge cases were collected from the scene and determined to have been fired from Raffi's rifle.

Gasparyan was armed with a fully loaded .357 caliber, stainless steel revolver. The revolver was recovered from the ground where Gasparyan was taken into custody. The cylinder was found closed and the hammer was down. The weapon was test fired and found to be functional. Gasparyan was also in possession of nine rounds of .357 Magnum caliber, Federal, live ammunition; and 23 rounds of .357 Magnum caliber, Hornady, live ammunition.



Gasparyan's revolver and ammunition found at the scene.



Close-up of Gasparyan's revolver.



Bag containing live ammunition recovered from Gasparyan's pants pocket.



Live ammunition inside the bag recovered from Gasparyan's pants pocket.

LEGAL ANALYSIS

The Law

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A

forcible and atrocious crime is one which threatens death or serious bodily harm. Kortum v. Alkire (1977) 69 Cal.App.3d 325, 333.

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 3470; *see also* 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. 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. This is true even if there is no actual threat. Id.

“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.

“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance. Penal Code § 835a; CALCRIM No. 2670.

Analysis

At the time of this incident, Gasparyan had participated in a string of thirty-five crimes throughout Los Angeles County from August 2015 through January 2016. The crimes included atrocious crimes of violence and ranged from attempted murders against eleven individual victims, five robberies, shooting at unoccupied vehicles, two carjackings, fleeing from police officers, and the murder of Adan C. These facts were known to the detectives and officers who were attempting to apprehend Gasparyan. Under the circumstances, it was reasonable for them to believe that Gasparyan was violent, desperate, armed and dangerous, and presented a deadly threat to the detectives, officers, and the public.

Their belief that Gasparyan presented a deadly threat was corroborated by the fact that Gasparyan drove recklessly by entering the freeway in the wrong direction of traffic, and crashed into victim Angela S. with her three minor children. Their belief was further corroborated by the fact that Gasparyan armed himself with a gun and was in possession of live ammunition as he fled from police.

Moreover, when the detectives and officers were in pursuit of Gasparyan and ordered him to stop, Gasparyan continued to flee and retrieved his gun from his waistband, causing the detectives and officers to believe he was going to fire at them, or bystanders. These acts coupled with Gasparyan's history of extreme violence made the detectives and officers believe that Gasparyan posed an imminent and deadly threat to them and to the public.

Under the circumstances, the detectives had a choice to either allow a dangerous felon to escape and/or possibly fire at them, or use deadly force to apprehend him. Gasparyan was clearly a continuing threat to public safety and, under the circumstances, the detectives and officers could not allow Gasparyan to escape into the community and continue his deadly crime spree.

CONCLUSION

Gasparyan's recent acts of violence, coupled with his use of his vehicle as a weapon in an attempt to assault the public and escape, and by arming himself with a gun while fleeing from the detectives and officers, made him a substantial and immediate threat of serious physical injury or death to not only the detectives and officers who stood in his way, but also the public if he had managed to escape.

The force used by Detectives Marcelo Raffi and Peter Miranda was reasonable under the circumstances in order to defend their lives and the lives of others, and to capture a dangerous, fleeing felon. We are therefore closing our file and will take no further action in this matter.