

**Officer Involved Shooting of Juan Enriquez**

**West Covina Police Department**

**Officer Jose Pedraza, #403**

**Officer Chris Palaganas, #409**

**J.S.I.D. File #14-0719**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**March 3, 2016**

MEMORANDUM

TO: Chief Dave Faulkner  
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Juan Enriquez  
J.S.I.D. File #14-0719  
L.A.S.D. File #014-00086-3199-013  
WEST COVINA PD #14-8496

DATE: March 3, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 23, 2014, fatal shooting of Juan Enriquez. We find that West Covina Police Department (WCPD) Officers Jose Pedraza and Chris Palaganas acted in lawful self-defense and defense of others and that their actions constituted a reasonable exercise of force to apprehend a felon fleeing from the commission of a homicide.

The District Attorney's Command Center was notified of the shooting on November 24, 2014 at 1:00 a.m. The District Attorney Response Team, [REDACTED] responded to the scene and was given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports and recordings submitted by Los Angeles Sheriff's Department (LASD) Homicide Detectives Louie Aguilera and Scott Hognlund and by WCPD Detective Joshua Neiheisel. The voluntary statements of Officers Pedraza and Palaganas were considered for this analysis.

**FACTUAL ANALYSIS**

**Overview**

On November 23, 2014, Erick Moreno was fatally shot by Juan Enriquez in front of the Church of the Nazarene on Badillo Street in the City of West Covina. Enriquez fled southbound from the shooting scene on foot and climbed over a wall separating Badillo Street from the residences on W. Elgenia Street, which runs parallel to Badillo Street, immediately to the south. (Badillo

Street and W. Elgenia Street both run from east to west.) Enriquez jumped onto the roof of the house of the K [REDACTED] family on W. Elgenia Street. Enriquez ran across the roof and dropped into the yard of the residence. M [REDACTED] K [REDACTED] heard Enriquez on his roof and saw him drop into his yard. K [REDACTED] called 9-1-1 and reported Enriquez' movements.

WCPD Officers Pedraza and Palaganas were both working patrol in one man units on the night of the incident. Each of them heard a series of radio broadcasts informing them that an officer had heard a salvo of shots from the area of the Moreno homicide, that a responding officer had located a gunshot victim who appeared to have died, and that a man had been seen running from the area of the homicide and jumping over a wall on W. Elgenia Street. Officers near the scene of the Moreno homicide broadcast a description of the suspect including his clothing and general physical characteristics.

After the first broadcast, Pedraza, Palaganas and K-9 Officer Bryan Rodriguez responded to W. Elgenia Street. As they neared the K [REDACTED] residence, they heard a dispatch indicating that a man had traversed the K [REDACTED] roof and was in the K [REDACTED] backyard.<sup>1</sup> Officers Pedraza, Palaganas and Rodriguez approached the front of the K [REDACTED] residence on foot, where they confronted Juan Enriquez. Enriquez disregarded the officers' commands to show his hands and walked away from them northbound in the driveway. Rodriguez released his dog, Reiko, and gave him a "bite command." Reiko ran to Enriquez and latched his jaw onto Enriquez' forearm. Enriquez showed no response to Reiko's bite and continued to ignore the officers' commands, concealing the right side of his body behind the northernmost end of the camping trailer. Pedraza and Palaganas heard a single gunshot, followed by the sound of Reiko whimpering. None of the officers could see what Enriquez was doing when the shot was fired. Pedraza and Palaganas both believed that Enriquez was either shooting at them or at Reiko. Fearing for their safety and for that of the K [REDACTED] inside their residence, Pedraza and Palaganas both fired their weapons at Enriquez.

### **The Erick Moreno Homicide**

On November 23, 2014, Erick Moreno accompanied his brother, Juan Moreno to West Covina to collect a debt of \$200 that was owed to Juan Moreno by Garrett Lorenzo, an in-law of the Morenos. On the day of the incident, a series of texts between Juan Moreno and Lorenzo had become increasingly hostile regarding the lateness of the repayment. In the hours before Lorenzo met with Juan Moreno, he attended a barbecue with his friend, Juan Enriquez ( [REDACTED] ). Lorenzo told Enriquez about his debt to Juan Moreno and Enriquez provided him with \$200 to repay the loan. Lorenzo agreed to meet Juan Moreno at a 76 gas station on Badillo Street, next to the Church of the Nazarene. Enriquez drove Lorenzo to the 76 gas station along with at least two other members of the [REDACTED]

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<sup>1</sup> The K [REDACTED] residence is a single story house on a lot bordered by Badillo Street to the north and W. Elgenia Street to the south. The house is approximately two city blocks southeast of the Church of the Nazarene. A low wall separates their backyard from Badillo Street. A driveway runs from north to south on the western edge of the K [REDACTED] property. A camper trailer was parked at the northern end of the driveway during the incident. North of the trailer is a wrought iron fence, separating the driveway from the backyard. The front door of the house is on the southwestern corner of the house, on top of a small porch.

██████.<sup>2</sup> Lorenzo saw that Enriquez had his Glock 40 caliber pistol with him at the barbecue before they left to repay the debt.

Lorenzo exited Enriquez' car alone and met Juan Moreno in the parking lot of the 76 station. Juan Moreno was also alone, having left his brother Erick Moreno behind in his car. The two men spoke for a few minutes and Lorenzo paid Juan Moreno. While they were speaking, Erick Moreno apparently exited his brother's car and walked to a grassy area in front of the Church of the Nazarene, adjacent to the 76 station parking lot. Juan Enriquez and the other men who had accompanied him exited Enriquez' car. A fist fight began between Erick Moreno and one of the men who had come with Enriquez, which Erick Moreno was winning. Enriquez produced his 40 caliber pistol and fatally shot Erick Moreno. Four 40 caliber cartridge casings were found near Erick Moreno's body, as well as one unexpended .40 caliber round.

While Lorenzo and Juan Moreno were talking in the 76 station parking lot, they heard a scuffle followed by gunshots coming from the area in which Erick Moreno was shot. Vegetation between the 76 gas station and the grassy area prevented them from seeing the shooting. Lorenzo saw Enriquez walking away from the area of the shooting. Lorenzo also saw Enriquez tell Juan Moreno to leave the area while Enriquez was carrying his 40 caliber pistol visible on his hip. Enriquez told Lorenzo, "I shot that fool." Lorenzo saw the other men who had come with him run back to Enriquez' car and drive away. According to Lorenzo, he and Enriquez ran together and jumped over a residential wall. Lorenzo ran beyond the initial residence and lost track of Enriquez.<sup>3</sup>

### **Statement of Officer Chris Palaganas**

Officer Chris Palaganas was working alone in full uniform in a marked patrol vehicle. Palaganas heard the first officer at the scene broadcast that he had heard six gunshots in the general area of the Moreno homicide. As Palaganas proceeded toward that location, he heard a dispatch indicating that a citizen had reported hearing shots in the same area. The second officer at the scene broadcast that he had located the shooting victim, who appeared to be dead. Upon hearing that, Palaganas activated the lights and siren of his patrol vehicle and continued toward the Moreno shooting scene. Palaganas heard a broadcast that officers had seen a man in dark clothing running south from the shooting location and jumping over a wall.<sup>4</sup> As Palaganas awaited instructions about his role in a perimeter, dispatch broadcast information that K██████ had heard footsteps on his roof.

Palaganas drove to the area of the K██████ house, arriving simultaneously with Officers Pedraza and Rodriguez. Palaganas approached the front of the K██████ house with his gun drawn and positioned himself in the driveway near the front porch. Pedraza was to his right, on the front porch. An airship was positioned above the K██████ residence and broadcast that the suspect was hiding behind a motor home at the northern end of the K██████ driveway. When the officers

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<sup>2</sup> The identity of two of the men in Enriquez' car has been established, but there is conflicting information regarding whether or not there was a fifth man in the car.

<sup>3</sup> Officers on the ground near the Moreno homicide do not appear to have seen Lorenzo running from the scene and their descriptions of the fleeing suspect all appear to contemplate Enriquez. (Officers in an airship *did* see a second suspect in the residential area near the K██████ house.)

<sup>4</sup> At the time of the incident, Enriquez wore a long-sleeved blue sweatshirt over a black t-shirt over a white t-shirt, blue shorts and a black baseball cap.

approached, Enriquez was visible at the northern end of the trailer. Enriquez matched the suspect description provided by dispatch. Rodriguez deployed Reiko and gave the bite command. Reiko obeyed, charging north to the rear of the trailer, where he encountered Enriquez and bit his left arm.

Palaganas ordered Enriquez, "Get on the ground, get on the ground, show me your hands." Palaganas' pistol light was trained on Enriquez. Palaganas heard other officers also commanding Enriquez to get on the ground, to bring the dog to them, and to show them his hands.<sup>5</sup> Palaganas, Pedraza and Rodriguez remained east of the trailer approximately ten to fifteen feet from Enriquez. Enriquez was concealing the right side of his body behind the trailer, but the left side of his body was visible. Reiko could be seen hanging off his left arm. The officers had their weapons drawn and pointed at Enriquez.

Enriquez looked at the officers with a blank stare and ignored their commands. Enriquez was fighting Reiko, but showed no sign of pain from Reiko's jaw grip on his arm. The officers continued to issue commands, which were ignored. Palaganas contemplated the facts that a murder had just occurred and that Enriquez appeared to be "out to hurt somebody."

A short time after the commands, Palaganas heard a gunshot. He did not see who had shot, but he believed that it had been fired by Enriquez at the officers. Palaganas looked at his fellow officers to see whether they had been struck. To defend himself and his partners, Palaganas fired a single round. Palaganas wished to fire an additional round, but did not do so because Rodriguez had rushed forward to the aid of Reiko.

Palaganas heard a series of gunshots from Pedraza, positioned to his right. After both Palaganas and Pedraza fired their weapons, it was clear that Enriquez was dead. Palaganas approached Enriquez and saw his right hand for the first time. A black semiautomatic firearm was visible under the trailer, near Enriquez' body. Palaganas had not seen the firearm in Enriquez' hands.

### **Statement of Officer Jose Pedraza**

Officer Jose Pedraza was working alone in full uniform in a marked patrol vehicle. Pedraza heard the radio broadcasts indicating that both an officer and a citizen had heard gunshots, that the victim of the shooting had been located and that he appeared to be dead. Pedraza also heard the broadcast that a suspect was jumping over a wall and heading toward W. Elgenia Street. The suspect was described as wearing a baseball cap and jacket. Pedraza believed that a murder had been committed and that the suspect was fleeing from responding officers.

Officers near the Moreno homicide continued to provide information about the fleeing suspect, including that he was a male Hispanic in his twenties, that he was approximately five foot seven inches in height with a medium build, and that he was wearing gray shorts, a baseball cap and a jacket.

Dispatch reported that K [REDACTED] had called indicating first that there was someone on his roof then in his yard. The air unit had arrived and confirmed that there was a suspect in front of the K [REDACTED] house. Pedraza responded to the K [REDACTED] house, where he saw Enriquez. Pedraza

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<sup>5</sup> Palaganas was aware of additional uniformed officers at the scene, but he could not name them.

believed that Enriquez was the suspect in the Moreno homicide based upon his proximity to the shooting scene and the fact that his description matched the suspect descriptions broadcast by the officers near the Moreno homicide scene.

When Pedraza approached, Enriquez was in the driveway between the house and the trailer. Pedraza approached with his gun drawn. Initially, Pedraza was in the driveway, then he repositioned himself on or near the front porch of the K█████ residence, where he stayed for the rest of the incident. Rodriguez was positioned to his left. When Pedraza first saw Enriquez, he was looking in the direction of the officers, then he quickly began to walk northbound on the driveway toward the house. Enriquez had his hands in front of his waistband, making them largely invisible to Pedraza who feared Enriquez might have a firearm. Pedraza was 12 to 15 feet from Enriquez throughout the incident.

The officers decided to follow and capture Enriquez. Rodriguez gave unspecified commands. Pedraza had his gun drawn and loudly stated, "Police, you're a murder suspect. Stop now!" Other officers also gave commands, but Pedraza did not recall what they said. (Numerous other officers were present, but Pedraza did not recall when they arrived or what they did.) Enriquez did not stop, but continued to walk up the driveway. Rodriguez released his dog, which "engaged" Enriquez near the back of the trailer. Enriquez disappeared from sight. When Enriquez reappeared, the dog was hanging off of one of his forearms. Enriquez showed no reaction to the ongoing bite. Enriquez looked at the officers with a blank stare. One half of

Enriquez' body was exposed to view and the other half was hidden behind the trailer. Enriquez kept his arms close to his waistband and his hands were intermittently hidden from view. Reiko was pulling Enriquez. Pedraza heard a single gunshot, followed by the sound of Reiko whimpering. Pedraza believed that Enriquez may have shot the dog. Pedraza considered Enriquez' failure to comply with the officers' commands along with his knowledge that a murder had occurred and that Enriquez appeared to be the killer. Pedraza believed that his own life was in danger, as were the lives of Palaganas, Rodriguez, and the people inside the K█████ house. Pedraza decided to fire his service weapon. He believed he fired it three times. After Enriquez had been handcuffed, Pedraza approached him and saw a pistol a few feet from his feet. It was the first time Pedraza had seen that firearm.

### **Statement of Officer Matthew Bowman**

Officer Matthew Bowman was working uniformed patrol on the night of the incident. Bowman heard the broadcasts about the shots fired, the possible murder victim, the suspect running toward W. Elgenia Street and the suspect being on the roof of the W. Elgenia Street house. Bowman positioned himself on the western side of the K█████ driveway and watched as Pedraza and Palaganas approached from the east. Initially, Enriquez was pacing back and forth in the yard. Rodriguez commanded Enriquez approximately three times to, "Show me your hands, stop where you are, show me your hands or I'll send my dog." Enriquez responded, "You're gonna have to fucking shoot me. Fucking kill me." Enriquez walked toward the wrought iron gate to the north of the trailer. Reiko was deployed and contacted Enriquez while Enriquez appeared to be trying to open the gate of the wrought iron fence.

The right half of Enriquez' body was behind the trailer and his hands were either concealed by the trailer or kept out of sight near his waistband. Although Reiko was still "on the bite,"

Enriquez showed no signs of pain, and looked at the officers with a blank stare. A single shot was heard and Reiko whimpered. After a pause, there were two or three more shots.

After the shooting, Bowman approached Enriquez and saw a black handgun and a cartridge casing near Enriquez' body.

### **Statement of Officer Bryan Rodriguez**

Officer Rodriguez was working patrol as a K-9 Officer with his dog Reiko. Rodriguez monitored the dispatches regarding the shots fired and the gunshot victim who appeared to be dead. After hearing the dispatches about a suspect jumping over a wall on W. Elgenia Street, Rodriguez responded to the K [REDACTED] house. When Rodriguez heard about there being a suspect in the K [REDACTED] backyard, he exited his car with Reiko. Enriquez' head was visible on the northern side of the wrought iron fence that separated the driveway from the backyard.

Enriquez entered the front yard of the residence, and Rodriguez saw that he matched the description provided by dispatch. Rodriguez yelled, "Let me see your hands, let me see your hands!" Enriquez walked up the stairs to the front door of the K [REDACTED] house and approached the front door. Enriquez continued to disregard the commands of the officers. Rodriguez again yelled, "Let me sees your hands!" Enriquez responded, "You're just going to have to shoot me." Rodriguez' gun was still holstered. Pedraza positioned himself to Rodriguez' right and said, "He's a 187 suspect, send the dog, send the dog." Enriquez was in the middle of the driveway facing the officers. Rodriguez yelled, "Let me see your hands, let me see your hands!" Enriquez turned and walked away from the officers toward the gate. Rodriguez deployed Reiko and gave him the bite command. Reiko bit one of Enriquez' arms. With Reiko still attached to his arm, Enriquez made his way to the gate.

Enriquez' face showed that he was experiencing pain. Enriquez maneuvered himself to a position partially behind the trailer and appeared to be going down to the ground. Concurrently, Rodriguez heard shots being fired and saw Pedraza shooting at Enriquez. (Rodriguez did not hear the initial gunshot described by Pedraza and Palaganas.) Rodriguez heard Reiko yelping and assumed he had been struck by gunfire. Rodriguez ordered Reiko to return to him and he immediately took Reiko from the scene to seek medical attention. It was later established that Reiko received a single gunshot wound to his shoulder from which a single projectile was recovered. Reiko survived.

### **Statement of M [REDACTED] K [REDACTED]**

[REDACTED] K [REDACTED] was watching television in his den when he heard something bang against the wrought iron fence that separates his driveway from his yard. A short time later, he heard footsteps running across his roof. [REDACTED] called 9-1-1 while awakening his wife and daughter. While K [REDACTED] was speaking with the 9-1-1 operator, he went from window to window of his house. When he looked out the south facing windows, he saw officers arriving from the west. When K [REDACTED] looked out his north facing windows, he saw Enriquez in the northeast corner of his yard. K [REDACTED] and Enriquez made eye contact, then Enriquez purposefully walked west toward the driveway, as if he was "on a mission." Meanwhile, the officers were walking northbound toward K [REDACTED]. To K [REDACTED]'s surprise, Enriquez went south through the gate, towards the officers.

While K [REDACTED] observed the encounter between the officers and Enriquez, he, his wife and daughter were all in the kitchen, the portion of the house immediately adjacent to the driveway, just a few feet from Enriquez. K [REDACTED] continued to watch the encounter on the driveway. Enriquez came through the back gate and headed straight toward the officers. The officers yelled, "Stop," and "Drop," and other commands that K [REDACTED] could not remember. The officers were approximately ten feet from Enriquez. Enriquez ran north. K [REDACTED] heard the sound of the dog "get onto something," and immediately afterward muzzle flash lit up the driveway. K [REDACTED] ducked down and saw nothing further. K [REDACTED] heard the sound of gunfire.

### **Ballistic Evidence**

Both officers used their department issued 45 caliber handguns. A 40 caliber Glock pistol was recovered under the camping trailer, near Enriquez' feet. The magazine of the 40 caliber Glock contained three unexpended rounds.

Four 40 caliber S&W cartridge cases were recovered at the scene of the Erick Moreno homicide. A single 40 caliber S&W cartridge case was recovered between Enriquez' feet where he lay in the Kiktavi driveway. All five 40 caliber casings were analyzed and found to have been fired by the 40 caliber firearm recovered near Enriquez' feet. An unexpended 40 caliber S&W round was found near Enriquez' body in the K [REDACTED] driveway and it was analyzed and found to have been cycled through by the 40 caliber pistol found near Enriquez.<sup>6</sup>

A single projectile was recovered from Reiko during surgery. The projectile was analyzed and eliminated as having been fired by the 45 caliber handgun used by either of the officers. The projectile was compared to the 40 caliber handgun found near Enriquez with inconclusive results. However, the projectile was most consistent with bullets commonly loaded in 40 S&W or 10 mm Auto caliber cartridges. Also, the projectile had similar general rifling characteristics and "some agreement" of individual characteristics with projectiles fired by Enriquez' 40 caliber pistol.

Five 45 caliber cartridge casings were recovered from the area in which Pedraza and Palaganas stood at the time of the incident. It was established both through round counts and firearms analysis that Officer Palaganas fired one round and that Officer Pedraza fired four rounds.

### **Coroner's Findings**

On November 28, 2014, Los Angeles County Medical Examiner Dr. Vadims Poukens performed an autopsy on Enriquez and concluded that Enriquez died as a result of multiple gunshot wounds. Enriquez sustained a total of two gunshot wounds to the head and a single graze wound to his left forearm.

### **LEGAL ANALYSIS**

In the minutes before the incident, Officers Pedraza and Palaganas learned that a man had been shot to death on Badillo Street and that a suspect was seen fleeing from the shooting scene

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<sup>6</sup> The firearms examiner could not state when the unexpended round had been cycled through the 40 caliber pistol.



toward the residences on W. Elgenia. It was reasonable to assume the suspect was still armed and would attempt to evade arrest using lethal force. As the officers neared W. Elgenia Street, they learned that Enriquez had traversed the K [REDACTED] roof and was in the K [REDACTED] yard. Dispatch broadcast that Michael K [REDACTED] was describing Enriquez' movements, establishing that K [REDACTED] had a line of sight on Enriquez and could be vulnerable to gunfire, as could others in his house.

Despite the overwhelming inference that Enriquez was armed and fleeing from a murder scene, when Pedraza and Palaganas arrived, they approached Enriquez with caution for safety of all of the officers and of the K [REDACTED] family in the surrounding area. The officers gave Enriquez verbal commands and waited for him to comply. Enriquez failed to comply and instead told the officers they would have to shoot him. Officer Rodriguez deployed Reiko and all three officers waited for Enriquez to comply. Enriquez failed to comply. Officers Palaganas and Pedraza perceived that Enriquez appeared impervious to the pain of the dog bite. Enriquez dragged Reiko out of sight and shot him.

When Pedraza and Palaganas heard a single gunshot, they correctly inferred the Enriquez had fired his weapon. Regardless of who the intended target was, when Enriquez fired that shot, he demonstrated his continuing willingness to exert deadly force.

In protecting himself or another, a person may use all force which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470

“The killing of another person in self-defense is justifiable and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the other person will either kill him or cause him great bodily injury; and
2. That it is necessary under the circumstances for him to use in self-defense force or means that might cause the death of the other person for the purpose of avoiding death or great bodily injury to himself.

A bare fear of death or great bodily injury is not sufficient to justify a homicide. To justify taking the life of another in self-defense, the circumstances must be such as would excite the fears of a reasonable person placed in a similar position, and the party killing must act under the influence of those fears alone. The danger must be apparent, present, immediate and instantly dealt with, or must so appear at the time to the slayer as a reasonable person, and the killing must be done under a well-founded belief that it is necessary to save one's self from death or great bodily harm.” CALJIC No. 5.12

The doctrine of self defense is available to Officers Pedraza and Palaganas because the overall circumstances under which they confronted Enriquez presented an overwhelming likelihood that Enriquez would kill or cause great bodily harm to them or to someone in the immediate area.

The law also recognizes that lethal force may be used to apprehend a fleeing felon. (Penal Code sections 193(6) and 197(4)). In assessing whether the application of lethal force is appropriate to apprehend fleeing felons, courts have considered the degree of violence of the crime committed by the suspect, whether or not the suspect is armed, whether or not the suspect presents the threat

of harm to the officers or others in the surrounding area and whether the suspect is actively trying to evade arrest. *Thompson v County of Los Angeles*, (2006) 142 C.A.4th 154. All of those factors underscore the reasonableness of the use of force in this incident.

## **CONCLUSION**

The events that were unfolding were of the very “tense, uncertain and rapidly evolving” nature contemplated by the Court in *Graham v. Connor* (1989) 490 U.S. 386, 397. Officers Pedraza and Palaganas both based their decision on what was known to them at the time. The officers correctly surmised that Enriquez was running from the Moreno homicide and that he could still be armed with a firearm. When the officers heard Enriquez fire the shot that struck Reiko, they were well justified in their belief that he presented a potentially lethal threat to them and to the K█████s inside their residence. Considering the rapidly evolving, potentially dangerous situation that confronted Officers Pedraza and Palaganas, we conclude that they were justified in using deadly force against Juan Enriquez. We are closing our file and will take no further action in this matter.