

**Officer Involved Shooting of Donte Jordan  
Long Beach Police Department**

**Officers Robert Cruz, #1009; Raymond Panek, #5857**

**J.S.I.D. File #13-0751**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**June 10, 2016**

## MEMORANDUM

TO: CHIEF ROBERT G. LUNA  
Long Beach Police Department  
400 W. Broadway  
Long Beach, California 90802

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Donte Jordan  
J.S.I.D. File #13-0751  
L.B.P.D. File #13-68947

DATE: June 10, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 10, 2013, fatal shooting of Donte Jordan by Long Beach Police Officers Robert Cruz and Raymond Panek. We have determined that these officers acted lawfully in self-defense and in defense of each other.

The following analysis is based upon a series of reports prepared by the Long Beach Police Department (LBPD). The District Attorney Command Center was notified of this shooting at 10:00 p.m. on November 10, 2013. The District Attorney Response Team responded to the location of the shooting where they received a briefing and "walk-through" of the scene. No compelled statements were presented or considered for purposes of this analysis.

### **FACTUAL ANALYSIS**

On November 10, 2013, at approximately 5:49 p.m., LBPD received multiple 9-1-1 calls reporting that an individual was shooting a gun at the Shell gas station located at the intersection of West Anaheim Street and Magnolia Avenue in the City of Long Beach. Several of the callers also reported that the male shot multiple times at a vehicle that had pulled into the gas station. The shooter was described by one caller as a skinny black male, approximately 30 to 35 years old, wearing a white dress shirt and black or blue pants. A second caller described the shooter as a black male, 20 to 30 years old, wearing a long sleeve brown and white shirt with black pants.

At approximately 5:50 p.m., both Officer Cruz and Officer Panek radioed that they were responding to the location. Both officers were assigned to one-man marked police cars and in full police uniform. Cruz and Panek arrived at the location almost simultaneously and stopped their vehicles on West Anaheim Street, east of the intersection of West Anaheim Street and Magnolia Avenue.

Panek saw Donte Jordan walking eastbound on the sidewalk on the north side of West Anaheim Street. Jordan matched the description provided by the 9-1-1 callers.<sup>1</sup> Panek exited his vehicle and moved to the sidewalk approximately 15 yards behind Jordan. Panek drew his service weapon and began to follow Jordan.

During this same period, Cruz exited his vehicle and observed Jordan walking eastbound at a fast pace holding items in both his right and left hands. Cruz drew his service weapon and ordered Jordan to “Stop!” multiple times. Jordan refused and continued walking east on West Anaheim Street. Cruz paralleled Jordan by walking in the street south of Jordan and continued to order Jordan to “Stop!” and to “Show me your hands!” Jordan refused.

As Jordan continued to walk east on the sidewalk, he turned his head over his left and right shoulders toward Panek and Cruz. Panek heard Jordan state, “What I did?” and “Fuck y’all.” Panek ordered Jordan to “Stop!” and to “Show me your hands!” approximately five times. Jordan refused. Panek saw Jordan holding what he believed was a small black handgun in his right hand. Panek became concerned because he knew that a bar was open near the corner of West Anaheim Street and Chestnut Avenue approximately 80 to 100 feet from Jordan’s location. Based on his knowledge of the area, Panek also believed that there were likely to be pedestrians in that area.<sup>2</sup> As Jordan neared the intersection of West Anaheim Street and Chestnut Avenue, Panek fired his service weapon at Jordan two to three times.<sup>3</sup>

Cruz heard Panek’s gunfire and observed that Jordan did not react. However, Cruz saw Jordan drop one of the items he was holding from his right hand onto the sidewalk. Cruz believed that this item was a cellphone.<sup>4</sup> Jordan continued to walk east on West Anaheim Street still holding an object in his left hand. Cruz believed that this object was a handgun.<sup>5</sup> Cruz was also concerned that Jordan was approaching an area with high pedestrian traffic. Cruz continued to command Jordan to “Stop!” and to put his hands up. Jordan ignored those commands.

---

<sup>1</sup> At the time of this incident Jordan was 39 years old. He stood six feet three inches tall and weighed 185 pounds. He was African American and was wearing a white dress shirt and dark pants.

<sup>2</sup> Panek’s knowledge was based on working as a patrol officer in this area for 13 years. He was aware that the bar on the corner of Chestnut Avenue and Anaheim Street was open for business at the time of this incident and that there was significant pedestrian and vehicle traffic at this time of day at the intersection of Chestnut Avenue and Anaheim Street. Witness Juan Vasquez was traveling westbound in a vehicle on Anaheim Street at the time of this shooting. Witness Christina Estrada was standing in front of the open bar at the corner of Chestnut Avenue and Anaheim Street at the time of the shooting. It is unknown how many other pedestrians and drivers were in close proximity to the intersection at the time of the shooting.

<sup>3</sup> Panek was armed with a Springfield Armory 1911-A1 .45 caliber semi-automatic firearm. Cruz was armed with a Springfield Armory 1911-Operator .45 caliber semi-automatic firearm. Panek believed his shots hit Jordan but they did not appear to affect him. Based on the approximate distance between Jordan and Panek and the location of Panek’s shell casings, Jordan was approximately 40-50 feet from the intersection when Panek fired.

<sup>4</sup> This object was in fact the firearm that Jordan had used to shoot at the Shell gas station. From the crime scene photograph the firearm appears to be a small black semi-automatic handgun. The firearm is described in the property reports as a black .25 caliber Beretta Jetfire handgun.

<sup>5</sup> This was a cell phone which was later recovered next to Jordan’s body. From crime scene photos the cell phone appears to be a black smart phone. The phone is described in the property reports as a black Metro PCC Cool Pad cell phone.

As Jordan began crossing Chestnut Avenue, Cruz sped up to shorten the distance between himself and Jordan.<sup>6</sup> Jordan began to turn toward Cruz and Panek with a dark object in his left hand. Believing that Jordan was about to shoot either him or Panek, Cruz fired his service weapon twice at Jordan. At almost the same time, Panek fired his service weapon two or three more times striking Jordan in the back.<sup>7</sup> Jordan fell to the ground and was detained.

An ambulance was summoned and Jordan was transported to Saint Mary's Medical Center. Jordan did not survive.

Witness Juan Vasquez was traveling westbound in a vehicle on Anaheim Street when he observed a "black and white" police car stop in the middle of Anaheim Street. Vasquez was driving and stopped his vehicle west of Chestnut Avenue because of the police activity. Vasquez saw police officers outside of their vehicles pointing their guns at an African American male and heard the police telling the man to stop. The male did not stop. Vasquez did not see if the male had any object in his hands. Vasquez then heard three or four shots which he believed were fired by the police officers and saw the male fall to the ground.

Christina Estrada was standing outside of a bar located at 347 West Anaheim Street when she saw an African American male walking east on the north Sidewalk of Anaheim Street. She saw more than one police officer outside of their cars pointing guns at the male and ordering him to stop. The male did not stop, instead yelling "Why? Why?" She did not see if the male was armed or had any object in his hands. She said after the male refused to stop the police shot him.

A .25 caliber Beretta semi-automatic handgun was located on the north sidewalk of West Anaheim Street approximately 55 feet from Jordan's location at the time he was shot. Subsequent testing determined that this firearm was operational and that the shell casings recovered from the Shell gas station were fired from this firearm.

On November 13, 2013, Deputy Medical Examiner Dr. Cho Lwin conducted an autopsy on Jordan's body. Dr. Lwin ascribed the cause of death to multiple gunshot wounds. Post-mortem toxicology tests of Jordan's blood revealed the presence of cocaine, marijuana and phencyclidine.

---

<sup>6</sup> The intersection of Chestnut Avenue and Anaheim Street is a commercial area illuminated by overhead street lights and incidental light from the commercial establishments.

<sup>7</sup> No forensic comparison was conducted of the bullets fired from Panek's and Cruz's firearms and any bullets recovered during Jordan's autopsy. Accordingly, it cannot be conclusively determined which officers' bullets struck Jordan. Panek did not describe seeing Jordan drop any item as he walked toward the intersection of Anaheim Street and Chestnut Avenue, nor did he describe seeing any object on the sidewalk along the path that Jordan walked. There is no indication in the submitted materials that Cruz communicated his observations regarding the object Jordan dropped to Panek during the course of this incident. There was no video of the officer involved shooting. There were multiple witnesses to Jordan's apparent drug intoxication, his anger and shouting, his discharging a firearm at the Shell gas station and to his walking down Anaheim Street toward Chestnut Avenue holding a handgun.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal. 4<sup>th</sup> 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use all 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 imminent injury. CALCRIM No. 3470.

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 apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

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.

## CONCLUSION

Officers Cruz and Panek were dispatched to the scene of a shooting which had just occurred. The nature of the call alerted them to the potential for injury or death to themselves or members of the public. When they made contact with Jordan he was walking down a public street carrying the handgun he had used only moments before. Cruz and Panek repeatedly directed Jordan to stop and to show his hands. Jordan refused to do so. Instead he continued to walk away from the officers holding the handgun and looking over his shoulder as if he were ready to engage the officers in a gun-battle. Jordan's statements "What I did?" and "Fuck y'all" demonstrated that he recognized Cruz and Panek as police officers but intentionally refused to comply with their lawful commands to stop. Jordan's refusal heightened Cruz and Panek's fear that Jordan was prepared to resist their efforts to detain him.

As Jordan approached an area of open businesses and high pedestrian traffic, Panek fired at him to prevent him from harming unsuspecting members of the public. Cruz and Panek continued to order Jordan to stop, but he refused. Cruz observed Jordan drop an object to the ground but did not realize the object was a handgun. There is no evidence that Cruz communicated his observation to Panek. As Jordan began to turn his body towards the officers with a black object in his hand, both officers actually and reasonably believed that he was preparing to shoot at them. Cruz and Panek fired their service weapons at Jordan to end the apparent threat.

For these reasons, we conclude that Officers Robert Cruz and Raymond Panek acted lawfully in self-defense and the defense of others. We are closing our file and will take no further action in this matter.