

**Officer Involved Shooting of Daniel Molina  
Los Angeles Police Department**

**Officer Daniel Ramirez, #40184**

**Officer Oscar Orellana, #36908**

**J.S.I.D. File #14-0340**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**May 4, 2016**

## MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ  
Force Investigation Division  
Los Angeles Police Department  
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 Daniel Molina  
J.S.I.D. File #14-0340  
F.I.D. File #F027-14

DATE: May 4, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 17, 2014, fatal shooting of Daniel Molina by Los Angeles Police Department (LAPD) Officers Daniel Ramirez and Oscar Orellana. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on May 18, 2014, at approximately 1:27 a.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 the Los Angeles Police Department (LAPD) Force Investigation Division, submitted to this office by Detectives Anthony Rheault, Martha Rodriguez, and Oscar Lopez. The reports include photographs, audio-recorded interviews of witnesses, and radio transmissions. The compelled statements of Officers Ramirez and Orellana were also considered as part of this analysis.

### INTRODUCTION

On May 17, 2014, LAPD officers responded to a 9-1-1 call of a man throwing rocks at passing automobiles. When officers arrived, Daniel Molina, who was later determined to have the presence of marijuana and methamphetamine in his bloodstream, was in the front yard of a residence. While concealed behind a fence in the yard, Molina threw large rocks at the officers who told Molina to calm down and to surrender. Molina yelled, "Fuck you! Shoot me!" The officers donned helmets and took cover behind their police vehicles and formulated a tactical plan to enter the yard to detain Molina. Molina suddenly emerged from the yard and, with a kitchen knife raised in his right hand, sprinted toward the officers. An officer yelled, "He's got a knife! He's got a knife!" When Molina quickly closed distance from the officers to approximately 20 feet, Officer George Olsey fired two rounds from his beanbag shotgun at Molina.<sup>1</sup> Officer Ramirez simultaneously fired two rounds from his shotgun, striking Molina

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<sup>1</sup> The evidence is inconclusive as to whether the beanbag rounds struck Molina.

twice in the abdomen. Molina ran away and Officer Orellana chased him. When Molina stopped, turned, and stepped toward Orellana with the knife still in his hand, Orellana fired a single round at Molina, striking him in the abdomen. Molina collapsed and died a few feet away. Two butcher knives were located in the bushes next to Molina's body.

## **FACTUAL ANALYSIS**

### **The Scene**

The shooting occurred in a residential area at the corner of Troost Avenue and Stagg Street in North Hollywood. The street where the shooting occurred and the area around the involved police vehicles was littered with numerous large rocks, a vodka bottle, a steel mallet, and a plastic, decorative lobster, all of which appear to have been thrown by Molina from an adjacent residence. Two expended less lethal shot shells and two expended standard shotgun shells were located in the street near the police vehicles. An expended 9mm shell casing was located in the trunk of one of the police vehicles. The police vehicles were not damaged by rocks. Three other vehicles at the scene indicated damage from rocks and one of the vehicles had damage consistent with stabbing from a knife.

### **Statement of LAPD Officer George Olsey**

Officer Olsey provided a compelled statement to investigators.

On May 17, 2014, Olsey was on patrol with Officer Emmanuel Barbu. They were in uniform and driving a marked black and white patrol vehicle. At approximately 11:23 p.m. they responded to a radio call requesting backup from other officers regarding rocks being thrown at vehicles near the intersection of Troost Avenue and Stagg Street. When they arrived and exited their vehicle they were pelted with large rocks from a nearby residence. The area was very dark and not illuminated by street lights. There was a small amount of ambient light from lampposts at a nearby residence but according to Olsey the area was "awful dark."

A sergeant who had arrived earlier yelled, "Olsey! Get your helmet on! There's guys throwing rocks at us!" Believing that rocks and bottles were being thrown at them possibly from people at a party that had gotten out of control, and a "skirmish line" may have to be deployed to quell the disturbance, Olsey returned to his patrol car, donned his helmet, and armed himself with a department issued Remington 870 beanbag shotgun loaded with six Supersock rounds. Olsey said, "[A]ll of a sudden I just see this guy (Molina) with this huge knife in his hand scream --- screaming like a mad man, rushing towards us." He added that Molina surprised him and "scared the hell out of me."

As Molina ran "full bore" in the direction of Olsey and other officers, Olsey heard someone yell, "He has a knife! He has a knife!" Olsey saw Molina with a knife in one hand and an unidentified object in the other.

As Molina closed the distance to approximately 20 to 25 feet, Olsey thought that Molina was going to stab him or the officers standing to the right of him so he fired two or three beanbag

shots at Molina.<sup>2</sup> He did not have time to raise the beanbag shotgun to the regular firing position and instead fired from a “close contact” position. Olsey heard simultaneous gunfire from other officers. Molina stopped running at Olsey and the other officers, turned, and ran in the opposite direction. Olsey did not know if it was the beanbag rounds or shots from other officers that caused Molina to retreat.

Molina collapsed a short distance away and was handcuffed by another officer. Olsey saw Molina with a large laceration on his abdomen so he called for an ambulance.

**Statement of LAPD Officer Daniel Ramirez**

Officer Ramirez provided a compelled statement to investigators.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>2</sup> There were two expended shot shells located at the scene consistent with Olsey firing two shots.

<sup>3</sup> Two shotgun shells fired from Ramirez’ shotgun were recovered in the street in front of the residence.

**Statement of LAPD Officer Oscar Orellana**

Officer Orellana provided a compelled statement to investigators.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Statement of LAPD Sergeant Herman Frettlahr**

Sergeant Frettlahr provided a compelled statement to investigators.

Frettlahr was on patrol in the North Hollywood area when he received a radio call of a man throwing rocks from a residence that he had broken into. The radio call was updated to request a supervisor at the scene so he drove to the location. When he arrived, he saw other officers already present and he heard a radio call for backup. Frettlahr saw rocks being thrown in the officers' direction from an adjacent residence. The officers were taking cover behind the open trunk of a police vehicle. He reported over the radio for all responding officers to don their helmets. One of the officers armed himself with a shotgun and the other armed himself with a beanbag shotgun. One of the officers told Molina, "Hey, come on out!" Molina responded, "Come and get me!" Other officers arrived and Frettlahr started to assemble the officers into an arrest team as rocks continued to be thrown from the residence. An officer reported, "Hey, he's out!" Frettlahr saw Molina, shirtless, emerge from the front yard of the residence and run toward them holding a six to eight inch kitchen knife in his hand. Frettlahr yelled, "He's got a knife! He's got a knife!" As Molina closed to within approximately 20 feet of Frettlahr, Frettlahr

yelled at the officers to shoot. Molina stopped, reversed directions, and ran. Frettlahr heard additional shots and he saw blood and Molina fell. He told the officers to cease fire and they handcuffed Molina and a rescue ambulance was called.

### **Statement of LAPD Officer Jose Organista**

Officer Organista provided a compelled statement to investigators.

Organista said he was on patrol with Officer Ramirez when they responded to an assault with a deadly weapon call and that a man who may have broken into a residence was throwing rocks at passing vehicles. Organista and Ramirez drove to the location with their lights and siren activated. They were the first police unit to arrive at the scene. They were flagged down near the location by people pointing in the direction of the residence. Organista saw a large rock hit the street in that area. Organista radioed for backup and exited his patrol vehicle and unholstered his service weapon while Ramirez said he was getting his shotgun from the trunk of the police vehicle. Molina continued to throw rocks in their direction. Organista and Ramirez donned their helmets and took cover behind their police vehicle. He heard Molina yell, "Come get me, motherfuckers!" While they were forming a tactical plan, he saw Molina, shirtless, appear in front of the residence where the rocks had been coming from. Organista and Ramirez used their vehicle for cover as they saw Molina running at them at "full speed." He heard another officer yell, "He's got a knife! He's got a knife!" Organista saw Molina with a knife in his right hand and he heard an officer yell, "Shoot! Shoot!" and he heard gunshots. Organista was still aligning his sights of his beanbag shotgun at the time of the shooting and did not fire. He saw Molina retreat immediately after the shots were fired and run around a corner and out-of-sight.

### **Statement of Marcario Hernandez**

Hernandez told investigators he drove up to his residence with his wife when he felt a rock hit his car. He exited his vehicle and saw Molina in his yard and throwing rocks from his rock garden at him and at cars. Molina was yelling he was God. Hernandez re-entered his vehicle, drove away, and parked nearby. As he drove away, Molina stabbed his car. He saw Molina jumping back and forth over his locked front gate. The police arrived and put on helmets and told Molina to calm down but he threw rocks at them. Molina ran at the police officers aggressively and was shot. He did not see if Molina had anything in his hands at that point. Molina ran away and fell. The two kitchen knives found next to Molina's body belonged to Hernandez.

### **Statement of Ruben Isabalo**

Isabalo told investigators he looked outside of his residence and he heard rocks being thrown "all around." He saw a man yelling, "Shoot me, motherfucker! Shoot me, motherfucker! Isabalo went back inside his residence and about a minute later he heard gunshots.

### **Statement of Narek Mnatsakanian**

Mnatsakanian told investigators he was driving his automobile on Stagg Street when a male Hispanic jumped out from behind a car and threw a large rock at his car, denting the driver side

door and fender. The man was angry and said to him in Spanish, “What’s up, puto?”<sup>4</sup> Mnatsakanian drove away and later contacted police.

### **Statement of Ralph Lopez**

Lopez told investigators he was standing near the intersection of Troost Avenue and Stagg Street when he heard somebody screaming and yelling, “Get the fuck out of here! Shoot me!” He heard things breaking. He conversed with his neighbor who said a “crazy man” was in his front yard and was throwing rocks and stabbed his car as he drove by. The man threw a rock at Lopez. He saw the police arrive and the man threw large rocks at them. The man said, “Fuck you motherfucker cops” and saw the man throw a “big ass rock” at them. The officers told the man to calm down and to surrender but the man would not comply. The man continued to throw rocks at the officers, who were trying to take cover. He could not see the man but saw and heard the officers shoot.

### **Molina’s Injuries**

Molina was shot three or four times. There were two shotgun wounds to the abdomen, a gunshot wound to the abdomen, and a shotgun wound to the upper left arm.

The two shotgun wounds to the abdomen indicated a front-to-back trajectory. There was wad impact associated with each wound and shotgun pellets were recovered from Molina’s back.<sup>5</sup> These were fatal wounds.

There was also a “through-and-through” gunshot wound to the left abdomen with a front-to-back trajectory.<sup>6</sup> This was also a fatal wound.

The fourth wound was to Molina’s upper left arm that may have been associated with one of the shotgun wounds to the abdomen. This wound indicated a back-to-front trajectory. No shotgun pellets were recovered near this wound and wad impact was not present.

### **Forensic Examination**

The knives found next to Molina’s body had the presence of DNA consistent with Molina’s DNA profile.

## **LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death.<sup>7</sup>

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<sup>4</sup> “Puto” has several derogatory meanings in Spanish.

<sup>5</sup> These shotgun wounds are consistent with the shots fired by Officer Ramirez.

<sup>6</sup> This gunshot wound is consistent with the shot fired by Officer Orellana.

<sup>7</sup> Penal Code § 197; *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082; *see also*, CALCRIM No. 505.

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.<sup>8</sup>

“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 involving - - about the amount of force that is necessary in a particular situation.”<sup>9</sup>

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.”<sup>10</sup>

“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.”<sup>11</sup>

The evidence examined in this investigation shows that Officers Ramirez, Orellana, and Olsey, along with other backup officers, responded to a call of a man later identified as Daniel Molina, who was acting “crazy”, was claiming to be “God”, and was throwing large rocks at passing motorists. He was also demanding from passing motorists that they shoot him, and he stabbed a vehicle that drove by.

When the officers arrived, Molina pelted them with large rocks so they took cover, donned their helmets, and ordered Molina to calm down and to speak with them. Molina did not comply with the officers and instead responded by demanding that the officers shoot him.

As the officers were formulating a tactical plan to arrest Molina, Molina suddenly appeared from the front of a residence, holding at least one large kitchen knife, and ran at the officers aggressively and at “full speed.” When Molina closed the distance to the officers to within approximately 20 feet, the officers believed that Molina was going to assault them with the knife. In fear for their lives and the lives of the other officers, Officer Olsey fired two rounds from his beanbag shotgun at Molina. At approximately the same time, Officer Ramirez fired two rounds from his shotgun at Molina, striking him in the abdomen. Molina ran away, still armed with at least one knife, and Officer Orellana chased him. When Molina turned on Orellana with the knife and stepped toward him, Orellana fired a round at Molina, also striking him.

## **Conclusion**

We conclude that Officers Ramirez and Orellana were placed in reasonable fear of death or great bodily injury by Molina’s actions and acted lawfully in self-defense and defense of others when they used deadly force against him. We are therefore closing our file and will take no further action in this matter.

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<sup>8</sup> CALCRIM No. 3470.

<sup>9</sup> *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

<sup>10</sup> *Munoz v. City of Union City* (2004) 120 Cal. App. 4<sup>th</sup> 1077, 1102.

<sup>11</sup> *People v. Collins* (1961) 189 Cal.App.2d 575, 589.