

**Officer Involved Shooting of William Nagano  
Los Angeles Police Department**

**Sergeant Christopher De La Torre, #33908  
Officer Marco Evans, #38736**

**J.S.I.D. File #15-0298**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**June 27, 2016**

## MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ  
Los Angeles Police Department  
Force Investigation Division  
100 West First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT: Officer Involved Shooting of William Nagano  
J.S.I.D. File #15-0298  
L.A.P.D. F.I.D. File #F046-15

DATE: June 27, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 10, 2015, non-fatal shooting of William Nagano by Los Angeles Police Department (LAPD) Sergeant Christopher De La Torre and Officer Marco Evans. We have concluded that Sergeant De La Torre and Officer Evans acted lawfully in defense of another.

The District Attorney's Command Center was notified of the shooting on June 10, 2015, at approximately 4:50 p.m. The District Attorney's Response Team responded to the location and was given a preliminary briefing on the circumstances of the incident and a walk-through of the scene.

The following analysis is based upon investigative reports, evidence reports and transcribed witness statements taken during the course of the investigation by the LAPD and submitted to this office by Lieutenant Damian Gutierrez, LAPD Force Investigation Division. The compelled statements of Sergeant De La Torre and Officer Evans were not considered in this analysis.

### FACTUAL ANALYSIS

On June 10, 2015, at approximately 4:16 p.m., LAPD Hollywood Patrol Division Officers Luis Flores and Marco Evans were working uniformed patrol in a marked police vehicle when they received a code three radio call of a "violent male mental illness."<sup>1</sup> The incident was occurring near the intersection of Lexington Avenue and Sycamore Avenue. LAPD Sergeants Christopher De La Torre and Mark Cohan broadcast that they would be backing Officers Flores and Evans on the call.

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<sup>1</sup> The initial incident report described the suspect as a male Hispanic wearing a striped shirt and blue jeans with a knife in his hand.

Sergeants Cohan and De La Torre arrived at the scene first. They observed William Nagano sitting on the north sidewalk of Lexington Avenue and two witnesses, Georgetta Gillespie and Michael Blocker, standing nearby. Cohan made eye contact with Nagano and observed that he was holding a knife with the blade pointed upward in his hand.<sup>2</sup>

De La Torre stopped their police vehicle east of Nagano, and both he and Cohan exited the vehicle. Cohan, seeking cover, moved to the rear quarter panel of the vehicle. Cohan, fearing the situation may escalate to one requiring deadly force, unholstered his service weapon and pointed it at Nagano. De La Torre, moving east from the vehicle, also drew his service weapon. Using his other hand, Cohan removed his radio and broadcast for back up, specifically requesting a Taser and a beanbag shotgun.

Officers Flores and Evans arrived at the location and stopped their vehicle near the southeast corner of the intersection of Lexington Avenue and Sycamore Avenue, approximately 44 feet from Nagano. Flores observed Nagano holding a knife to his neck. Evans exited the patrol vehicle and took cover behind his open passenger door. Flores exited the patrol vehicle and heard Cohan request a "Code-Robert."<sup>3</sup> Flores retrieved a beanbag shotgun from the trunk of the patrol car and moved to a cover position near the front passenger door.

As he neared the door, Flores observed that Evans had repositioned himself a few feet in front of the vehicle's door, having moved closer to Nagano. Realizing that Evans could now be in the line of fire should he need to discharge the beanbag, Flores moved away from the patrol vehicle toward the sidewalk near the southeast corner of the intersection. Flores chambered a beanbag round and pointed the weapon at Nagano.

As the officers repeatedly ordered Nagano to drop the knife, Cohan directed Flores and Evans to reposition their vehicle closer to Nagano. As Cohan neared Flores and Evans, he realized that he was without cover. Cohan ran back to his vehicle, still pointing his service weapon at Nagano.

As he was approximately two feet from his vehicle, Cohan observed Nagano running quickly toward him with the knife and heard Flores chamber a beanbag round. As Nagano reached approximately 10 feet from Cohan, Sergeant De La Torre fired three to four rounds at Nagano, fearing for Cohan's life.

Unsuccessful in stopping Nagano's movement toward Cohan, De La Torre fired an additional three to four rounds toward Nagano from a distance of approximately 13 feet. Simultaneously, Evans fired two rounds at Nagano from a distance of approximately 26 feet. Nagano was struck multiple times and fell to the street.

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<sup>2</sup> Nagano was holding a silver and black folding knife, eight inches in overall length, with a three and a half inch blade. According to Blocker, Nagano transferred the knife from his right hand to his left hand as the officers arrived at the scene and opened the blade of the knife to a locked position.

<sup>3</sup> A Code-Robert is a request for a police rifle. Despite this request, Flores believed Cohan had misspoke and instead intended to request a beanbag shotgun.

Evans, Flores, Cohan and De La Torre approached Nagano. The open knife was still in his hand. The officers immediately summoned paramedics and requested an ambulance for Nagano due to his gunshot wounds.

Paramedics treated Nagano at the scene and transported him to Cedar-Sinai Medical Center for additional treatment. Nagano was treated for gunshot wounds to his lower left and right abdominal region, lower left thigh, right upper arm, left elbow region and left hand. A psychiatric evaluation was conducted of Nagano on June 13, 2015, which concluded he was experiencing a severe major depressive disorder and was at a high risk of self-harm.

Nagano was interviewed on June 15, 2015 by Force Investigation Division (FID) Detectives Chavez and Lee. Nagano stated he was ready to die and thought that the police would possibly end the situation. Nagano realized that he had placed the officers in danger. He admitted running at the officers with a knife and believed he would be shot if he ran at them. Nagano said he was ready to die at that point.

On June 17, 2015, Nagano was discharged from Cedar-Sinai Medical Center and transported to the jail ward of Los Angeles County USC Medical Center. Nagano is currently awaiting a pre-trial for two counts of assault with a deadly weapon on a peace officer in case number BA437289.

## **LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or defense of others actually and reasonably believed that he was in danger of great bodily injury or death. 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. 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.

“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 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.

## **CONCLUSION**

The evidence examined in this investigation shows that Officers Flores and Evans were assigned a call of a “violent male mental illness.” Sergeants De La Torre and Cohan assisted with the call and were the first responders at the scene. When De La Torre and Cohan arrived, they observed Nagano seated on the sidewalk holding an open knife. They unholstered their service weapons and requested non-lethal weapons. Officers Flores and Evans subsequently arrived at the scene.

As the officers arranged themselves into positions that would make non-lethal force safe and effective, Nagano charged toward Sergeant Cohan with the knife in his hand. Fearing immanent great bodily injury or death to Cohan, both Sergeant De La Torre and Officer Evans fired rounds from their service weapons at Nagano, ending the threat.

Given the quickly evolving and life-threatening scenario that confronted Sergeant De La Torre and Officer Evans, we conclude that they acted lawfully in defense of another. We are therefore closing our file and will take no further action on this matter.