

**Officer Involved Shooting of Tegan Stephens
Los Angeles Police Department**

Officer Ricardo Cardona, #40712

J.S.I.D. File #15-0268



JACKIE LACEY

District Attorney

Justice System Integrity Division

June 28, 2016

MEMORANDUM

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

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

SUBJECT: Officer Involved Shooting of Tegan Stephens
J.S.I.D. File #15-0268
F.I.D. File #F043-15

DATE: June 28, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 24, 2015, non-fatal shooting of Tegan Stephens by Los Angeles Police Department (LAPD) Officer Ricardo Cardona. It is our conclusion that Officer Cardona acted in lawful defense of another at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on May 24, 2015, at approximately 3:30 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Brian Gilman.

The following analysis is based on reports, transcripts, and photographs submitted to this office by the LAPD's Force Investigation Division. The departmentally compelled statement of Officer Cardona was considered in this analysis.

FACTUAL ANALYSIS

On May 24, 2015, at approximately 2:10 a.m., LAPD Officers Ricardo Cardona and Chaleen Engeman were working the Hollywood Enforcement District (HED) uniformed foot patrol in the area of Hollywood Boulevard and Cherokee Avenue. The officers had briefly stopped at the LAPD substation located on the east side of Cherokee Avenue, north of Hollywood Boulevard. As they exited the substation, both officers noticed a group of four men west of their location standing near a white Range Rover parked in a parking lot on the west side of Cherokee Avenue.¹

¹ The Range Rover was backed into a parking space with the front of the car facing north. Just south of the hatch portion of the car was a cinderblock wall measuring three feet at its lowest point and four feet at its highest point, with chain link fencing affixed to the top of the wall. The Range Rover was parked in the fourth parking spot west of the west sidewalk of Cherokee Avenue. The Range Rover had Nevada plates and was registered to Tegan Stephens and Kathy King, Stephens' mother.

One of the men, later identified as Tegan Stephens, appeared to be engaged in a verbal argument with the other three men.² The three men gestured with their hands as if dismissing Stephens and began to walk eastbound towards the west sidewalk of Cherokee Avenue, away from Stephens. Stephens walked to the rear of the Range Rover, opened the hatch, and looked toward the three men. Another verbal exchange took place between Stephens and the three men. [REDACTED]

[REDACTED] Engeman, while observing this encounter, said to Cardona, “Watch, he’s going to have a gun.”³

Stephens leaned into the hatch portion of the Range Rover and then returned upright, leaving the hatch ajar. Stephens turned to face eastbound and began to walk towards the three men, who were now walking south on the west sidewalk of Cherokee Avenue. At this time, [REDACTED] Engeman saw Stephens holding a black handgun.⁴ [REDACTED]

Stephens crouched along the wall and began to raise the pistol, pointing it in a southeast direction towards the three men. Engeman moved southwest toward a large tree to take cover and began to key her microphone while Cardona walked a few steps toward the street. [REDACTED]

[REDACTED] believed that Stephens was going to fire his weapon at the men. [REDACTED]

[REDACTED] Stephens brought his pistol to 90 degrees, parallel to the ground. In defense of the three men, Cardona fired his duty weapon at Stephens, who was standing near the far end of the first parking space west of the sidewalk.⁵

Stephens paused briefly and then resumed walking eastbound towards the men. [REDACTED] Engeman believed that Cardona’s gunshots had not deterred Stephens and Stephens was intent on shooting the men. As Stephens reached the east end of the first parking spot west of the sidewalk, he began to take a kneeling-style shooting position. As Stephens crouched down and pointed his pistol at the three men, Cardona again discharged his duty weapon. [REDACTED]

² LAPD investigators were unable to identify and interview the three men. [REDACTED]

[REDACTED] Neither officer could hear what was said, but interpreted this situation through the non-verbal communication they witnessed.

³ Engeman believed, but was not positive, that she made this statement out loud.

⁴ Engeman told investigators that Stephens held the gun in both hands in a low ready position. [REDACTED]

⁵ [REDACTED]

As Cardona fired, Engeman broadcast a help call, indicating that shots had been fired. Stephens stopped, turned, and began to walk westbound in the parking lot. The three men, apparently hearing the gunfire, ran away. Several LAPD officers in close proximity also heard the gunfire. Others heard the "Shots fired!" broadcast and responded immediately to the location.

Stephens walked back to the rear of the Range Rover holding the gun down at his side and leaned into the hatch area. The officers briefly lost sight of Stephens' hands as he did so. Stephens returned upright, closed the hatch, and walked northbound along the driver's side of the Range Rover. At this time, the officers could see that Stephens was no longer holding a weapon in his hands.

Fearing that Stephens would enter the Range Rover and drive away, [REDACTED] Engeman ordered Stephens to step away from the car and raise his hands. Initially, Stephens did not appear to hear the orders. [REDACTED]

[REDACTED] Stephens complied with these commands as other LAPD officers arrived at the location. The officers then ordered Stephens to get down on the ground, which he did. Officers approached and took Stephens into custody. The officers noticed that Stephens had been injured and requested a rescue ambulance.

Paramedics arrived at the location, treated Stephens, and transported him to Cedars Sinai Medical Center. Stephens suffered a gunshot wound to the left side of his torso [REDACTED]

[REDACTED] He was treated at the hospital and survived his injury.⁶

Investigators located an unloaded Glock Model 17 Gen4 9mm semiautomatic pistol inside the rear hatch of the Range Rover.⁷ The pistol did not have a magazine inserted into the well. Investigators also found the keys to the car and an open Glock gun box containing an empty magazine in the rear hatch area. An additional empty magazine was recovered from the ground near the rear of the Range Rover. Both magazines are capable of holding 17 rounds.⁸

Cardona was armed with his department authorized Glock Model 17 9mm semiautomatic pistol. The maximum capacity of this firearm is 18 total rounds. After this incident, Cardona's firearm was loaded with 12 rounds. Six expended 9mm Luger cartridge cases were located in the east lane of Cherokee Avenue in front of the LAPD substation. Cardona fired six rounds.

⁶ [REDACTED]

⁷ The firearm was registered in Nevada to Stephens.

⁸ Penal Code section 32310 prohibits a person from buying or receiving large capacity magazines. A large capacity magazine is capable of accepting more than 10 rounds. Penal Code section 16740.

Investigators interviewed Dominic Jordan, Stephens' friend. On May 23, 2015, at approximately 10:30 p.m., Jordan and Stephens went to the Supperclub with a group of their friends.⁹ Stephens parked his Range Rover in the parking lot on the west side of Cherokee Avenue. They stayed at that location until approximately 1:30 a.m. After leaving the club, Stephens and Jordan stopped at the north end of the parking lot to speak to a group of women. The women told Stephens and Jordan that they were hungry and wanted to get hot dogs from the vendors on Hollywood Boulevard. Stephens walked away from the group, toward his Range Rover which was parked at the south end of the parking lot. Jordan remained with the women, standing with his back to Cherokee Avenue. Jordan did not watch Stephens as he went to the car. After approximately 15 seconds, Jordan heard gunshots coming from Cherokee Avenue. He ducked down, using a parked car as cover. The women took cover with him a few seconds later. After approximately 90 seconds, Jordan stood up and looked around. He saw a man, who he believed to be Stephens, being treated by medical personnel.

Jordan had never seen Stephens with a gun and did not believe that he owned a gun. Stephens did not get into a fight while at the Supperclub and, according to Jordan, was "a very docile type of person." According to Jordan, not enough time passed between the time that Stephens walked to his car and the time that Jordan heard gunshots for Stephens to get into an altercation.

Investigators were able to identify the five women that were speaking with Stephens and Jordan in the parking lot. Only two women, Nancy Ortiz and Mayra Guzman, would speak with investigators. Ortiz and Guzman indicated that they heard gunshots and fell to the ground next to Jordan. Ortiz told investigators that none of the women saw any verbal encounter between Stephens and a group of men and none of them saw the officer involved shooting.

Based upon his actions in this case, Stephens was convicted in case number BA436815 of a violation of Penal Code section 29805, restriction on firearms possession after conviction of a specified offense. Stephens was sentenced to 3 years formal probation. As a condition of his probation, he was required to serve twelve days in the county jail and perform 250 hours of community service. Stephens would not provide investigators with a statement regarding this incident.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505.

"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

⁹ The Supperclub is located on Hollywood Boulevard between Cherokee Avenue and Las Palmas Avenue.

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.

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

The evidence examined in this investigation shows that Officers Cardona and Engeman saw Stephens engage in a verbal altercation with three men. As the men walked away, Stephens went to the rear of his Range Rover, opened the hatch, and retrieved a handgun. Stephens turned to face east, followed the three men, and raised his pistol to 90 degrees, pointing it at the men. Witnessing these actions, both Cardona and Engeman reasonably believed that Stephens intended to shoot the three men. In fear for the lives of the men, Cardona discharged his duty weapon approximately two times. Stephens continued to advance towards the men and took a kneeling-style shooting position with his gun still aimed at the men. Cardona again fired his duty weapon in defense of the men. Stephens, struck by gunfire, proceeded westbound with the pistol by his side, placed the gun in the hatch of his car, and was taken into custody.

Based upon the evidence presented in this case, we conclude that Stephens’ actions placed Officer Ricardo Cardona in reasonable fear of death or great bodily injury to another, justifying his response. As such, we find that Officer Cardona acted in lawful defense of another. We are closing our file and will take no further action in this case.