



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Report on the Investigation into the Death of Guillermo De Jesus Medina on December 18, 2022

Los Angeles County AB 1506

September 2024

TABLE OF CONTENTS

BACKGROUND – AB 1506	1
PRIVACY STATEMENT	2
INTRODUCTION	2
SUMMARY OF INCIDENT	3
Initial 911 Call.....	3
Vehicle Pursuit	4
Foot Pursuit and Officer Involved Shooting	9
INVESTIGATION	15
Evidence Reviewed	15
DOJ Response.....	15
Crime Scene Description	15
Evidence Recovery	16
Video Recordings	17
Interviews of Involved Police Officers.....	18
Interviews of Civilian Witnesses.....	23
Interviews of Emergency Responders.....	24
Autopsy	24
Communications Evidence	25
Firearm Analysis.....	27
APPLICABLE LEGAL STANDARDS	27
Murder	27
Voluntary Manslaughter	27
Self-Defense	28
Burden of Proof.....	29
LEGAL ANALYSIS	29
CONCLUSION	33



BACKGROUND – AB 1506

Pursuant to California Assembly Bill 1506 (“AB 1506”), the California Department of Justice (“the Department” or “DOJ”) is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California have been handled primarily by local law enforcement agencies and the state’s 58 district attorneys.

AB 1506, signed into law on September 30, 2020, and effective July 1, 2021, provides the California Department of Justice with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. The DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, the DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as discovered by the investigation;
- An analysis of those facts in light of applicable law.
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses to the officer-involved shooting (“OIS”) and a family member of Guillermo De Jesus Medina (“Mr. Medina”). Specific addresses of witnesses, victims, and family members are not provided in this report. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as readability of this report, the witnesses are indexed as follows:

- Witness 1 (W-1), 911 Caller, family member of Mr. Medina

INTRODUCTION

On December 18, 2022, Culver City Police Department (“CCPD”) Officer Adam Rios shot Mr. Medina after responding to an initial assault with a deadly weapon call. The California Department of Justice (“DOJ”) assumed jurisdiction and investigated this shooting on the same day as when the shooting occurred.

The Department of Justice investigated and reviewed the OIS pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506). This report is the final step in the DOJ’s review of the fatal OIS of Mr. Medina. The scope of this report is limited to determining whether criminal charges should be brought against the involved officer, and offering possible policy and practice recommendations as required by Government Code section 12525.3, subdivision (b)(2). The review does not encompass or comment on any potential administrative or civil actions. Based on the criminal investigation, review of evidence, and evaluation of the case, we have determined that there is insufficient evidence to support the filing of criminal charges against Officer Adam Rios.

CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, reader discretion is advised, especially for young children and sensitive individuals.

SUMMARY OF INCIDENT

Initial 911 Call

On December 18, 2022, at approximately 12:16 AM, a 911 call for service was made by W-1. W-1 stated to Culver City Police Department (“CCPD”) dispatch that, “There’s some crazy guy upstairs and he’s waving around a gun. He’s like banging on the windows.” W-1 later stated to dispatch that the person in question was her husband and that he was a paranoid schizophrenic with the name of Guillermo Medina. W-1 said Mr. Medina was banging on her door at 3801 College Avenue in Culver City, California. Once the initial call was made, CCPD Officers Charles Olsen, Randy Espinal, Adam Rios, Adrian Perez, Andres Aldana, Anthony Amador, Beau Railsback, and Sergeant Rob Casey responded to the call. Before approaching the call location, CCPD officers staged a block away at College and Matteson Avenue to formulate a plan. At the staging location, they communicated a tactical plan and identified and assigned the less lethal option of the 40 millimeter projectile launcher. Officer Rios’ role was to provide lethal cover.

Officer Rios learned from his mobile data computer (“MDC”) that Mr. Medina’s black handgun was last seen in his waistband. Furthermore, he learned from the MDC that Mr. Medina had a prior carjacking conviction and served 11 years in state prison. At approximately 12:19 AM, Officer Railsback notified other officers over the radio that he had previously arrested Mr. Medina for public intoxication. Once the tactical plan was established, CCPD officers moved towards the call location using a CCPD SUV patrol vehicle as cover.

When CCPD officers arrived at the call location, CCPD officers attempted to make contact with Mr. Medina who was on the second floor of the apartment. At approximately 12:30 AM, Officer Perez, using the patrol vehicle public announcement (“PA”) system, gave verbal commands stating, “Guillermo Medina, this is Culver City Police Department. Make yourself known, come down with your hands up. Walk to the sound of my voice with your hands up.”



Figure 1: Body Worn Camera (“BWC”) Footage of Officer Perez - Call out of Mr. Medina

Additional commands were given by officers stating, "Put your hands up, put your hands up ... Guillermo Medina put your hands up." CCPD radio communications described Medina as a male, Hispanic, 35 to 40 years, six feet two inches tall, medium build wearing a gray sweatshirt, dark colored pants, navy blue or black, and driving a red or burgundy Ford Explorer, older model. Officer Railsback alerted his fellow officers that in his previous engagement, Mr. Medina had been under the influence and that they had to use force to take Mr. Medina into custody. Mr. Medina neither answered nor acknowledged the CCPD commands. He then descended the stairs to street level. Mr. Medina then entered a red Ford Explorer. As Mr. Medina entered his vehicle, Officer Rios stated that he was able to see a black object in his hand. Mr. Medina then drove away from the location at a high rate of speed going eastbound on Venice Boulevard.

Vehicle Pursuit

Officer Railsback and Amador were the initial primary officers during the vehicle pursuit followed by the rest of the CCPD officers on scene. Eventually, Officers Espinal and Olsen took over the primary pursuit of Mr. Medina. During the pursuit, CCPD officers attempted to pull Mr. Medina over using their lights and sirens, but Mr. Medina did not cooperate. Officer Rios and Olsen requested Officer Aldana to return to the original 911 call location.

While the chase was occurring, at approximately 12:36 AM, Officer Aldana made contact with W-1. Based on BWC footage of Officer Aldana, W-1 stated that Mr. Medina was paranoid schizophrenic. She also stated that Mr. Medina was walking around waving a gun, that she believed that he was threatening to kill her family, and that he told her, "We need to end this finally." At approximately 12:37 AM, Officer Aldana broadcasted over CCPD radio, "2-Mary, I'm with the RP, we confirmed ADW, subject was in fear for her life, safety, suspect was running waving a gun around." W-1 stated to Officer Aldana that Mr. Medina repeatedly stated, "Open the fucking door, we need to end this." Officer Aldana continued to remain with W-1 during the vehicle pursuit.

At approximately 12:57 AM, based on BWC footage of Officer Aldana, W-1 heard, "Stale red on Romaine," over Officer Aldana's CCPD radio; W-1 stated, "Romaine, oh no is he in Hollywood. Oh, God, he's going to kill himself, he's going to Cahuenga Park. He said if he is ever going to die in a shootout, he's going to Cahuenga Park because he's from Rebels."

While driving through the City of Hollywood, at approximately 12:59 AM, Mr. Medina collided with a vehicle stopped at the intersection of Seward Street and Santa Monica Blvd. Mr. Medina then pushed that vehicle out of the way to make his turn onto Santa Monica Blvd.



Figure 2: Digital In-Car Video (“DICV”) Footage - Mr. Medina colliding with a vehicle at Santa Monica Blvd. and Steward St.

At approximately 1:15 AM, Mr. Medina reached the City of Santa Monica. Mr. Medina made a left hand turn near the pier into Ocean Avenue’s bus/bike lane. This lane is separated from the regular vehicle lane by traffic pylons.

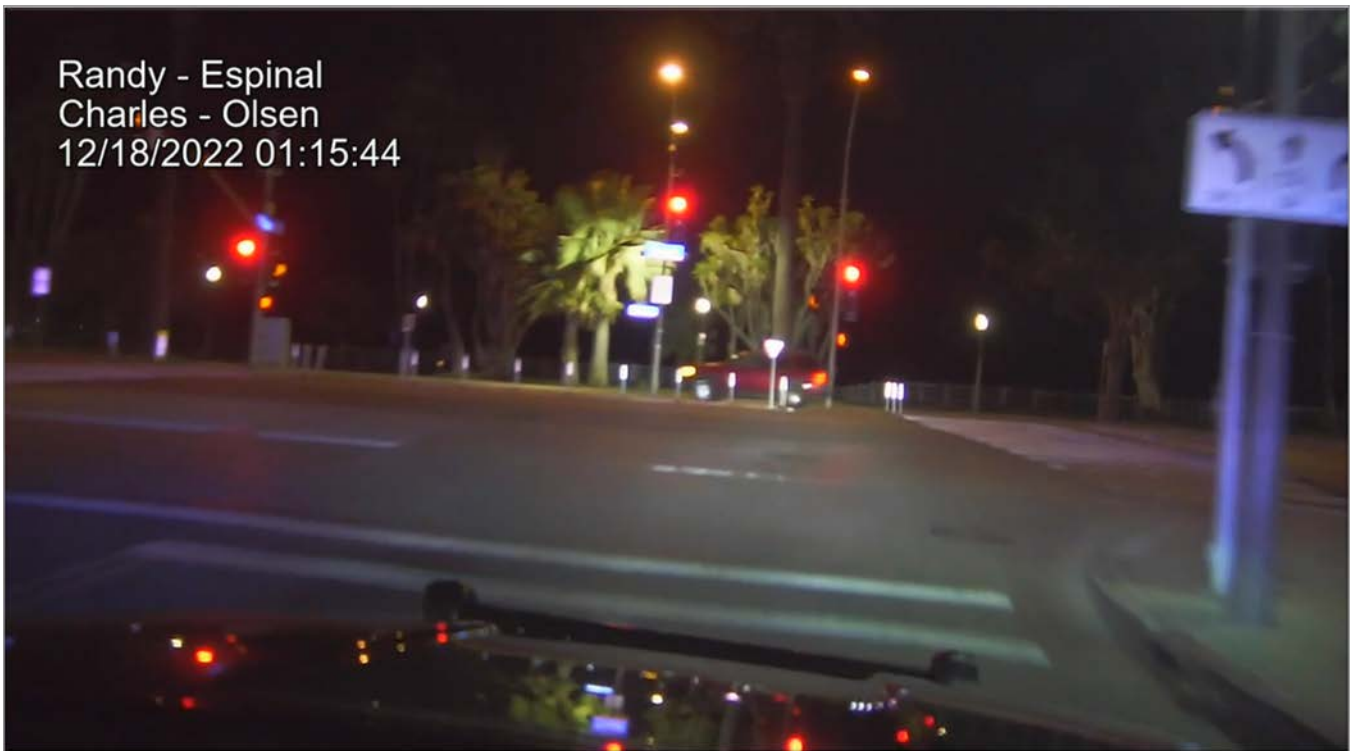


Figure 3: DICV Footage - Mr. Medina entering the bus/bike lane

While in the bus/bike lane, Mr. Medina drove his vehicle over a curb narrowly missing two pedestrians on the sidewalk.

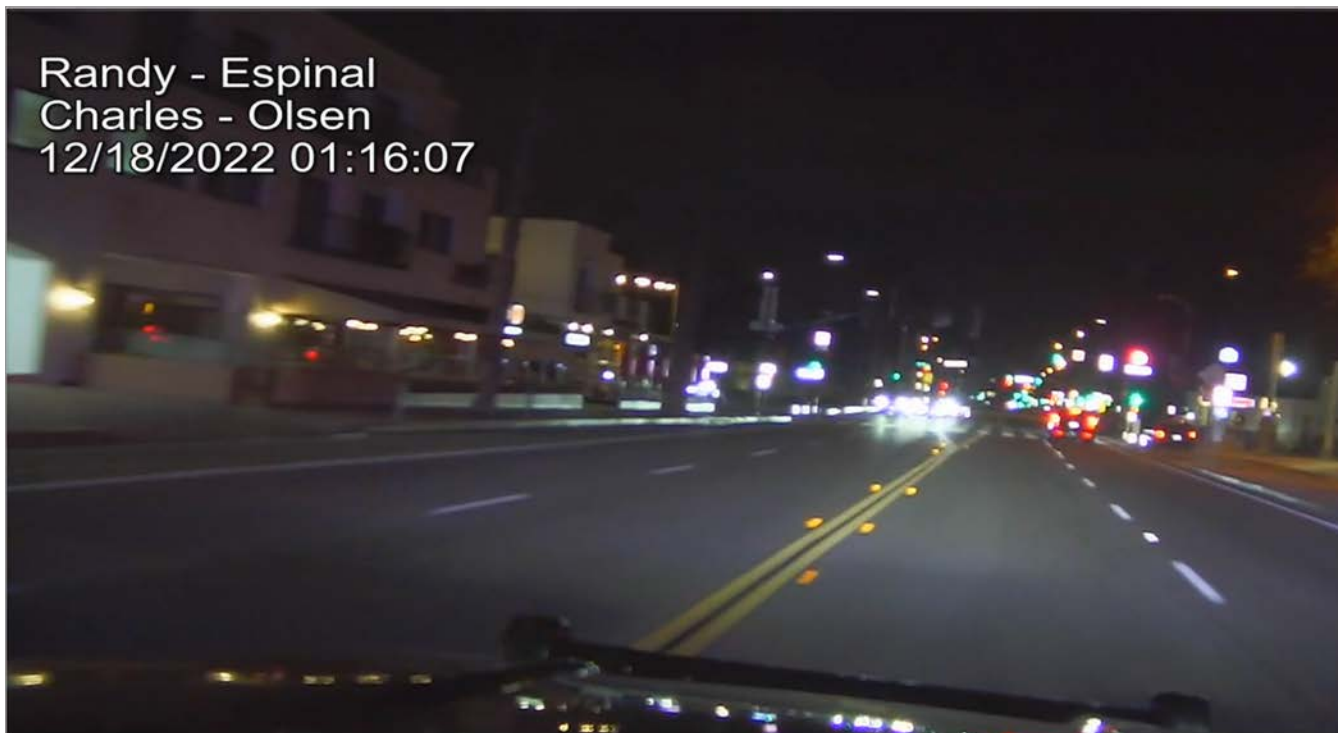


Figure 4: DICV Footage - Mr. Medina hitting the curb near the Santa Monica pier

Mr. Medina then led CCPD officers eastbound on Washington Boulevard back to Culver City. During Officer Rios' interview, he stated that he spoke to Officer Aldana over the radio to ensure that the family located at 3801 College Avenue was evacuated since Mr. Medina was heading back in that direction. As Mr. Medina drove back toward Culver City, Mr. Medina's vehicle lost the front right tire causing the vehicle rim to spark along the road. Mr. Medina traveled eastbound on Washington Boulevard and eventually toward downtown Culver City. As he approached Irving Place, Mr. Medina collided with the center divider causing his vehicle to become disabled.



Figure 5: DICV Footage - Mr. Medina's front right rim causing sparks on the road



Figure 6: DICV Footage - Mr. Medina colliding with the center divider

Once Mr. Medina's vehicle came to rest, he exited his vehicle facing the CCPD officers. He then ran northbound on Cardiff Avenue. Mr. Medina exited his vehicle and clutched his waistband while he was bent over at the hips. Officers Espinal and Olsen were the primary officers following Mr. Medina. When

Mr. Medina exited his vehicle, Officers Espinal, Olsen, Perez, and Rios exited their vehicles and chased Mr. Medina on foot.



Figure 7: DICV Footage - Mr. Medina exiting his vehicle in downtown Culver City

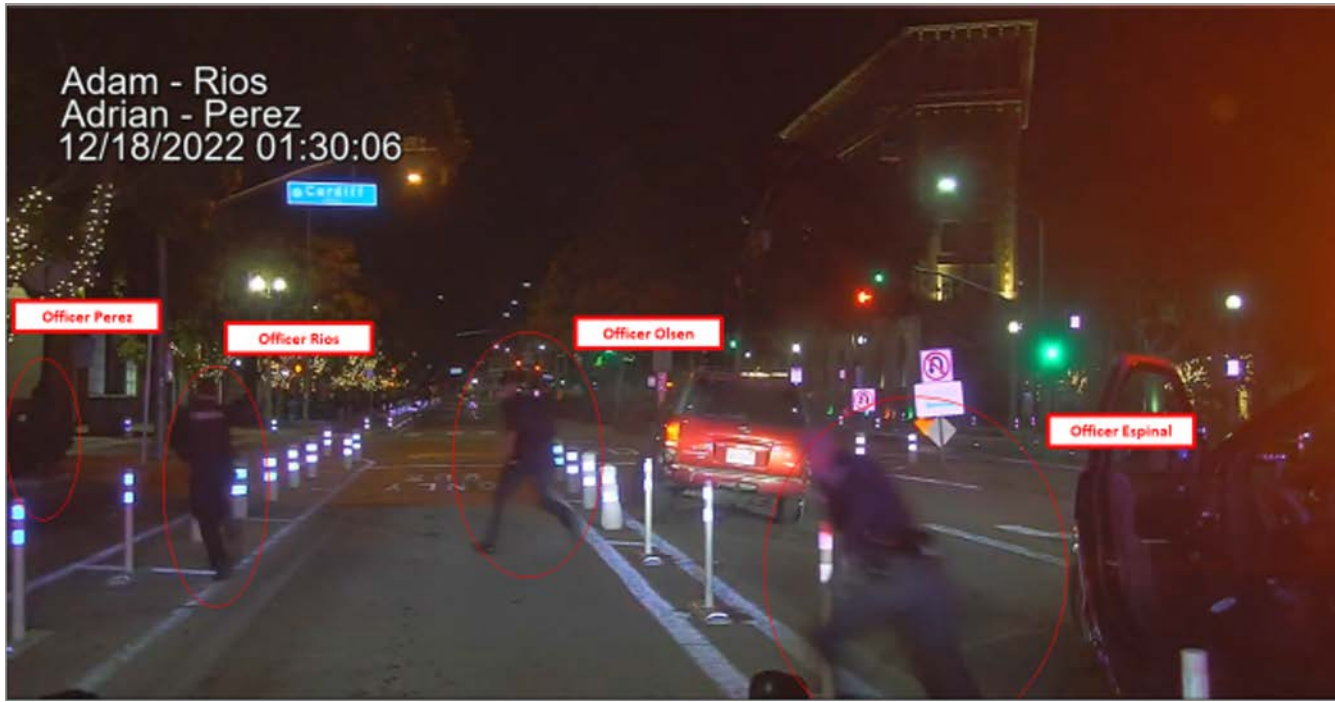


Figure 8: DICV Footage - CCPD exiting their vehicles

During the vehicle pursuit through the Cities of Los Angeles, Hollywood, Santa Monica, and eventually back to Culver City, Mr. Medina committed numerous hazardous vehicle violations including hit and

run, failure to stop at a red light, failure to stop at a stop sign, speeding, and traveling on the wrong side of the road. A Los Angeles Police Department (“LAPD”) helicopter assisted during the vehicle and foot pursuit.

Foot Pursuit and Officer Involved Shooting

When CCPD exited their vehicles, Officer Olsen, Perez, and Espinal drew their handguns, while Officer Rios carried his semi-automatic rifle.

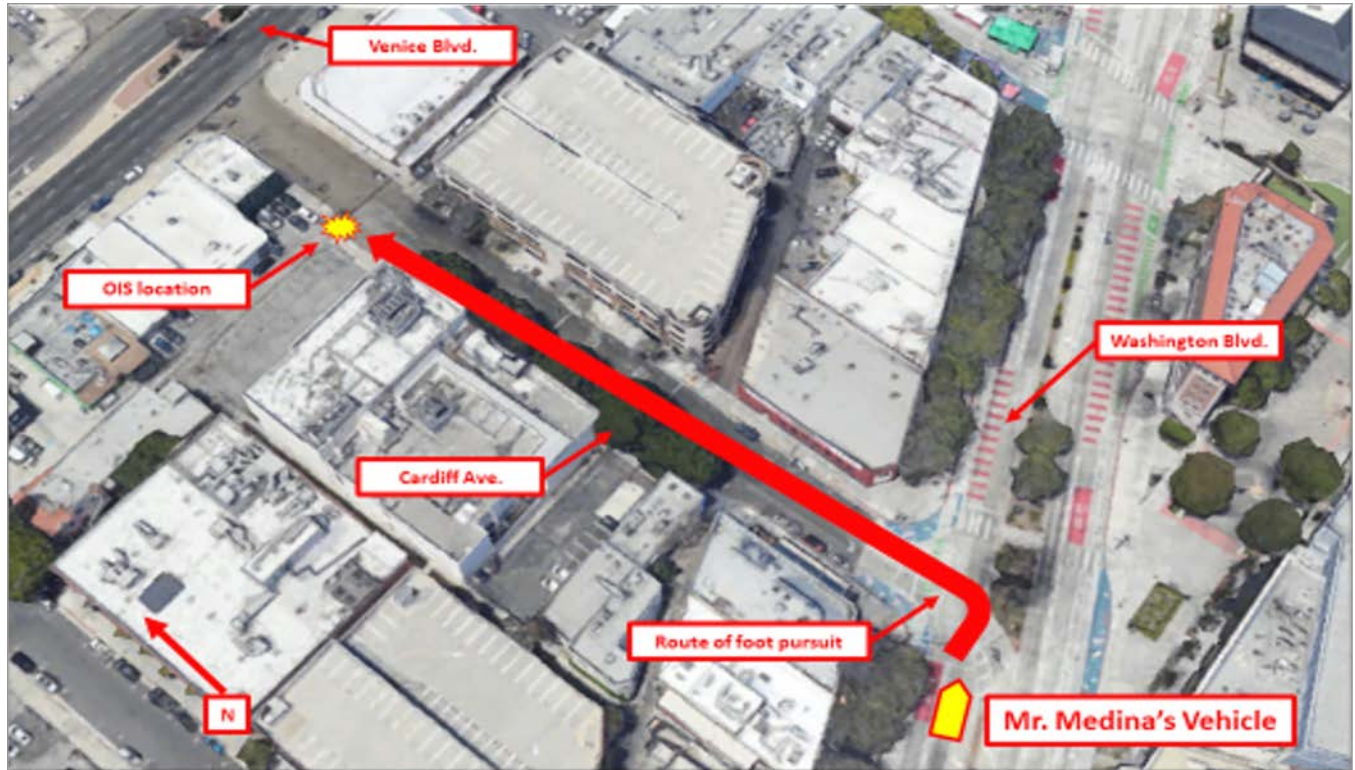


Figure 9: Foot pursuit location map

As CCPD officers pursued Mr. Medina northbound along Cardiff Avenue, multiple officers identified themselves as police officers and gave verbal commands telling Mr. Medina to stop.



Figure 10: BWC footage from Ofc. Perez - Mr. Medina running northbound on Cardiff Avenue away from CCPD

During the foot pursuit, Officer Rios took a position on the far right of Mr. Medina paralleling him. Officer Espinal remained directly behind Mr. Medina while Officers Perez and Olsen trailed diagonally behind and to the right of Mr. Medina. At approximately 1:30:22 AM, based on the BWC footage, Officer Perez yelled, "He's reaching in his waistband! He's reaching in his waistband!" Immediately following, Officer Rios responded, "I got him."

At approximately 1:30:33 AM, Mr. Medina tripped and stumbled to the ground near the driveway that led to the rear of an AT&T building. At approximately 1:30:35 AM, Officer Perez yelled, "Put your hands up!" As Mr. Medina got back on his feet, he simultaneously looked over his left shoulder toward the direction of Officer Espinal. Mr. Medina then turned his body northbound and continued to run. At approximately 1:30:38 AM, based on BWC footage, Officer Perez yelled, "Gun in hand, gun in hand, right hand!" as Mr. Medina continued northbound on Cardiff Avenue. This statement was recorded and loud enough to hear on Officer Rios' and Olsen's BWC footage. At approximately, 1:30:39 AM, on BWC footage, Officer Olsen states, "No, it's a ... cell phone." This statement is not heard on the BWC footage of Officer Rios and Perez.



Figure 11: BWC footage from Ofc. Olsen - Mr. Medina on the ground looking at Officer Espinal



Footage 12: BWC footage from Ofc. Perez - Mr. Medina continuing to run northbound on Cardiff

As Mr. Medina continued northbound on Cardiff Avenue, video surveillance footage from a building located on the west side of Cardiff Avenue pointed south showed Mr. Medina crossing the alley. The video footage captures Mr. Medina transferring a black object from his right hand to his left hand.



Figure 13: Surveillance footage from 9602 Venice Boulevard, pointing south¹



Figure 14: Surveillance footage from 9602 Venice Boulevard, pointing south

¹ The timestamp from the building video was approximately 40 minutes faster than the actual time.



Figure 15: Surveillance footage from 9602 Venice Boulevard, pointing south

As Mr. Medina switches hands, at approximately 1:30:41 AM, Officer Rios fired two rounds from his rifle within one or two seconds at Mr. Medina's back.



Figure 16: BWC footage from Ofc. Olsen – Ofc. Rios firing two rounds from his rifle at Mr. Medina

Mr. Medina then fell to the ground after being shot by Officer Rios. As Mr. Medina is falling, a black object, later identified as Mr. Medina's cell phone, can be seen falling to the ground next to Mr. Medina.



Figure 17: Surveillance footage from 9602 Venice Boulevard, pointing south



Figure 18: Surveillance footage from 9602 Venice Boulevard, pointing south

At approximately 1:30:50 AM, Officer Perez called over the radio and reported that shots were fired. At approximately 1:31:14 AM, all four CCPD officers approached Mr. Medina to place handcuffs on him. Based on BWC footage from Officer Perez, at approximately 1:32:47 hours, Officer Rios told Officer Espinal to, “Unhook him, unhook him right now, unhook him right now.” Immediately CCPD officers took off the handcuffs on Mr. Medina and rendered first aid.

At approximately 1:37:45 AM, Culver City Fire Department (“CCFD”) arrived on scene. Firefighter Paramedics James Palmer and William Quintero continued to provide medical aid and CPR to Mr. Medina. After attempting life saving measures on Mr. Medina, Firefighter Paramedic Quintero declared time of death of Mr. Medina at approximately 1:42 AM.

Officer Rios’ BWC footage shows that, at approximately 1:46:35 AM, Officer Rios stated to Officer Aldana, “I thought he was going to kill him dude, I thought he was going to kill him.” Officer Rios is also seen in the BWC footage at approximately 1:48:01 AM pacing back and forth on the sidewalk by himself and holding his head with both hands saying, “Fuck, I thought he was going to shoot him, I thought he was going to shoot him.” At approximately 1:48:32, Officer Rios’ BWC footage shows him taking deep breaths. A CCFD Firefighter Paramedic asked him if he was all right, and Officer Rios replied, “I thought he was going to shoot my guys, man.”

INVESTIGATION

Evidence Reviewed

Following Mr. Medina’s death, DOJ received and reviewed extensive investigation materials related to this officer-involved shooting (“OIS”) incident. DOJ independently reviewed twelve witness interviews (three witness officers, two emergency responders, and seven civilians); photographs of the crime scene and other evidence; video recordings (21 videos from BWCs and 11 videos from DICV systems; one building surveillance video); communications evidence (one 911 call and recording of radio calls and corresponding print out of digital log); physical evidence (including shell casings, fired bullet projectiles, and items obtained from the scene); an autopsy report; and analyses on firearms.

DOJ Response

On December 18, 2022, after the OIS occurred, at approximately 4:00 AM, CCPD notified DOJ’s California Police Shooting Investigation Team (“CaPSIT”). DOJ special agents and special agent supervisors responded to the scene and assumed investigative responsibility. CCPD personnel walked the DOJ team through the shooting scene and showed them the location of the OIS and radio call log. DOJ then conducted an independent and thorough investigation of the facts and circumstances relating to this OIS incident and reviewed all evidence and legal standards.

Crime Scene Description

This OIS occurred on Cardiff Avenue and Venice Boulevard, specifically the south alley of Venice Boulevard, which runs east and west within Culver City. When the OIS occurred, Mr. Medina was running northbound on the west side of Cardiff Avenue towards Venice Boulevard.



Figure 19: Overhead map of location where OIS occurred

Evidence Recovery

Crime scene technicians from the DOJ Bureau of Forensic Services (“BFS”) began processing the scene on December 18, 2022. BFS collected the following items relevant to this OIS investigation:

- One gray Air Sport handgun
 - The Air Sport handgun was found in the driver’s side seat back pocket of Mr. Medina’s vehicle.
- One black cell phone
 - The phone was recovered from the ground on the right of where Mr. Medina lay.
- Two discharged cartridge casings, head-stamped “Hornady 5.56 NATO”
 - Two discharged cartridge casings were recovered on the ground in the middle of Cardiff Avenue.



Figure 20: Clockwise - Expanded casings, Mr. Medina’s black cell phone, Mr. Medina’s vehicle, and Air Sport handgun from driver side seat pocket

Video Recordings

In total, CCPD provided 21 videos from BWCs, 11 videos from DICV systems, and one business surveillance camera. DOJ reviewed all the videos.

Body-Worn Cameras

Of the 21 videos from BWCs provided to DOJ, three of them captured the OIS incident. All involved officers had their BWCs activated during their initial encounter with Mr. Medina, during the vehicle pursuit, at the OIS, and after the OIS with the exception of Officer Espinal. Officer Espinal’s BWC fell off when he exited his vehicle to pursue Mr. Medina on foot and did not capture the OIS. Other responding officers who arrived at the scene after the shooting occurred also wore activated BWCs.

Digital In-Car Video Systems

CCPD patrol cars were equipped with DICV systems. The CCPD vehicles showed that the DICV systems were activated during the incidents involving Mr. Medina. Of the 11 DICV videos provided by CCPD, none

of the DICV systems captured the OIS. Officers Espinal, Olsen, Perez, and Rios parked their vehicles where Mr. Medina's vehicle came to rest and pursued him northbound on Cardiff Avenue on foot.

Interviews of Involved Police Officers

Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.) Public employees, including police officers, may be compelled by an employer to answer questions for administrative purposes, but the use of such statements in criminal proceedings against the employee is prohibited. (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827-828, citing *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77-79, *Garrity v. State of New Jersey* (1967) 385 U.S. 493, 500.) No compelled statements were made by CCPD officers.

CCPD Officer Rios, Perez, Espinal and Olsen were the involved officers. Officer Rios was the lone shooter in the OIS. The interviews contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Officer Adam Rios

On January 20, 2023, Division of Law Enforcement ("DLE"), Bureau of Investigation ("BI"), California Police Shooting Investigation Team ("CaPSIT"), Special Agent ("SA") Danny Ibarra and CCPD Detective Brandon Simon interviewed CCPD Officer Rios.

Officer Rios stated the original call was dispatched not to him but another unit so he was not the primary unit to be called on scene. He stated that the reason he and his partner, Officer Perez, responded to the scene was because he learned that an ex-wife was calling about her ex-husband who was banging on their door and window and was armed with a firearm. Upon learning that information, he and his partner responded from CCPD station. While enroute to the location, he heard the primary unit establish a staging location at Matteson Avenue just east of College Avenue in Culver City. He stated that Officer Railsback set up the early stages of a tactical plan. Officer Rios stated that he obtained from dispatch and not through the radio that the ex-wife gave a description of the firearm as a black handgun, and that she last saw the ex-husband place the firearm in his waistband. Officer Rios then announced this information over the radio. He further stated that he learned from dispatch that Mr. Medina had served 11 years in prison for carjacking. Upon receiving this information, Officer Rios stated he was definitely at a heightened state of awareness at that point.

Officer Rios further stated that once at the staging location, CCPD established a plan and assigned roles for less lethal, arrest, and lethal cover. They also planned to use a CCPD vehicle as a shield while they approached the apartment complex. When they arrived, they planned to use the PA system on the vehicle to call out Mr. Medina. Officer Rios stated that his role was lethal cover.

Officer Rios then stated that announcements to Mr. Medina were made through the patrol vehicle's PA system, but Mr. Medina did not communicate with CCPD officers. According to Officer Rios, a male subject matching the description of Mr. Medina started to descend the staircase from the apartment complex and entered a parked SUV. As Mr. Medina got into his car, Officer Rios could see a black object in his hand but could not tell what it was at the time. Mr. Medina then got into his vehicle and went eastbound on Venice Boulevard at a high rate of speed.

Officer Rios stated that he observed that during the entirety of the vehicle pursuit, Mr. Medina drove in a manner that was completely reckless with a disregard for public safety. During the interview, Officer Rios highlighted two areas of the chase that concerned him. He stated that during the pursuit, Mr. Medina was driving 60 mph in a residential zone and then intentionally collided with the back end of a vehicle. Officer Rios stated that, from seeing that happen, he thought Mr. Medina had complete disregard for public safety in order to get away from police and was willing to do anything.

Officer Rios then stated that Mr. Medina entered the City of Santa Monica near the pier entry, where Mr. Medina's front tire collided with the curb, causing Mr. Medina's vehicle to be airborne. The front end of Mr. Medina's car got up off the ground. Officer Rios stated that had Mr. Medina not hit the curb, he would have killed two pedestrians standing on the corner. The two pedestrians jumped out of the way of Mr. Medina's vehicle.

Officer Rios stated that Mr. Medina then returned to the Culver City area. He became concerned for the safety of W-1 and stated that he thought Mr. Medina was going to go back to the residence and try to kill his wife and children. He then got on the radio and asked Officer Aldana if he was still on the scene and said to evacuate the family from the apartment. Officer Rios also recalled during the interview that since Officer Aldana was still at the initial call location, he developed enough information to confirm that an assault with a firearm had occurred at the location. Officer Rios stated that this confirmed to him that there was absolutely a firearm involved in the commission of this crime and that he was still armed with that firearm.

Officer Rios also stated that when Mr. Medina fled from his vehicle on foot, Mr. Medina brought both of his hands to his waistband, clutched his waistband, and bent over at the hips. He further stated that based on his training and experience it was consistent with someone who was trying to conceal and retain something in their waistband. Officer Rios stated that he felt vulnerable and terrified at the moment Mr. Medina stepped out of his vehicle and faced toward Officer Rios' vehicle because he felt if Mr. Medina wanted to shoot him, he was trapped in his vehicle. Officer Rios stated that was the reason why he quickly exited his vehicle. He further stated that the muzzle of his rifle was touching the floor, so if he had to react to Mr. Medina's firing, he would have had to step out of his vehicle to get his rifle to his shoulder to fire.

Officer Rios stated that during the foot pursuit he yelled as loud as possible to have Mr. Medina stop. He also stated that as he was running, he knew that a large parking structure was on Cardiff Avenue. He stated that, as he was in pursuit of Mr. Medina, he was thinking that he had a potentially violent suspect running towards a major thoroughfare where there were tons of cars. Officer Rios stated that he also knew Mr. Medina's prior history of violence and carjacking. He remembered that while Mr. Medina was running, Mr. Medina's hands continued to be at his waistband. Officer Rios stated that as he was running, he transitioned to the middle of Cardiff Avenue to parallel the path of Mr. Medina who was running on the west sidewalk of Cardiff Avenue.

Officer Rios recalled when he worked for the LAPD, he was in a similar situation where two of his partners were in a foot pursuit of a suspect. In that incident, the two partners also transitioned from the sidewalk to the street around some parked vehicles. While running, the suspect produced a TEC-9 from his waistband, turned his body, and fired a fully automatic weapon directly behind, thinking police officers were right behind. Officer Rios stated that since the officers had transitioned into the street, they avoided being shot.

Officer Rios further stated that he felt very vulnerable because he did not have cover while pursuing Mr. Medina who he knew had a firearm. Officer Rios stated he made the decision to run in between the parking structure and Mr. Medina even though he did not have cover to protect people that may have been in the parking structure and surrounding area. Officer Rios stated he was afraid for his life and absolutely terrified that Mr. Medina was going to kill his partner.

As he was running, Officer Rios indicated that he heard Officer Perez yell, "He's holding his waistband, he's holding his waistband!" Officer Rios also added that he heard Officer Perez yell, "Gun in his hand, gun in his hand, gun in his right hand!" Officer Rios then stated that Mr. Medina stumbled and fell onto the street. According to Officer Rios, Mr. Medina sat up to his knees, brought his hands toward his waistband, and looked over his left shoulder.

Officer Rios explained what he was thinking as Mr. Medina was on the ground. He stated, "There was an officer standing on the sidewalk directly in front of him. He looked over his shoulder and looked directly at that officer ... I gave him commands, get down on the ground, get down on the ground. He failed to comply with those orders ... his body movements were not consistent with someone who was going to give up ... However, when he looked over his shoulder and looked at Officer Perez ... he's not given up ... that was target acquisition."²

Officer Rios then stated that Mr. Medina got back to his feet and resumed running northbound on Cardiff Avenue. Prior to Mr. Medina reaching the alley, Officer Rios stated that he observed Mr. Medina turn his torso, bring his right arm close to his body and look over his left shoulder towards Officer Perez.

He further stated that he believed there was an imminent threat that Officer Perez was going to get shot based on the totality of all the circumstances, including Mr. Medina was armed with a weapon at the original call; an officer confirmed he was armed with a weapon; a firearm was last seen in his waistband; Mr. Medina's wanton disregard for the safety of the public and officers during the vehicle pursuit; Mr. Medina had refused to give up; Mr. Medina had violent contacts with officers in the past; while Mr. Medina was on the ground before he took what Officer Rios believed to be a firearm out of his waistband, Mr. Medina looked over his shoulder and had a clear sight picture and target acquisition of Officer Perez; Mr. Medina took several more steps knowing that officers were more than likely going to continue to chase him in that same direction; and when Mr. Medina looked over his shoulder and brought his arm close to his body.

Officer Rios further stated that he believed Mr. Medina was going to shoot and that it was absolutely necessary for him to fire his weapon in the immediate defense of Officer Perez's life. He further stated that with that at the forefront of his mind, he fired two rounds in succession at Mr. Medina.

Officer Rios stated that if he did not stop Mr. Medina, Mr. Medina could have carjacked another car becoming a serious threat to human life, crossed over to the parking structure on Cardiff or downtown to take a hostage, and potentially cause an OIS in a crowded downtown area. Officer Rios' underlying

² Although Officer Rios referred to Officer Perez being the person whom he believed was in danger, Officer Espinal was the actual person that Mr. Medina looked towards.

belief was that if he did not stop Mr. Medina, Mr. Medina would have gone back to the call location and killed his wife and children.

Officer Adrian Perez

On January 9, 2023, SA Daniel Foster and Detective Brandon Simon from CCPD, interviewed Officer Adrian Perez. According to Officer Perez, he received a call for service regarding a man brandishing a firearm at a residence.

Officer Perez confirmed that, at the staging area, CCPD officers formulated a plan of how they were going to approach the residence where Mr. Medina was brandishing a firearm. As they began formulating the tactical plan, officers were notified that Mr. Medina was banging on the windows, waving a firearm in the air, then later that the firearm was concealed and placed in his waistband.

When asked about the pursuit, Officer Perez indicated that Mr. Medina was given commands to stop the vehicle but failed to comply and continued running through red lights and stop signs, and eventually rear-ended a vehicle at an intersection. Officer Perez recalled that Mr. Medina traveled through Santa Monica traveling down Ocean Avenue causing pedestrians to jump out of the way as a result of nearly being hit by Mr. Medina's vehicle.

Officer Perez further stated that they had an officer meet with W-1 who was at the incident location. He indicated that the officer with W-1 was able to confirm that there was an assault with a deadly weapon. This information was shared with all officers over the police radio.

While discussing the end of the vehicle pursuit, Officer Perez stated that Mr. Medina got out of his vehicle and looked directly at them. He thought he was going to get in a shootout with Mr. Medina because Mr. Medina had his hands on his waistband. Officer Perez stated that Mr. Medina then turned and ran eastbound and then immediately northbound on Cardiff Avenue. Officer Perez confirmed multiple commands were provided to Mr. Medina to stop running.

Officer Perez indicated that as Mr. Medina was running northbound on Cardiff, Mr. Medina tumbled and fell to the ground. According to Officer Perez, when Mr. Medina was getting up, he saw a firearm in his right hand. He recalled the color of the firearm being black and that Mr. Medina was holding it in a manner as if it were a firearm. When asked to explain what he meant, Officer Perez further explained that Mr. Medina had his fingers pointed in a way that he was holding a firearm. Officer Perez then stated that he yelled to his partners, "Gun, gun!"

Officer Perez then stated that Mr. Medina got back on his feet and continued to run northbound on Cardiff. Officer Perez further stated that as Mr. Medina approached the alley, his torso began to turn around in a way that he was going to turn towards officers. Immediately after that, Officer Perez heard two shots and identified Officer Rios as the shooter.

Officer Randy Espinal

On January 24, 2023, SA Danny Ibarra and Detective Brandon Simon from CCPD interviewed Officer Randy Espinal at the CCPD.

According to Officer Espinal, the information provided to responding officers by W-1 was that Mr. Medina was waving a gun around and that W-1 also saw the gun in his waistband. Officer Espinal stated that they formulated a plan for less lethal approach. CCPD officers then called out to Mr.

Medina to come out. Officer Espinal stated that Mr. Medina did not acknowledge CCPD but went straight to his vehicle while his hands were close to his waistband.

When describing the vehicle pursuit, Officer Espinal stated that Mr. Medina “blew” through an intersection and almost hit two pedestrians who were standing by the light pole. These pedestrians had to literally jump out of the way dramatically. Officer Espinal further stated that if they had not jumped out of the way, Mr. Medina would have probably hit and killed them. When asked about his mindset during the pursuit, he stated that the pursuit was intense and that he had confirmation that Mr. Medina was armed based on the assault with a deadly weapon that occurred.

When describing the foot pursuit portion of the incident, Officer Espinal stated that he was right behind Mr. Medina and all he could see was Mr. Medina’s backside. He then stated that he saw Mr. Medina trip and fall onto the street with a black object flying out of his hand. Officer Espinal could not make out what it was. When asked about the lighting conditions in the area Officer Espinal stated that the spotlights moving around made some spots dark and really obscured his vision at times.

Officer Espinal described the body motion that Mr. Medina was making after he fell onto the street. According to Officer Espinal, when Mr. Medina was on the ground, Mr. Medina looked toward Officer Espinal’s area and stated that it was “weird” the way he looked back towards him. Officer Espinal then stated that Mr. Medina got back up to his feet and continued to run northbound on Cardiff Avenue. At that point, Officer Espinal continued running directly behind Mr. Medina, when he heard two shots being fired.

When asked why he did not shoot, Officer Espinal stated that he did not fire because Mr. Medina’s back was to him. He also stated that he would have been firing in the direction of Venice Boulevard where there would have been passing vehicles. Lastly, Officer Espinal stated he did not see a handgun on Mr. Medina or confirm that Mr. Medina had a handgun.

Officer Charles Olsen

On January 17, 2023, SA Danny Ibarra and Detective Brandon Simon from CCPD, interviewed Officer Charles Olsen at the CCPD.

According to Officer Olsen one of the CCPD units were dispatched to a displayed weapon call, where a handgun was seen and someone was outside of the W-1’s door at her apartment.

Officer Olsen stated that when they got on scene, CCPD officers met about a block south of the house. He further stated that CCPD officers formulated a plan, designated less lethal, and approached using one car for cover. He stated that Mr. Medina immediately descended the stairs, entered his red Ford Explorer, and left the area.

Officer Olsen confirmed the vehicle pursuit, and added that, while in pursuit, he recalled Officer Aldana responding to W-1 and confirming that an assault with a firearm had occurred. He stated that during the vehicle pursuit, when Mr. Medina returned to the Culver City area traveling eastbound on Washington Boulevard, Officer Olsen became concerned that Mr. Medina was going to go back to the house to kill his family.

When discussing the foot pursuit, Officer Olsen stated that they gave Mr. Medina commands to stop while Mr. Medina was running and eventually fell. Officer Olsen was expecting Mr. Medina to give up

when he fell. Officer Olsen explained that in his experience with suspects that fall, suspects typically give up and prone themselves out or put their hands up. Officer Olsen stated that Mr. Medina did none of those things, which he thought was the scariest part of everything.

Officer Olsen further stated that after Mr. Medina fell to the ground, Mr. Medina got into a seated position. Mr. Medina's hands were in front of his body in his waistband area. Mr. Medina then got up and continued running northbound on Cardiff Avenue. Officer Olsen recalled Officer Perez stating, "Gun in hand, gun in hand, or gun in his right hand." At that point, Officer Olsen fixated on trying to figure out exactly what his partner saw. Moments later, Officer Olsen heard shots being fired. Officer Olsen then stated when he heard the shots, he started looking at Mr. Medina's right hand and questioned if it was a cell phone.

He stated that he did not think he said anything regarding a cell phone out loud until he reviewed his BWC footage. He further stated that he was trying to verify if it was a cell phone and for a second, he thought he saw something that looked like maybe it was a cell phone. He stated that moments later it was gone, shots were fired, and he did not have time to say if it was one thing or another.

Interviews of Civilian Witnesses

DOJ investigators made contact with thirteen individuals during the canvassing for witnesses. The majority of the individuals either did not see or were identified as witnesses who only heard the shooting. DOJ reviewed all the interviews and determined one was relevant to this OIS report. The following is a summary of the interview, which describes the incident from the point of view of that witness. The interview contains facts relayed by the witness that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

W-1

On December 18, 2022, at approximately 10:04 AM, W-1 was contacted by SA Carlos and CCPD Detectives Lopez and Simon. According to W-1, her husband, Mr. Medina, was a paranoid schizophrenic and was "becoming too much." She said that Mr. Medina had recently been committed into a hospital on a Welfare and Institutions Code section 5150 hold because he had made Molotov cocktails and was going to burn the house down to protect them. W-1 eventually told Mr. Medina that he had to go and that she was in the process of filing for a divorce.

According to W-1, on December 17, 2022, at approximately 3:00 PM, Mr. Medina called W-1 and asked her to come outside and talk to him. W-1 looked out the window and could not see him. Mr. Medina told W-1 he was across the street and wanted to talk. W-1 told investigators she did not go out because Mr. Medina previously said, "If it ends that he was going kill us, -- kill us all." W-1 further told investigators that she looked outside and observed Mr. Medina sitting across the street on the sidewalk near the market. W-1 told investigators that she thought Mr. Medina was going to kill them, so she did not go outside. She also did not let him in because her children were home. Eventually, Mr. Medina left the area, but he returned at midnight.

According to W-1, when Mr. Medina returned, he banged on her apartment window. She then went to the front door, looked out of the peephole, and noticed Mr. Medina walking in front of her apartment, swinging his arm. She noticed he had a dark object in his hand, which she suspected was a gun. She then asked Mr. Medina what he was doing. Mr. Medina replied, "We need to finish this finally, finish this once and for all finally." W-1 told Mr. Medina she would meet him at the CCPD and they could talk

there. However, Mr. Medina continued banging on the window. W-1 eventually called CCPD. While on the phone with CCPD, W-1 noticed Mr. Medina walk downstairs, enter his vehicle, and leave the area.

W-1 stated she then became concerned when she observed Mr. Medina leave the area. She recalled what Mr. Medina had previously told her, “If I’m going to die, by, by a cop, it’s going to be, um, it’s going to be Cahuenga Park.” W-1 told investigators that during the police pursuit of Mr. Medina, she told Officer Aldana, who was at her residence at the time of the pursuit, “You got to tell them he’s trying, he’s trying to die, he’s trying to die. Don’t go to Cahuenga Park. Don’t follow him to Cahue— shooting at you guys.”

When asked follow up questions to confirm and clarify statements provided, W-1 confirmed, “And when I saw the gun, he had it in his right hand because he was walking like this. He was walking with it and was like moving his hands.”

Interviews of Emergency Responders

Special Agents interviewed two responding Culver City Fire Department (“CCFD”) Firefighter-Paramedics. The following statements are summaries of their interviews. The interviews contain facts relayed by the paramedics that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Firefighter/Paramedic William Quintero and James Palmer

On March 17, 2023, CCFD Firefighter-Paramedics William Quintero and James Palmer gave a statement to SA Baca and Ibarra. Firefighter Paramedics Quintero and Palmer were on duty the morning of December 18, 2022. Firefighter Paramedics Quintero and Palmer recalled that on that date at approximately 1:30 AM, they received a call for shots fired. Once they received the call they headed out and staged until they were cleared to enter the scene. It took CCFD approximately five minutes to arrive on scene. Upon arrival, CPR was already being administered by CCPD. CCFD took over and worked on Mr. Medina for approximately two to three minutes. Eventually, CCFD determined that death was caused by penetrating trauma. At that point, CCFD stopped care and determined that Mr. Medina was dead at 1:42 AM

Autopsy

Dr. Julie Huss-Bawab, a Deputy Medical Examiner employed by the Los Angeles County Coroner’s Office, conducted the autopsy of Mr. Medina on December 30, 2022. Dr. Huss-Bawab concluded the cause of death was multiple gunshot wounds.

There were two gunshot wounds that entered the right and mid back respectively. Projectile fragments were recovered in three areas.

Communications Evidence

DOJ investigators obtained copies of the radio transmissions and printouts of the dispatch logs for calls related to the OIS incident on December 18, 2022. The dispatch log printouts are consistent with the officers' radio transmissions. The relevant communications are listed here along with the timing of key events to create a timeline of the information known to officers:

- 00:16:48 AM: CCPD dispatch received a 911 call from W-1.
 - Text: unk, male upstairs, banging on windows and waving gun in air, RP [Reporting Party] frantic
- 00:17:32 AM: CCPD dispatch update
 - Text: unk type gun, RP doesn't want to look /// Subj is MHA, 35-40, 6-2/MED, GRY, sweatshirt, drk pants, poss navy or blk.
- 00:18:50 AM: CCPD dispatch update and supplemental information
 - W-1 – Unit # ____
 - Text: No gate code, entrance on Venice Blv //RP says male subj is paranoid schizophrenic, name is Guillermo Medina *** RP is now saying this is her husb, will be a 415f / Name: W-1 – Resd Unit # ____
- 00:19:55 AM: CCPD dispatch supplemental information
 - Text: RP doors and windows are locked // RP now saying gun in in waist
- 00:20:37 AM: CCPD dispatch
 - remote gun by name\Medina, Guillermo, 19830513
- 00:20:44 AM: CCPD dispatch supplemental information
 - Text: RP in on the 2nd level, only 2 floors at loc // male is somewhere on the 2nd floor
- 00:21:30 AM: CCPD dispatch supplemental information
 - Text: RP going through divorce with subj, subj is not supposed to be at loc // RP is in back of her unit, ____
- 00:24:06 AM: CCPD dispatch supplemental information
 - Text: RP saying male is banging on her front door, unit ____, now
- 00:25:01 AM: CCPD dispatch supplemental information
 - Text: gun was a blk handgun, does not own any weapons
- 00:25:07 AM: CCPD dispatch supplemental information
 - Text: RP says male is a felon

- 00:25:08 AM: CCPD dispatch supplemental information
 - Text: felony carjacking, did 10 yrs, has been out for about 12 yrs
- 00:26:16 AM: CCPD dispatch supplemental information
 - Text: RP no longer hears him banging on her door
- 00:28:03 AM: CCPD dispatch supplemental information
 - Text: RP stated she initially saw him waving a handgun, then saw it in his waistband // RP inside APT with her 2 sons, 17 yr old, and 11 yr old
- 00:29:07 AM: CCPD dispatch supplemental information
 - Text: male owns red or burgundy ford explorer, older model
- 00:29:30 AM: CCPD dispatch supplemental information
 - Text: **now banging on the windows of ____ now
- 00:29:37 AM CCPD dispatch supplemental information
 - Text: top of the west stairs
- 00:30:52 AM: CCPD dispatch supplemental information
 - Text: male was taking 5150 hold, this past july // RP now whispering, sounds very scared
- 00:31:09 AM: CCPD dispatch supplemental information
 - Text: heard faint PD announcements over L/L, RP heard them as well
- 00:40:12 AM: CCPD dispatch
 - Confirmed 245, RP in fear of life
- 01:30:02 AM: CCPD dispatch
 - Wrong side of the road. TC Wash / Irv
- 1:30:10 AM: CCPD dispatch
 - Running NB on foot Cardiff
- 1:30:19 AM: CCPD dispatch
 - Gry jkt, drk pants west sidewalk
- 1:31:03 AM: CCPD dispatch
 - Shots fired

Firearm Analysis

DOJ Special Agents and Bureau of Forensic Sciences (“BFS”) processed Officer Rios on the night of the shooting. Officer Rios was equipped with his duty handgun, a semi-automatic, nine millimeter. Officer Rios did not utilize his duty handgun during the OIS.

During the OIS, Officer Rios utilized an AR-15 style rifle that utilized 5.56 millimeter rounds. Officer Rios fired two rounds in total during the OIS. Those round casings were recovered and accounted for.

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation that would support a conviction of first degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *Hernandez, supra*, 183 Cal.App.4th at p. 1332.) Malice is express when there is an “intent to kill.” (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.5th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes a person from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moya* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary’s attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal.App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 et. seq. set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code, § 197 [listing circumstances where homicide committed by “any person” is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary”: (1) “to defend against an imminent threat of death or serious bodily injury to the officer or to another person”; or (2) to apprehend a fleeing person who has committed a felony “that threatened or resulted in death or serious bodily injury,” and the officer “reasonably believes that the person will cause death or serious bodily injury” if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force “only when necessary in defense of human life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine whether deadly force is necessary, “officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

A threat of death or serious bodily injury is “imminent” when, based on the “totality of the circumstances,” a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397)

["The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight"]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal.App.5th 1, 9-10 [knowledge of another person's prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant's guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 ["A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt," quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant's burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.

LEGAL ANALYSIS

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Medina. This analysis is based on all of the evidence obtained by DOJ in this matter, including police reports, witness statements, forensic evidence, Coroner's report, autopsy photos, BWC videos, and DICV system videos.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Officer Rios did not act in lawful defense of himself or others, this is the primary issue in determining whether criminal charges should be filed. A detailed analysis of the evidence pertaining to the OIS

shows that Officer Rios actually and reasonably believed that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to the officers or others. Therefore, the evidence is insufficient to support criminal charges.

Several factors show Officer Rios actually believed in the need to defend himself, other officers, and bystanders against imminent peril or serious bodily injury. From the evidence, Officer Rios knew that Mr. Medina was potentially armed with a handgun and threatened W-1 with a handgun. The dispatcher informed CCPD and Officer Rios that a man was banging on the front door of an apartment, had a black handgun, and was waving the handgun around. The dispatcher informed CCPD and Officer Rios that W-1 was in the house with two minors. The dispatcher also informed CCPD officers that Mr. Medina had previously been detained for mental health issues (a 5150 hold) and that W-1 sounded scared. Officer Rios and other CCPD officers responded to the scene based on the information and staged to approach the call location.

When Officer Rios arrived at the staging area, he stated that he received information through the mobile data computer (“MDC”) that W-1 gave a description of the firearm and saw that Mr. Medina place the firearm in his waistband. Through the radio, Officer Rios then transmitted that information out to the rest of CCPD. He also learned of Mr. Medina’s criminal history which he stated put him at a heightened state of awareness at that point in time.

In addition, CCPD called out to Mr. Medina to come down and surrender. Mr. Medina neither acknowledged nor complied with any of the commands that were given to Mr. Medina. Officer Rios then saw Mr. Medina come down the stairs of the apartment and get into his vehicle. While getting into his vehicle, Officer Rios stated that Mr. Medina looked towards their direction and that he could see a black object in his hand. With the information that he had at the moment, he believed it to be a firearm.

Officer Rios stated that during the vehicle pursuit, Officer Rios saw Mr. Medina weaving in and out of traffic, trying to run cars off the road, and almost hitting pedestrians. He also stated that observing Mr. Medina’s driving during the pursuit, Mr. Medina had complete disregard for public safety and was willing to do anything to get away from police. Officer Rios stated that when the vehicle pursuit started approaching the original call location, he believed that Mr. Medina was going back to the residence to kill his wife and children so he requested Officer Aldana to evacuate the family from that location. Officer Rios also confirmed through Officer Aldana that an assault with a firearm had occurred at the original call location. Officer Rios stated that this led him to believe that there was absolutely a firearm involved.

Furthermore, Officer Rios stated that as Mr. Medina made his way into downtown Culver City, he stated he told his partner that the situation could get “really bad” because of the amount of vehicle and pedestrian traffic that was possibly present downtown. When Mr. Medina’s vehicle came to a stop, Officer Rios stated that he was looking through his windshield and could see Mr. Medina exit his vehicle, face towards his direction, place both hands on his waistband, and bend over at the waist. He further stated that he had experience in multiple pursuits of suspects with handguns and that it was common for suspects to keep a handgun in their front waistband for ease of access and concealment.

Officer Rios also stated that he was afraid at that moment because he felt if Mr. Medina wanted to shoot him, he was trapped in his vehicle. He further stated that the muzzle of his rifle was touching the floor so if he had to react to Mr. Medina firing, he would have had to step out of his vehicle to get his

rifle to his shoulder to fire. Officer Rios stated that being in the vehicle made him feel vulnerable and terrified of being shot.

During Officer Rios' interview he also stated that when he previously worked for the LAPD, he was involved in an incident where he was in foot pursuit of a suspect and officers were chasing behind the suspect on a sidewalk, the suspect produced a TEC-9 from his waistband, turned his body, and fired the fully automatic weapon in the direction where the suspect thought the officers were believed to be. Officer Rios stated that if the officers had not transitioned into the street they would have been shot. He stated this experience was the reason why he transitioned from chasing behind Mr. Medina into the street.

Officer Rios further stated that as he was pursuing Mr. Medina, Officer Perez yelled that Mr. Medina was holding his waistband. Officer Rios acknowledged his statement. Mr. Medina then stumbled to the ground. Officer Rios stated that he then observed Mr. Medina bring his hands toward his waistband and look over his left shoulder toward one of the CCPD officers. Officer Rios gave orders to Mr. Medina to get down on the ground, but Mr. Medina did not comply. Officer Rios stated that Mr. Medina's body movements were not consistent with someone who was going to give up. He further stated during the interview that to him, Mr. Medina's body movements on the ground were for target acquisition.

According to Officer Rios, Mr. Medina looked towards officers, turned and faced northbound, took something out of his waistband, and continued to run. Officer Rios stated that from his experience, Mr. Medina's movements were consistent with someone drawing a firearm from the front of their waistband. He believed that the firearm at that point was readily available for use. Officer Rios stated he continued to run in the middle of the street so that Mr. Medina would not run into the parking structure. When Officer Rios was in pursuit of Mr. Medina near the parking structure, he stated that he felt very vulnerable knowing that he did not have cover since Mr. Medina could have taken a shot at him. Officer Rios made the decision to run in between the parking structure and Mr. Medina to protect people that may have been in the area. Officer Rios knew that the area could be filled with people because there was a parking structure as well as being downtown Culver City.

As he was running off to the side of Mr. Medina, Officer Rios stated that he saw Mr. Medina turn his torso, bring his right arm close to his body, and look over his left shoulder towards another CCPD officer. Officer Perez also stated that while Mr. Medina was running northbound on Cardiff Avenue, Mr. Medina turned his torso left with his hands concealed in his waistband. Officer Perez stated that he feared Mr. Medina was going to turn and get in a shootout with CCPD officers.³ Based on Officer Rios' prior experiences, these movements meant that Mr. Medina was going to fire at CCPD officers. Officer Rios stated that, at that moment, he was afraid for his life and absolutely terrified that Mr. Medina was going to kill his partner so he fired two rounds in succession at Mr. Medina.

Officer Rios stated that he believed if he did not stop Mr. Medina, Mr. Medina could have carjacked a car and caused a serious threat to human life. Officer Rios further thought that if Mr. Medina crossed over to the parking structure on Cardiff or downtown he could take a hostage and potentially cause an OIS in the downtown area, which consisted of restaurants, bars, and live music, and was usually crowded at that time of day. A parking attendant was still on duty in a parking structure across the

³ Footage recovered from BWCs, DICV, and surrounding building footage did not capture whether Mr. Medina turned his head and torso toward CCPD officers.

street from the OIS; he heard the gun shots but was not able to see the incident due to view obstructions in the parking structure. Officer Rios' underlying belief was that if he did not stop Mr. Medina, Mr. Medina would have gone back to the call location and killed his wife and children.

Officer Rios' BWC footage shows that he makes several statements, shortly after the shooting, that he thought Mr. Medina was going to kill his partner and his fellow officers. His statements and demeanor appear genuine. Based on Officer Rios' interview, his words and actions as shown on the BWC videos and DICV system videos, it is reasonable to infer that Officer Rios actually believed there was an imminent threat of death or serious bodily injury toward himself, other CCPD officers, and civilians nearby the encounter.

Similarly, the events shown on the BWC videos and DICV system videos supports the inference that Officer Rios' fear of imminent danger of serious bodily injury or death to himself and others at the scene was objectively reasonable under the circumstances.

Due to the information given to him by the CCPD dispatch, Officer Rios had knowledge that a potentially violent crime, specifically an assault with a firearm had occurred with W-1. The BWC videos showed that he and other CCPD officers staged away from the incident location because Mr. Medina may have had a firearm. They utilized their vehicles as cover to approach the incident location. CCPD officers gave commands to Mr. Medina to surrender and comply, but instead Mr. Medina fled the incident location and CCPD pursued him on a vehicular pursuit through multiple cities where Mr. Medina had complete disregard for public safety by colliding with vehicles and almost hitting pedestrians. Mr. Medina returned back to Culver City and then lead CCPD officers on a foot pursuit. CCPD officers, including Officer Rios, continued to give him commands to stop, but Mr. Medina did not. Mr. Medina's body movements indicated to CCPD officers that Mr. Medina was armed with a firearm.

The BWC videos, DICV systems videos, and CCPD officer statements also show that Officer Rios reasonably believed Mr. Medina had the present ability and intended to inflict serious bodily injury or death upon CCPD officers, bystanders, and W-1. Officer Rios believed Mr. Medina had a firearm and Mr. Medina led CCPD on a vehicular pursuit through multiple cities with disregard for public safety. Mr. Medina's further failure to comply with commands multiple times coupled with his previous actions that evening could reasonably be interpreted as an indication that Mr. Medina harbored an intent to use his firearm to possibly injure or kill someone. Further, during the foot pursuit Officer Perez confirmed, albeit incorrectly, that Mr. Medina was still armed with a firearm by yelling, "Gun in hand, gun in hand, right hand!" While Officer Olsen stated, "No, it's a ... cell phone," Officer Rios did not report hearing this statement and it was not audible on the BWC footage of Officer Rios or Officer Perez.

Additionally, the actions of the other officers at the scene support the conclusion that Officer Rios' actions were objectively reasonable. All pursuing CCPD officers pulled out their firearms when they pursued Mr. Medina based on the information that there was an assault with a firearm at the original incident location.

While the other officers did not fire, they were not in a position to do so or see the potential threat as Officer Rios did. Officer Espinal stated that he did not fire because he was directly behind Mr. Medina and was not able to see a firearm in Mr. Medina's hands. He also stated that he did not fire because it was in the direction of Venice Boulevard where there were passing vehicles. Officer Olsen stated he did not fire because he could not distinguish what Mr. Medina was holding in his hands even though CCPD

officers were yelling, “Gun, gun, gun!” Officer Olsen stated he observed Mr. Medina running hunched over which indicated to him that Mr. Medina was running while armed with a firearm, but did not look at Mr. Medina’s feet, upper body, or head because he was trying to identify what his partner was observing. Officer Perez stated that he did not fire at Mr. Medina because fellow officers were in his direction of fire. He further stated that if other officers had not been in his line of fire, he would have fired at Mr. Medina.

Officer Rios did not use any force beyond that necessary to halt the threat, firing two rounds in quick succession. After the second shot, Officer Rios ceased firing and continued to make multiple commands for Mr. Medina to stop moving. Even though Officer Rios believed that Mr. Medina had a firearm readily available for use during the foot pursuit, Officer Rios did not fire his rifle at Mr. Medina until Mr. Medina made the movements as if he was going to shoot what he thought was his partner. Officer Rios was designated as the officer to use lethal force if necessary during the initial incident encounter. Due to the unfolding circumstances, Officer Rios did not have time to consider a less lethal option to stop Mr. Medina. Officer Rios stated he initially deployed his rifle because Mr. Medina was approximately 50 yards from where CCPD staged at the incident location. He stated he needed a weapon system that could reach that distance if necessary. Officer Rios kept that rifle on his person during the vehicle and foot pursuit, eventually utilizing that rifle during the OIS.

In light of the totality of the circumstances, with Mr. Medina assaulting W-1 with a firearm, leading CCPD on a vehicular pursuit through multiple cities with disregard for public safety, leading CCPD officers on a foot pursuit with knowledge of his previous actions that evening and actions during the foot pursuit, a reasonable officer, under the same circumstances, could have believed lethal force was necessary to prevent imminent threat of great bodily injury or death. It cannot be proven beyond a reasonable doubt that Officer Rios’ belief that he or someone else was in imminent danger of being harmed with a firearm was unreasonable.

CONCLUSION

Based on the investigation and review of evidence, along with the applicable statutes, legal principles, and subsequent analysis, there is insufficient evidence to support a criminal prosecution of Officer Rios. As such, no further action will be taken in this case.



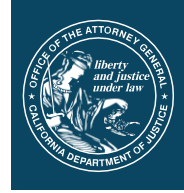
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Culver City Police Department Related to the Officer- Involved Shooting of Guillermo De Jesus Medina on December 18, 2022

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

September 2024



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section (PPS) conducts a supplemental review of the information obtained through the criminal investigation, which may include a review of policies concerning body-worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly-available policies of the agency employing the officers who are subject to the criminal investigation. PPS uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response. PPS’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

As background, the Culver City Police Department (CCPD) officers responded to a call on December 18, 2022, at 12:16 a.m. of Guillermo Medina (Medina), brandishing a pistol and banging on the windows and door of his estranged spouse’s apartment. Ten minutes after the officers arrived on scene, Mr. Medina fled in his vehicle. CCPD initiated an hour long vehicle pursuit that ended in a foot pursuit by four officers. Officer Rios fired two rounds at Mr. Medina. It was later determined that Mr. Medina was in possession of a black cellphone, and not a weapon.

PPS evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), PPS advises CCPD to review and implement one recommendation:

INTER-JURISDICTIONAL PURSUIT COMMUNICATIONS

A total of four patrol units, including a sergeant, were involved in the initial vehicle pursuit of Mr. Medina’s vehicle. The primary patrol unit requested air support assistance from Los Angeles Police Department (LAPD). At approximately 12:35 a.m., LAPD Air support assisted with the vehicle pursuit that lasted approximately one hour. During the initial pursuit, Mr. Medina traveled on and off Interstate 10 freeway westbound and eastbound near Interstate 405 freeway, traveling at high speeds between 80 mph to 100 mph. The freeway portion of the pursuit lasted approximately ten minutes, but the pursuit continued through many cities outside of CCPD’s jurisdiction.

CCPD policy 309.3.6 (d), Pursuit Driving, states to “[n]otify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.” During the long

vehicle pursuit covering 30 miles in distance, the CCPD watch commander, the supervisor, or ground units did not notify CHP of the freeway pursuit even though the pursuit entered CHP's jurisdiction.

Therefore, PPS recommends that CCPD provide refresher training regarding communications and notifications among the allied agencies involved in an inter-jurisdictional pursuit.