



C A L I F O R N I A

DEPARTMENT OF JUSTICE

**Report on the Investigation into the
Death of Martin Sebastian on March 16, 2024**

Los Angeles County AB 1506

October 2026

TABLE OF CONTENTS

BACKGROUND—AB 1506.....	1
PRIVACY STATEMENT	1
INTRODUCTION.....	2
SUMMARY OF THE INCIDENT.....	3
INVESTIGATION.....	6
Overview.....	6
Scene Description	6
Physical Evidence Recovered.....	7
Evidence Reviewed	8
Video Recordings	8
Communications.....	9
DEPUTY PROCESSING	9
AUTOPSY	10
INTERVIEWS OF INVOLVED DEPUTIES	11
INTERVIEWS OF CIVILIAN WITNESSES	15
APPLICABLE LEGAL STANDARDS	17
LEGAL ANALYSIS.....	19
CONCLUSION	20



INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice 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 had been primarily handled 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 (DOJ) 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. 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, DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as revealed 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 and any family members of Martin Sebastian. 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 will be identified as follows:

- Witness 1 (W-1)— an employee at El Tio Tono Market in Los Angeles
- Witness 2 (W-2)— an employee at El Tio Tono Market in Los Angeles.

INTRODUCTION

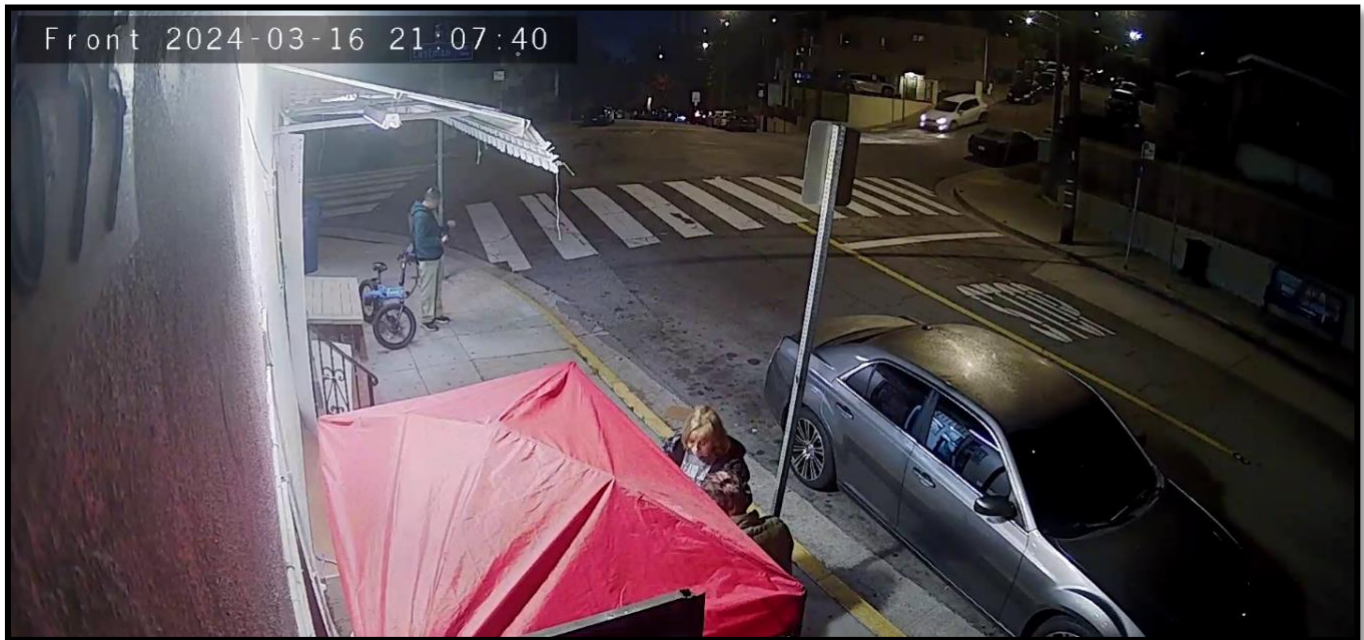
On March 16, 2024, at approximately 9:32 PM, Los Angeles County Sheriff's Department (LASD) Deputies Steven Martinez, Sergio Manapat, Angel Santillan, Joaquin Pena, Charles Park, and Jesse de la Fuente responded to a call for service at El Tio Tono Market. The responding deputies were informed there was a man with a handgun causing a disturbance outside of the business. When the deputies arrived, the man, later identified as Martin Sebastian (Mr. Sebastian), pointed the firearm directly at the responding deputies. The deputies immediately fired upon Mr. Sebastian, fatally wounding him. After the shooting, it was discovered that Mr. Sebastian's firearm was a replica.

DOJ investigated and reviewed this officer-involved shooting (OIS) pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 [2019-2020 Reg. Sess.]). This report is the final step in DOJ's review of the fatal shooting of Mr. Sebastian and is limited solely to determining whether criminal charges should be brought against the involved deputies. The review does not encompass or comment on any potential administrative or civil actions. It does, however, include policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Upon thorough examination, and as discussed in detail below, DOJ determined that no criminal charges will be filed because the evidence is insufficient to prove Deputies Martinez, Manapat, Santillan, Pena, Park, and de la Fuente committed a crime.

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 THE INCIDENT

On the evening of March 16, 2024, W-1 was working as a cashier at El Tio Tono Market located at 3657 Pomeroy Street, Los Angeles, California. At approximately 9:00 PM, a man later identified as Mr. Sebastian entered the store and approached the counter. Mr. Sebastian attempted to purchase cigarettes but did not have enough money. Mr. Sebastian asked if he could put the cigarettes on a store tab but was informed by W-1 that a store tab would not be possible. Mr. Sebastian became upset and eventually left the store, challenging W-1 to step outside with him and fight. W-1 declined to go outside and stayed behind the register. Nevertheless, Mr. Sebastian stood outside in front of the main doors waving around a black metal stick.



Still image taken from El Tio Tono Market's security video footage on March 16, 2024, showing Mr. Sebastian standing outside of the market with the "stick" in his hand.

After approximately 15 minutes of Mr. Sebastian loitering in front of the business with the stick in his hand, W-1 called 911 for assistance. While W-1 was speaking with the 911 operator, Mr. Sebastian made eye contact with W-1, brandished what appeared to be a handgun, pointed it at W-1 while smiling, and then pointed it at his own head. Mr. Sebastian waved the apparent firearm around in the air while standing in front of the store. W-1 informed the 911 operator that Mr. Sebastian was now armed with "a gun." In turn, the 911 operator updated LASD deputies that Mr. Sebastian was now holding a firearm in front of the store.



Still images taken from El Tio Tono Market's security video footage on March 16, 2024, showing Mr. Sebastian standing outside of the market with the apparent firearm in his hand.

LASD patrol deputies assigned to the East Los Angeles County sheriff's patrol station were dispatched to the call. Unit 21 (with Deputies Pena and Manapat), Unit 22 (with Deputies Martinez and de la Fuente), and Unit 23 (with Deputies Park and Santillan) all responded. Unit 22 was designated as the primary handling unit due to the nature of the call. All three units briefly gathered several blocks away from the market to coordinate how they were going to approach the armed suspect, before proceeding to the call location with Unit 22 leading the trail of patrol vehicles, followed closely behind by Unit 21 and then by Unit 23.

At 9:32:11 PM, the three units arrived on scene one after another and oriented themselves facing towards the front of the store, approximately 40 to 45 feet away from where Mr. Sebastian was standing. As the units arrived, the second and third units (Units 21 and 23) activated their emergency lights before coming to a stop. Mr. Sebastian paused for a moment as he noticed the approaching vehicles, assumed a bladed stance, gripped the apparent handgun with both hands, and raised it, pointing the handgun directly at the first vehicle (Unit 22). At 9:32:14 PM, within three seconds of when Unit 22 parked, Deputies Martinez, Manapat, Park, Pena, and de la Fuente began firing a total of 54 shots at Mr. Sebastian in seven seconds. Specifically, Deputy Martinez fired a total of 15 rounds with the first shot at 9:32:14 PM and the final shot at 9:32:20 PM. Deputy da la Fuente fired a total of 18 rounds with the first shot at 9:32:15 PM and the final shot at 9:32:21 PM. At 9:32:17 PM, Deputy Manapat fired a total of seven rounds with the final shot at 9:32:20 PM. At 9:32:17 PM, Deputy Park fired a total of 13 rounds with the final shot at 9:32:21 PM. At 9:32:18 PM, Deputy Pena fired one round.

During the course of the gunfire, Mr. Sebastian appeared initially to have been struck, which caused him to fall backwards onto his buttocks. As he attempted to get up, he leaned forward with the apparent handgun still in his right hand and still pointed in the direction of the deputies. The deputies continued to shoot at Mr. Sebastian until he became disabled by the gunfire, at which point he slumped forward while in a seated position, apparent gun still in hand. Assisting deputies arrived on scene and rendered aid to Mr. Sebastian.



Still image taken from El Tio Tono Market's security video footage on March 16, 2024, showing Mr. Sebastian standing outside of the market with the apparent firearm in his hand as the deputies arrived.



Still image taken from El Tio Tono Market's security video footage on March 16, 2024, showing Mr. Sebastian standing outside of the market pointing the apparent firearm at the deputies.

At approximately 9:45 PM, Los Angeles County Fire Department (LACFD) paramedics arrived on scene and took over life-saving measures for Mr. Sebastian. However, life-saving measures were unsuccessful, and Mr. Sebastian was pronounced dead shortly thereafter.

The handgun in question was later determined by the responding deputies to be a replica made of green plastic and covered with black tape along the slide and grip.

INVESTIGATION

Overview

On March 17, 2024, at approximately 1:30 AM, DOJ's Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) received notification of the OIS after LASD determined the incident to be a qualifying event under AB 1506.

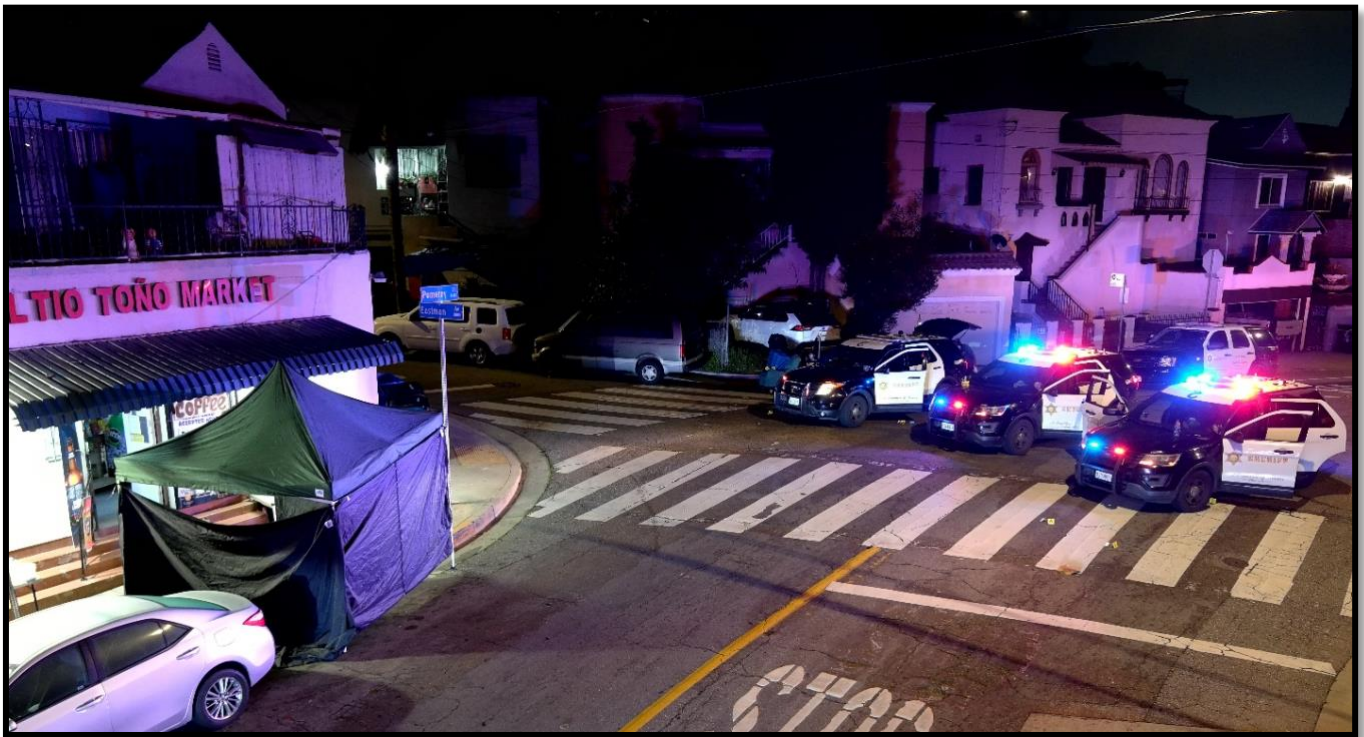
When DOJ personnel responded to the incident scene to initiate a criminal investigation, the incident location was already secured by LASD personnel, with the entire surrounding area blocked off with crime scene tape to preserve evidence.

The DOJ team observed the locations where key items of evidence were collected, while paying particular attention to the area where the shooting had taken place. The California Bureau of Forensic Services (BFS) arrived on scene to collect evidence and document findings. DOJ's investigation into the death of Mr. Sebastian was comprehensive, thorough, objective, and independent.

Scene Description

The OIS occurred on a public sidewalk directly in front of El Tio Tono Market located at 3657 Pomeroy Street in the city of Los Angeles. The market is in a residential neighborhood on the northeast corner of Pomeroy Street and North Eastman Avenue. The intersection allows for traffic in both directions and is controlled by posted stop signs.

An uninvolved Toyota sedan was parked directly in front of the market along the curbline. The three LASD patrol vehicles were oriented facing northeast towards the market from the intersection, approximately 40 feet away from where Mr. Sebastian was lying on the sidewalk. Mr. Sebastian was found in the supine position on the sidewalk with his head facing northeast towards the entrance of the market.



Still image taken from outside of El Tio Tono Market depicting the arrangement of the patrol vehicles once they arrived.

Physical Evidence Recovered

DOJ BFS personnel processed the scene. BFS criminalists marked and collected 108 physical items of evidence, including, but not limited to, the replica firearm, projectiles, projectile fragments, 52 fired cartridge casings, and a 33.5-inch collapsible metal bicycle lock.



Still image of the replica firearm Mr. Sebastian pointed at the deputies.



Still image of the bicycle lock found on Mr. Sebastian's person, believed to be the "metal stick" he was seen holding outside of the market.

Evidence Reviewed

DOJ personnel also received and reviewed extensive investigation materials regarding this incident, including: numerous reports from investigating officers; surveillance footage from inside and outside the market; body-worn camera (BWC) videos from all six involved deputies; interview recordings from all involved deputies and civilian witnesses; police radio channel recordings; 911 call recordings; crime scene photos; and the autopsy report and related photos.

Video Recordings

DOJ personnel, along with LASD investigators, identified Deputies Martinez, Manapat, Santillan, Pena, Park, and de la Fuente, as being involved this incident. The BWC's of all six deputies were activated at the time of the incident and recorded their response to the market. However, due to the deputies' positioning behind the doors of their patrol vehicles when they exited their vehicles, viewers are unable to see the actions of Mr. Sebastian from the perspective of the deputies. Moreover, at the time of the OIS, LASD's East Los Angeles County patrol station units were not equipped with a digital in-car video system. Thus, no in-car video was recovered.

However, investigators were able to obtain surveillance videos from inside and outside of the market. Surveillance videos from inside the market depict the interactions between Mr. Sebastian and the cashier, W-1. Surveillance videos from outside the market depict Mr. Sebastian's actions before and during the OIS and the arrival of emergency medical services and additional resources.

Communications

Investigators obtained and reviewed copies of dispatch calls, 911 calls, radio communications, computer aided dispatch (CAD) logs/records, and message notifications related to the incident. The dispatch recordings contain the initial dispatch that informed deputies of a “Hispanic male, 25, wearing a grey sweater, black pants, harassing customers in front [of the market] holding a metal stick.” Approximately three minutes later, the dispatcher informed responding deputies that the individual was now “holding a black handgun” in front of the market.

DEPUTY PROCESSING

Following the OIS, all six deputies were transported back to the East Los Angeles County sheriff’s patrol station where they awaited processing. Upon DOJ arrival, all six deputies were processed. BFS personnel took photographs depicting each deputy as he appeared at the time of the OIS, including profile photographs and photographs of his gear. All deputies were dressed in official LASD patrol uniforms and clearly identifiable as law enforcement officers and were equipped with standard patrol loadouts.

Collectively, the involved deputies were also equipped with less lethal options, including one Taser, collapsible batons, and OC spray. Additional less lethal force options (e.g., 40mm less lethal launcher) were not carried by the deputies or in their patrol vehicles.

BFS personnel collected the firearms used in the OIS and round counts were performed.

Deputy Steven Martinez

Deputy Martinez was equipped with his department issued firearm (a semiautomatic, nine-millimeter caliber, Smith & Wesson, M&P handgun) and department-provided ammunition. The firearm, as configured, had an 18-round capacity with one round in the chamber. Deputy Martinez typically loads his magazines to capacity (17 rounds) and keeps one round chambered in the firearm. The magazine seated in the firearm was used during the OIS and contained two rounds. Based on Deputy Martinez’s statements and the round counts, it was determined he fired 15 rounds during the OIS incident.

Deputy Sergio Manapat

Deputy Manapat was equipped with his department issued firearm (a semiautomatic, nine-millimeter caliber, Smith & Wesson, M&P handgun) and department-provided ammunition. The firearm, as configured, had an 18-round capacity with one round in the chamber. Deputy Manapat typically loads his magazines to capacity (17 rounds) and keeps one round chambered in the firearm. The magazine seated in the firearm was used during the OIS and contained 10 rounds. Based on Deputy Manapat’s statements and the round counts, it was determined he fired seven rounds during the OIS incident.

Deputy Angel Santillan

Deputy Santillan was equipped with his department issued firearm (a semiautomatic, nine-millimeter caliber, Smith & Wesson, M&P handgun) and department-provided ammunition. The firearm, as configured, had an 18-round capacity with one round in the chamber. This weapon was not used during the OIS. The magazine seated in the firearm was filled to maximum capacity (17 rounds), with one additional round in the chamber. Based on Deputy Santillan’s statements, his BWC video, and the round counts, it was determined he did not discharge his firearm during the OIS incident.

Deputy Joaquin Pena

Deputy Pena was equipped with his department issued firearm (a semiautomatic, nine-millimeter caliber, Smith & Wesson, M&P handgun) and department-provided ammunition. The firearm, as configured, had an 18-round capacity with one round in the chamber. Deputy Pena typically loads his magazines to capacity (17 rounds) and keeps one round chambered in the firearm. The magazine seated in the firearm was used during the OIS and contained 16 rounds. Based on Deputy Pena's statements and the round counts, it was determined he fired one round during the OIS incident.

Deputy Charles Park

Deputy Park was equipped with his department issued firearm (a semiautomatic, nine-millimeter caliber, Smith & Wesson, M&P handgun) and department-provided ammunition. The firearm, as configured, had an 18-round capacity with one round in the chamber. Deputy Park typically loads his magazines to capacity (17 rounds) and keeps one round chambered in the firearm. At the time of processing, he had three magazines—one seated in the firearm and two stored in magazine pouches. The magazine seated in the firearm contained 17 rounds. However, at the time of processing, the magazine seated in the firearm was not the magazine used during the OIS. Deputy Park performed an administrative reload at the conclusion of the OIS. As such, the magazine used during the OIS was stored in one of his spare magazine pouches and only contained four rounds. The other magazine stored in a spare magazine pouch was filled to maximum capacity. Based on Deputy Park's statements and the round counts, it was determined he fired 13 rounds during the OIS incident.

Deputy Jesse de la Fuente

Deputy de la Fuente was equipped with his department issued firearm (a semiautomatic, nine-millimeter caliber, Smith & Wesson, M&P handgun) and department-provided ammunition. The firearm, as configured, had an 18-round capacity with one round in the chamber. Deputy de la Fuente typically loads his magazines to capacity (17 rounds) and keeps one round chambered in the firearm. At the time of processing, he had three magazines—one seated in the firearm and two stored in magazine pouches. The magazine seated in the firearm contained 16 rounds. However, at the time of processing, the magazine seated in the firearm was not the magazine used during the OIS. Deputy de la Fuente performed an administrative reload at the conclusion of the OIS. As such, the magazine used during the OIS was stored in one of his spare magazine pouches and was empty. The other magazine stored in a spare magazine pouch was filled to maximum capacity. Based on Deputy de la Fuente's statements and the round counts, it was determined he fired 18 rounds during the OIS incident.

AUTOPSY

On March 20, 2024, Dr. Vadims Poukens performed an autopsy on behalf of the Los Angeles County Department of Medical Examiner-Coroner.

Dr. Poukens's report noted that Mr. Sebastian sustained 21 gunshot wounds, including two entry gunshot wounds on the top of the head, which were lethal. He determined the cause of death to be multiple gunshot wounds.

The toxicology report indicated no controlled substances or alcohol were present in Mr. Sebastian's system.

INTERVIEWS OF INVOLVED DEPUTIES

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.) Deputies Martinez, Manapat, Santillan, Pena, Park, and de la Fuente all provided voluntary statements in this case. Attorney Jennifer Krikorian represented each deputy and was present for each interview.

The following statements are summaries of their interviews, which describe the incident from the point of view of the individual deputies. Please note that the interviews contain facts relayed by the deputies that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Deputy Steven Martinez

On April 22, 2024, DOJ Special Agents Daniel Foster and Christopher Santiago interviewed Deputy Martinez.

Deputy Martinez had been with LASD for approximately eight years and was assigned to the East Los Angeles station at the time of the OIS. Shortly before the incident, he was working on reports at the station with his trainee, Deputy de la Fuente. A dispatch call was eventually broadcasted detailing a male suspect harassing customers with a stick outside the market located at 3657 Pomeroy Street. Shortly thereafter, the call was updated to indicate the man was now holding a firearm. At that point, Deputy Martinez directed dispatch to assign him and his partner as the primary handling unit so that Deputy de la Fuente could get experience handling that type of radio call. As they began responding, he discussed tactical considerations with his trainee. His patrol vehicle was designated as Unit 22.

While on the way to the call location, Deputies Martinez and de la Fuente met up with two other units, Units 21 and 23, at a predesignated location close to the call location to quickly brief the situation before proceeding to the call location in succession. Deputy Martinez, in Unit 22, was designated as the lead vehicle.

As they approached the call location, Deputy Martinez saw the suspect, later identified as Mr. Sebastian, holding what he believed to be a firearm in his hand pointed toward the ground. Deputy Martinez did not activate the emergency lights equipped on his vehicle, but Units 21 and 23 did. When Deputy Martinez put his vehicle in park, Mr. Sebastian turned around and pointed the apparent firearm directly at his vehicle. Fearing for his life, Deputy Martinez immediately got out of his vehicle and began shooting at Mr. Sebastian from approximately 20 yards away.

After an initial volley of shots, Mr. Sebastian fell to his knees. Deputy Martinez reassessed the situation and resumed shooting after noticing Mr. Sebastian was still pointing the firearm towards him and his partner. Deputy Martinez stopped shooting once Mr. Sebastian slumped forward and the gun was no longer pointed toward him and the other deputies.

Deputy Martinez assisted in coordinating additional responding units and resources while providing cover for other deputies who made a tactical approach to take Mr. Sebastian into custody and render medical aid.

Deputy Martinez explained that utilization of less lethal options or execution of a tactical retreat was not feasible due to how quickly the events unfolded. Deputy Martinez believed any hesitation could have cost him his life.

Deputy Sergio Manapat

On April 22, 2024, DOJ Special Agents Ugo Carlos and Benjamin Martin interviewed Deputy Manapat.

Deputy Manapat had been with LASD for approximately four years and was assigned to the East Los Angeles station at the time of the OIS. Shortly before the incident, he and his partner, Deputy Pena, were assigned to patrol in Unit 21. Deputy Manapat's description of the initial dispatch information and meeting up with the other two units to brief the situation was consistent with Deputy Martinez's account. Deputy Manapat, in Unit 21, was the second vehicle in the succession of patrol vehicles.

As they approached the call location, Deputy Manapat saw the suspect, later identified as Mr. Sebastian, holding what he believed to be a firearm in his hand pointed towards the ground. Immediately upon parking next to Unit 22 and activating the red and blue emergency lights on his patrol vehicle, Mr. Sebastian turned around and pointed the firearm directly at Unit 22. Fearing for the safety of the deputies in Unit 22, Deputy Manapat exited his vehicle and began shooting at Mr. Sebastian from approximately 20 yards away.

After an initial volley of shots, Mr. Sebastian fell to his knees. Deputy Manapat reassessed the situation and resumed shooting after noticing Mr. Sebastian was still pointing the apparent firearm towards Unit 22. Deputy Manapat stopped shooting once Mr. Sebastian slumped forward and the gun was no longer pointed toward them.

When additional deputies arrived, Deputy Manapat approached Mr. Sebastian along with other deputies and assisted in taking him into custody. Deputy Manapat then left the scene while other deputies began initial medical aid.

Deputy Manapat believed that utilization of less lethal options or execution of a tactical retreat was not feasible due to how quickly the events unfolded. Deputy Manapat believed any hesitation would have resulted in the deputies in Unit 22 being shot.

Deputy Angel Santillan

On April 22, 2024, DOJ Special Agents Marco Perez and Santiago interviewed Deputy Santillan.

Deputy Santillan had been with LASD for approximately 11 years and was assigned to the East Los Angeles station at the time of the OIS. Shortly before the incident, he and his partner, Deputy Park, were assigned to patrol in Unit 23. A dispatch call was eventually broadcasted detailing a male suspect harassing customers with a bat or metal object. Shortly thereafter, the call was updated to indicate the man was now holding a firearm.

While on the way to the call location, Deputies Santillan and Park met up with two other units, Units 21 and 22, at a predesignated location close to the call location to quickly brief the situation before proceeding to the call location in trail. Deputy Santillan, in Unit 23, was the last vehicle in the succession.

As they approached the call location, Deputy Park parked Unit 23 on the far-left side of the other two units and activated the red and blue emergency lights on his patrol vehicle. As soon as Unit 23 parked, Deputy Santillan saw a male, later identified as Mr. Sebastian, pointing what he believed to be a firearm at one of the other deputies and then heard gunshots. Deputy Santillan exited Unit 23 and pointed his firearm at Mr. Sebastian. However, because he observed a bystander in his line of fire, he

did not discharge his firearm. Mr. Sebastian fell to his knees while still pointing the apparent firearm towards the deputies before ultimately slumping forward.

When additional deputies arrived, Deputy Santillan approached Mr. Sebastian along with other deputies and assisted in taking him into custody. Deputy Santillan then seized the apparent firearm and secured it in the back of a patrol unit while other deputies began initial medical aid. He realized the apparent firearm was a replica immediately when he picked it up due to how lightweight it was.

Like the other deputies, Deputy Santillan stated that utilization of less lethal options or execution of a tactical retreat was not feasible due to how quickly the events unfolded.

Deputy Joaquin Pena

On April 22, 2024, Special Agents Carlos and Martin interviewed Deputy Pena.

Deputy Pena had been with LASD for approximately four years and was assigned to the East Los Angeles station at the time of the OIS. Shortly before the incident, he and his partner, Deputy Manapat, were assigned to patrol in Unit 21. A dispatch call was eventually broadcasted detailing a male suspect harassing customers with a metal stick. Shortly thereafter, the call was updated to indicate the man was now holding a firearm.

While on the way to the call location, Deputies Pena and Manapat met up with two other units, Units 22 and 23, at a predesignated location close to the call location to quickly brief the situation before proceeding to the call location in succession. Deputy Pena, in Unit 21, was the second vehicle in the trail.

As they approached the call location, Deputy Pena parked Unit 21 on the right side of Unit 22 and activated his patrol vehicle's red and blue emergency lights. As soon as Unit 21 parked, Deputy Pena saw a male, later identified as Mr. Sebastian, pointing what he believed to be a firearm at Unit 22 and then heard gunshots. Fearing for the safety of the deputies in Unit 22, Deputy Pena exited his vehicle and fired at Mr. Sebastian from approximately 20 to 25 feet away.

After an initial volley of shots, including one shot from Deputy Pena, Mr. Sebastian fell to his knees. Deputy Pena reassessed the situation but did not resume shooting. Additional shots were fired by the other deputies, but Deputy Pena did not reengage, believing Mr. Sebastian was no longer a threat. Mr. Sebastian then slumped forward, and all shooting ceased.

Deputy Pena assisted in coordinating additional responding units and resources while providing cover for other deputies who made a tactical approach to take Mr. Sebastian into custody and render medical aid.

Deputy Pena also explained that utilization of less lethal options or execution of a tactical retreat was not feasible due to how quickly the events unfolded. Deputy Pena believed any hesitation could have been fatal.

Deputy Charles Park

On April 23, 2024, Special Agents Santiago and Foster interviewed Deputy Park.

Deputy Park had been with LASD for approximately five years and was assigned to the East Los Angeles station at the time of the OIS. Shortly before the incident, he and his partner, Deputy Santillan, were

assigned to patrol in Unit 23. A dispatch call was eventually broadcasted detailing a male suspect harassing customers with a metal pipe. Shortly thereafter, the call was updated to indicate the man was now holding a firearm.

While on the way to the call location, Deputies Park and Santillan met up with two other units, Units 21 and 22, at a predesignated location close to the call location to quickly brief the situation before proceeding to the call location in succession. Deputy Park, in Unit 23, was the last vehicle in the trail.

As they approached the call location, Deputy Park parked Unit 23 on the far-left side of the other two units and activated the vehicle's red and blue emergency lights. As soon as Unit 23 parked, Deputy Park saw a male, later identified as Mr. Sebastian, pointing what he believed to be a firearm at one of the other deputies. Fearing for the safety of the deputies, Deputy Park exited his vehicle and began shooting at Mr. Sebastian. While shooting, Deputy Park continuously reassessed the situation and ceased shooting once Mr. Sebastian fell to the ground and slumped forward.

When additional deputies arrived, Deputy Park approached Mr. Sebastian along with other deputies and assisted in taking him into custody. Deputy Park then began performing chest compressions on Mr. Sebastian until he was relieved by paramedics.

Like the other deputies, Deputy Park believed utilization of less lethal options or execution of a tactical retreat was not feasible due to how quickly the events unfolded. Deputy Park believed any hesitation would have resulted in a fatality.

Deputy Jesse de la Fuente

On April 23, 2024, Special Agents Carlos and Martin interviewed Deputy de la Fuente.

Deputy de la Fuente had been with LASD for approximately four years and was assigned to the East Los Angeles station at the time of the OIS. Shortly before the incident, he was working on reports at the station with his training officer, Deputy Martinez. A dispatch call was eventually broadcasted detailing a male suspect harassing customers with a metal stick. Shortly thereafter, the call was updated to indicate the man was now holding a firearm. As they began responding, Deputy de la Fuente's training officer discussed tactical considerations with him. His patrol vehicle was designated as Unit 22.

While on the way to the call location, Deputies de la Fuente and Martinez met up with two other units, Units 21 and 23, at a predesignated location close to the call location to quickly brief the situation before proceeding to the call location in succession. Deputies de la Fuente and Martinez, in Unit 22, were designated as the lead vehicle.

As they approached the call location, Deputy de la Fuente saw the suspect, later identified as Mr. Sebastian, holding what he believed to be a firearm in his hand pointed towards the ground. Deputy de la Fuente did not activate the emergency lights equipped on his vehicle, but Units 21 and 23 did. When Deputy Martinez put the vehicle in park, Mr. Sebastian turned around and pointed the firearm directly at their vehicle. Fearing for his life, Deputy de la Fuente immediately got out of his vehicle and began shooting at Mr. Sebastian.

After an initial volley of shots, Mr. Sebastian fell to his knees. Deputy de la Fuente reassessed the situation and resumed shooting after noticing Mr. Sebastian was still pointing the firearm towards him.

Deputy de la Fuente stopped shooting once Mr. Sebastian slumped forward and was perceived to no longer be a threat.

Deputy de la Fuente assisted in coordinating additional responding units and resources while providing cover for other deputies who made a tactical approach to take Mr. Sebastian into custody and render medical aid.

As with his fellow deputies, Deputy de la Fuente believed utilization of less lethal options or execution of a tactical retreat was not feasible due to how quickly the events unfolded.

INTERVIEWS OF CIVILIAN WITNESSES

The following are summaries of the relevant civilian witness interviews, which describe the incident from the point of view of each person. 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.

Statement of W-1

W-1 was interviewed by DOJ agents at the East Los Angeles County sheriff's patrol station on March 17, 2024.

W-1 worked as a cashier at El Tio Tono's Market in Los Angeles. On the day of the OIS, W-1 began work at 3:00 PM and carried out routine duties. At approximately 9:00 PM, Mr. Sebastian entered the store and attempted to purchase Swisher Sweets but did not have enough money. He requested W-1 to open a tab for him, but W-1 declined. Mr. Sebastian became upset and asked W-1 to step outside so they could fight. Mr. Sebastian walked outside, but W-1 remained inside, attending to other customers. After a period of time, W-1 saw Mr. Sebastian playing with a metal stick in front of the store. Concerned for his safety and that of the customers, W-1 called 911 and reported what he saw. While on the phone, he witnessed Mr. Sebastian pull out what he believed to be a gun and point it at him. Mr. Sebastian then pointed the gun at his own head and smiled. When sheriff's deputies arrived, W-1 saw Mr. Sebastian point the gun at the deputies, and then he heard shooting.



Still image taken from El Tio Tono Market's security video footage on March 16, 2024, showing Mr. Sebastian standing outside of the market, looking inside with his hands raised in the air and the firearm in his right hand.

Statement of W-2

W-2 was interviewed by DOJ agents at the East Los Angeles County sheriff's patrol station on March 17, 2024.

W-2 sold tacos directly outside El Tio Tono's Market in Los Angeles. On the night of the OIS, he was selling tacos outside of the market when he noticed Mr. Sebastian walk out of the store. Mr. Sebastian had a metal chain in his hand and was "snapping" it, which made a loud noise. W-2 became uneasy and concerned Mr. Sebastian would attack him, so he went inside the store via a side door and remained there until after the shooting. He stated that after he went inside the store, he could not see Mr. Sebastian or any of the events that unfolded thereafter.



Still image taken from El Tio Tono Market's security video footage on March 16, 2024, showing Mr. Sebastian standing outside of the door looking towards the arriving deputies.

Statement of Mr. Sebastian's Family

Mr. Sebastian's mother, half-sister, younger sister, younger brother, and older sister were collectively interviewed by DOJ agents at the family's home on March 17, 2024.

The family collectively described Mr. Sebastian's history of mental illness, including a diagnosis of schizophrenia, the symptoms of which included hearing voices, talking to himself, and paranoid behavior, as well as depression and a history of three to four past suicide attempts. Mr. Sebastian was prescribed medication for his schizophrenia, but he had stopped taking his medication about a year prior. When asked if they knew about Mr. Sebastian's replica firearm, his younger brother stated he saw Mr. Sebastian with it a month prior and believed it was a real firearm. He did not realize it was a replica until he picked it up sometime thereafter. Mr. Sebastian's mother also stated she knew Mr. Sebastian had a replica firearm and warned Mr. Sebastian not to take it outside, which he disregarded.

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 he or she believes 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. Sebastian. This analysis is based on all of the evidence obtained by DOJ in this matter, including voluntary statements from the deputies involved in the shooting, witness statements, police reports, forensic evidence, the autopsy report, and surveillance video recordings.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Deputies Martinez, Manapat, Pena, Park, and de la Fuente did not act in lawful defense of themselves 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 each of the individual shooting deputies actually and reasonably believed that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself or others. Therefore, the evidence is insufficient to support criminal charges.

Subjective Element of Self-Defense

The evidence shows that all five shooting deputies believed they were acting in self-defense, and in the defense of their fellow deputies, when they collectively shot and killed Mr. Sebastian. In their voluntary statements, each deputy recounted that when he arrived on scene, Mr. Sebastian immediately turned

around and pointed what was believed to be a real firearm at the deputies. They stated the incident unfolded so quickly that de-escalation, less-lethal, or even tactical retreat options were not possible. They individually stated their fear of either personally being shot and killed or that their fellow deputies would be. (Deputy Martinez [“I’m going to get shot and possibly die”]; Deputy Manapat [“I was concerned he was possibly shooting at my partners and killing them”]; Deputy Pena [“He would have shot us” if they hesitated]; Deputy Park [“I thought someone was going to die”]; and Deputy de la Fuente [“I thought he was going to shoot at me”].)

In sum, the evidence demonstrates that the shooting deputies actually believed that Mr. Sebastian was armed with a deadly weapon and posed an imminent threat of death or serious bodily injury towards themselves and others.

Objective Element of Self-Defense

The evidence shows that the shooting deputies objectively and reasonably believed, based on the totality of the circumstances, that the threat of death or serious bodily injury was imminent given that Mr. Sebastian appeared to have the present ability, opportunity, and intent to cause death or serious bodily injury to themselves and others.

Prior to the OIS, the shooting deputies were aware that Mr. Sebastian was involved in a disturbance call and that the reporting caller stated Mr. Sebastian was armed with a firearm. When the deputies arrived on scene, Mr. Sebastian immediately turned around, assumed a shooting stance, raised his arm, and pointed the replica firearm directly at the responding deputies. The shooting resulted within seconds of the deputies’ arrival. Mr. Sebastian’s conduct, both inside and outside the store, leading up to the shooting and afterwards, was captured by multiple high-definition video cameras. The videos corroborate W-1’s statement regarding Mr. Sebastian’s conduct at the market before the shooting and his conduct once the deputies arrived on scene. Lastly, the replica firearm retrieved from Mr. Sebastian following the shooting had a strikingly realistic appearance—underscoring the deputies’ reasonable belief in the threat of great bodily injury or death had they not immediately responded with deadly force.

In sum, a peace officer, under these circumstances, could have reasonably believed that deadly force was necessary to defend against an imminent threat of death or great bodily injury.

CONCLUSION

Based on the investigation and review of evidence, along with the applicable statutes, legal principles, the subsequent analysis, and totality of the circumstances, there is insufficient evidence to support a criminal prosecution of Deputy Martinez, Deputy Manapat, Deputy Pena, Deputy Park, or Deputy de la Fuente. 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
Los Angeles County Sheriff's Department Related to the
Officer-Involved Shooting of Martin Sebastian on
March 16, 2024**

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

October 2026



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 conducts a 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. The Police Practices Section 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. The Police Practices Section’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, on March 16, 2024, at approximately 9:22 p.m., Los Angeles County Sheriff’s Department (LASD) deputies responded to a call regarding a business disturbance involving a male, later determined to be Martin Sebastian, with a metal stick harassing customers outside a convenience store. Deputies Sergio Manapat, Charles Park, Angel Santillan, and Joaquin Peña were dispatched to respond. Shortly thereafter, the call for service was quickly upgraded to a man with a firearm. Deputies Steven Martinez and Jesse De La Fuente heard the dispatch upgrade and responded to the call for service as well.

Deputies Martinez and De La Fuente arrived at the call location first and parked their marked patrol vehicle across the intersection about 42 feet from Mr. Sebastian. They saw Mr. Sebastian raise and point a firearm in the direction of their patrol vehicle. Deputies Martinez and De La Fuente immediately exited their vehicles and began discharging their firearms at Mr. Sebastian. Then, upon arrival, Deputies Manapat and Peña quickly parked their marked patrol vehicle and discharged their firearms. Deputies Park and Santillan were the last to park their marked patrol vehicle. As soon as Deputy Park exited his vehicle, he began discharging his firearm at Mr. Sebastian. Deputy Santillan did not discharge his firearm because a cashier from the convenience store was in his backdrop, so he determined it was not safe for him to shoot.

Deputies Martinez, De La Fuente, Manapat, Peña, and Park stopped firing their weapons when Mr. Sebastian fell to the ground in a sitting, slouched position, with the firearm still in his hand. Altogether, 54 rounds were discharged at Mr. Sebastian who sustained 21 gunshot wounds. Mr. Sebastian was pronounced dead at the scene. Further investigation revealed that the firearm Mr. Sebastian pointed at the deputies was a replica firearm.

The Police Practices Section evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), advises LASD to review and implement the following three recommendations:

Recommendation One:

Amend Body Worn Camera Activation and Deactivation Policies

The Police Practices Section recommends LASD (1) amend its body worn camera policy to require timely activation of body worn cameras prior to responding to a known weapons call, and (2) amend its body worn camera policy to specify what discussions are permitted and prohibited during a debrief after a deputy-involved shooting, if any, and provide corresponding training.

Activation Policy: LASD Policy 3-06/200.08 Body Worn Camera Activation states in pertinent part: “Department personnel shall activate their body worn camera (BWC) prior to initiating, *or upon arrival at*, any enforcement or investigative contact involving a member of the public, including ... calls for service,” among other instances. (emphasis added).

All five shooting deputies did not activate their body worn cameras until immediately after they ceased firing. When a camera is activated, the camera captures video, but not audio, for 30 seconds prior to activation. Since the shooting deputies activated their body worn cameras after the shooting, their cameras did not capture audio of the events before and during the shooting. Although the deputies’ body worn cameras captured video footage up to 30 seconds prior to activation, the video was mostly obstructed by the deputies’ patrol vehicles. Given that the original 911 call was elevated to a man brandishing a firearm, it was even more critical to activate body worn cameras upon notification of that call.

Deputy Santillan, a witness deputy at the scene, activated his body worn camera while he and Deputy Park were en route to the call location. Accordingly, Deputy Santillan’s camera was the only camera that captured audio of the shooting, which confirmed that gunshots were being fired as Deputy Santillan and Deputy Park were parking. The recording also confirms that Deputy Santillan radioed dispatch immediately after the gunshots ceased. However, there was no audio depicting what happened before the shooting commenced.

The Police Practices Section recommends that LASD amend its policy to require activation prior to arrival at any call for service, enforcement activity, or investigative contact involving a firearm or weapon, if such information is known before contact. This will ensure timely activation in critical incidents.

Deactivation and Debrief Policy: LASD’s body worn camera policy allows for stopping a recording during an activation period for debriefing an incident with other personnel, and the deputy shall “announce the reason for stopping the video prior to turning the BWC recording off.” (LASD Policy 3-06/200.18 BWC Recording Exceptions.) LASD permits a “debrief” after a tactical incident, but the policy does not describe the types of conversations or topics that are permitted or prohibited, or whether those debriefs are permitted after a shooting. (LASD Policy 3-10/150.00 – Tactical Incidents.) Additionally, current LASD policy prohibits involved deputies from discussing the deputy-involved shooting with one another until after they have been interviewed by Homicide Bureau Investigators. (LASD Policy 3-10/300.00 Deputy-Involved Shootings – General Provisions.)

After additional deputies responded to the scene post-shooting, Deputy Martinez said, “We’re good to go off once we are over here,” and then all deputies proceeded to deactivate their body worn cameras. None of the deputies announced a reason for turning off their cameras at that time, though at least one deputy explained that they debriefed the incident sometime after the shooting. Additionally,

according to a post-incident interview, Deputy Santillan informed at least one shooting deputy during a debrief that he believed Mr. Sebastian's firearm was a replica because it was lightweight when he picked up the firearm after the shooting.

The purpose of a BWC is to record entire encounters so that the BWC can serve as an accurate record of the events. The deactivation of the recording or muting of audio renders the record of events incomplete. Further, when officers stop the recording, or mute microphones, it may create an unnecessary suspicion of law enforcement and could act as a denial of public access to all the information regarding what transpired in a given incident.

The Police Practices Section recommends that LASD amend its policy and provide corresponding training to require timely activation of BWCs prior to a known weapons call. The Police Practices Section also recommends that LASD clarify permitted and prohibited discussions after a deputy-involved shooting and determine whether BWC deactivation or muting is permissible during the discussion. Clear guidance on permissible BWC operation after a deputy-involved shooting will ensure that all evidence is preserved on each deputy's BWC.

Recommendation Two: Provide Further Training to Ensure Sequestration of Involved Deputies

The Police Practices Section recommends that LASD provide further training to ensure that deputies involved in a shooting fully understand and comply with policies regarding sequestration to preserve the integrity of an investigation.

LASD Policy 3-10/300.00 Deputy-Involved Shootings – General Provisions provides in pertinent part:

Deputies shall refrain from discussing the [deputy-involved shooting] incident until the arrival of the first supervisor. The involved personnel should briefly inform the supervisor of the circumstances surrounding the incident and what action has been taken. The involved deputies shall then be immediately transported by a supervisor, if possible, or if not, by uninvolved deputies, to the station, unit of assignment or other suitable location. Involved personnel shall refrain from discussing the incident with anyone else until after being interviewed by Homicide Bureau investigators....

LASD Policy 3-10/310.00 on Preliminary Responsibilities states in pertinent part that “[p]ersonnel, either involved in, or a witness to, the event, shall not discuss the circumstances of the incident among themselves or with uninvolved persons prior to being interviewed by assigned Departmental investigators.”

After backup deputies took over the scene, Deputies Martinez, De La Fuente, Manapat, Peña, Park, and Santillan turned off their body worn cameras for a debrief about the incident, before they were interviewed by Homicide Bureau investigators. Sequestering involved deputies after an officer-involved shooting is critical to preserving the integrity of an officer-involved shooting investigation.

The Police Practices Section recommends that LASD provide further training on conduct following an officer-involved shooting. Such training would ensure that deputies involved in a shooting fully understand and comply with policies regarding sequestration to preserve the integrity of an

investigation. This is the third time that the Police Practices Section has made a sequestration recommendation to LASD.¹

Recommendation Three: Amend Policy and Provide Further Training on Preservation of Evidence Following a Deputy-Involved Shooting

The Police Practices Section recommends that LASD amend its policy and provide further training on the preservation of evidence related to deputy-involved shootings.

LASD Policy 3-10/300.00 Deputy-Involved Shootings – General Provisions provides, “[e]xcept under exigent circumstances, a deputy-involved shooting scene shall be kept intact and protected until the conclusion of the Homicide Bureau’s investigation and/or the IAB Force/Shooting Response Team review. Expended brass, cartridges, magazines, etc. shall be left undisturbed.” LASD Policy 5-04/010.10 – Preservation of Evidence states, “Caution should be used to prevent disturbing areas not readily visible which might contain evidence such as fingerprints, shoeprints, stains, fibers, etc. Deputy personnel shall protect, safeguard, and isolate any physical evidence to prevent contamination or alteration.”

A 2015 LASD Field Operation Support Services Newsletter (15-19), entitled “Evidence Collection, Handling, and Preservation,” provides that deputies should generally refrain from moving a firearm at the scene of a deputy-involved shooting, unless it is necessary for officer safety or the preservation of evidence. It further states that if evidence must be moved, then deputies should “[a]void touching any area where the lab would typically retrieve DNA or fingerprints.” (*Id.*) Newsletter 15-19 also suggests deputies handle the firearm “away from the grip area.”

After the shooting, Deputy Santillan picked up the replica firearm that was in Mr. Sebastian’s possession by the grip. He then placed it in the back of the patrol vehicle. While it was appropriate to move and secure the replica firearm in this circumstance, handling a firearm by the grip can destroy or disturb valuable evidence.

In addition, Deputy De La Fuente discovered he dropped his empty magazine on the ground near his patrol car. Instead of leaving this evidence undisturbed where it fell, or where it was discharged, Deputy De La Fuente picked the magazine up and put it back on his duty belt.

The Police Practices Section recommends that LASD amend its 3-10/300.00 Deputy-Involved Shootings – General Provisions policy to incorporate the evidence preservation protocols outlined in the 15-19 Field Operation Support Services Newsletter. The preservation of all evidence is critical in any kind of investigation as the evidence describes what occurred in an incident, and thus, the integrity of the evidence must not be compromised. To further this purpose, LASD should provide further training on the importance of preserving evidence after deputy-involved shootings.

1 California Department of Justice, [Policy and Practice Recommendations for the Los Angeles County Sheriff’s Department Officer-Involved Shooting of Christopher Mercurio on January 11, 2023](#) (March 2025); California Department of Justice, [Policy and Practice Recommendations for the Los Angeles County Sheriff’s Department Officer-Involved Shooting of Charles Towns on January 22, 2023](#) (May 2026).