

# Jackie Lacey

District Attorney  
<http://da.lacounty.gov>



NEWS RELEASE

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Jan. 24, 2017

## **District Attorney's Office Declines to File Charges Against LAPD Officers in Ezell Ford Shooting**

The Los Angeles County District Attorney's Office announced today that criminal charges will not be filed against two Los Angeles police officers who shot and killed a man during a struggle over a gun belonging to one of the officers.

The 28-page report concluded that Officers Charlton Wampler and Antonio Villegas, who were working on a gang enforcement detail, acted lawfully in self-defense and in defense of others when they shot Ezell Ford, 25, on Aug. 11, 2014. The document is attached.

The officers saw Ford walking away from a known gang area. They approached him and said they wanted to talk to him but Ford quickly walked away and ignored their request, according to the report.

The officers believed Ford was trying to discard an illegal substance at the time of the incident. To stop him from doing so, Wampler placed his hands on Ford's shoulders but Ford spun around, grabbed the officer by the waist and both men fell to the ground, the report said.

"The evidence indicates that Ford was on top of Wampler, struggling to obtain Wampler's primary service weapon and posing an immediate threat to his safety and his partner's safety," according to the report. "In fear for their lives, Villegas and Wampler each responded with deadly force."

According to the report, Ford's DNA was found on Wampler's holster, corroborating the officer's account that Ford was trying to grab his service weapon. In addition, a witness told District Attorney investigators that she heard one of the officers say, "Let go of the gun, let go of the gun!"

Blood stains on the front of Wampler's uniform and utility belt, dirt and scuff marks on Wampler's boots, right-hip holster and the back of his uniform were consistent with Ford being on top of Wampler, the report concluded.

Wampler had swelling to his right wrist that is consistent with his attempt to push down on his handgun as Ford tried to get it out of the holster, the report said. Ford had injuries to his left shoulder, elbow and left knuckles that were consistent with his arm and hand scraping the pavement as he tried to get Wampler's gun.

Officer Villegas shot Ford twice and Wampler, who is right-handed, pulled out his back-up weapon with his left hand, reached around Ford's body and shot Ford once in the back, the report states.

“Our office has a daunting challenge each and every time there is an officer-involved shooting,” District Attorney Jackie Lacey said. “In this case, we did everything we could to ensure a comprehensive investigation. Although the loss of Mr. Ford's life is tragic, we believe the officers' actions were legally justified and the evidence supports our decision.”

Prosecutors and investigators with the Justice System Integrity Division received the Los Angeles Police Department's initial report on May 11, 2015, and conducted a thorough and exhaustive review over the next 20 months. They sought additional witnesses, intervened in a federal lawsuit to obtain new witness statements, reviewed DNA and other evidence and consulted with forensic experts.

District Attorney Lacey and other law enforcement officials urged additional witnesses to come forward to authorities in late 2014. When no one did, prosecutors sought to secure confidential witness statements that were part of a federal lawsuit filed against the city of Los Angeles over the shooting.

In January 2016, the District Attorney's Office filed a motion to intervene in the federal case. The motion was granted nearly five months later, giving the prosecutors access to more than 1,000 pages of deposition transcripts of nine individuals. They were reviewed as part of the analysis but cannot be made public due to a federal court protective order.

“Although there were obstacles along the way, obtaining these statements was crucial to frame the entire picture of what happened the night Mr. Ford was shot,” District Attorney Lacey said.

The U.S. Supreme Court has given prosecutorial agencies specific legal guidelines about officers who use deadly force while on duty. An officer must reasonably believe that he or she or others are in imminent danger of death or great bodily injury before using deadly force.

This report may be read on the District Attorney's website at <http://da.lacounty.gov>. Some information, including the compelled statements of law enforcement officers, is confidential under California law and therefore is redacted.

#### **About the Los Angeles County District Attorney's Office**

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to seeking justice for victims of crime and enhancing public safety. Last year, the [Los Angeles County District Attorney's Office](#) prosecuted more than 71,000 felony defendants and nearly 112,000 misdemeanor defendants.

**Officer Involved Shooting of Ezell Ford  
Los Angeles Police Department**

**Officer Charlton Wampler, #36135,  
Officer Antonio Villegas, #38218**

**J.S.I.D. File #14-0527**



**JACKIE LACEY**  
District Attorney

**Justice System Integrity Division**

**January 24, 2017**

## MEMORANDUM

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

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

SUBJECT:           Officer Involved Shooting of Ezell Ford  
J.S.I.D. File #14-0527  
F.I.D. File #F047-14

DATE:               January 24, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office (LADA) has completed its review of the August 11, 2014, fatal shooting of Ezell Ford by Los Angeles Police Department (LAPD) Officers Sharlton Wampler and Antonio Villegas. For the reasons set forth below, we find that the above officers acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting on August 11, 2014, at approximately 10:57 p.m. The District Attorney Response Team responded and was given a briefing of the circumstances and a walk-through of the scene. The following analysis is based on reports prepared by the LAPD, Force Investigation Division (FID), submitted to this office by Detective Alma Burke, additional investigation and interviews conducted by LADA senior investigators, interviews conducted on behalf of the law firm of Steven Lerman and Associates, and depositions taken during the course of a federal lawsuit regarding the incident.<sup>1</sup> The compelled statements of Officers Sharlton Wampler and Antonio Villegas were considered as part of this analysis.<sup>2</sup>

### **FACTUAL ANALYSIS**

#### Introduction

On August 11, 2014, LAPD Newton Area Gang Enforcement Detail (GED) Officers Sharlton Wampler and Antonio Villegas were on patrol in a marked, black and white police vehicle. Wampler was driving and Villegas was the passenger. They were dressed in dark blue LAPD

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<sup>1</sup> The Ford family retained the law firms of Steven Lerman & Associates and Treyzon & Associates to represent them in federal and state civil lawsuits against the City of Los Angeles, the LAPD, and Officers Sharlton Wampler and Antonio Villegas. The depositions of Wampler, Villegas, Witness 1, Witness 2, and Witness 3 were released to LADA subject to a federal court protective order which prohibits the dissemination of the information contained therein. Any statements taken from these depositions will be redacted from the public version of this document unless they were reviewed by LADA prior to the effective date of the protective order.

<sup>2</sup> The compelled statements of Wampler and Villegas will be redacted from the public version of this document.

uniforms. At approximately 8:10 p.m., Wampler and Villegas were travelling westbound on West 65<sup>th</sup> Street approaching South Broadway in the City of Los Angeles.<sup>3</sup>

On this block, there is an orange colored residence that is known to GED officers as a location where members of the East Coast Crips criminal street gang congregate. As a result, there is a high volume of illegal drug activity as well as other gang related crimes. At the time of this incident, there was a couch that was located on the sidewalk in front of the orange residence where the gang members sat. Five houses west of this location is an alley where individuals frequent to ingest controlled substances that they have purchased from the gang members.<sup>4</sup>

On August 11, 2014, in the early evening, Ezell Ford was sitting on the couch, socializing with numerous other individuals. Ford was wearing a black t-shirt, black pants, and grey high top sneakers. At approximately 8:10 p.m., Wampler and Villegas drove slowly past this location. They observed several people they recognized as gang members. Ford had just left this area and was walking home, westbound on the south sidewalk. As Wampler and Villegas drove past the couch, they observed Ford on the sidewalk, walking away from the group. They decided to initiate a consensual encounter with Ford.<sup>5</sup> Wampler stopped the patrol vehicle in front of a single family residence and both officers exited. Wampler walked over to Ford. An altercation ensued in the driveway of the residence. As a result, Wampler and Villegas used deadly force upon Ford.

Los Angeles City Fire Department paramedics responded to the scene and treated Ford for multiple gunshot wounds. They transported Ford to California Medical Center Hospital where he was pronounced dead at 10:10 p.m. by Dr. Bryan Hubbard.

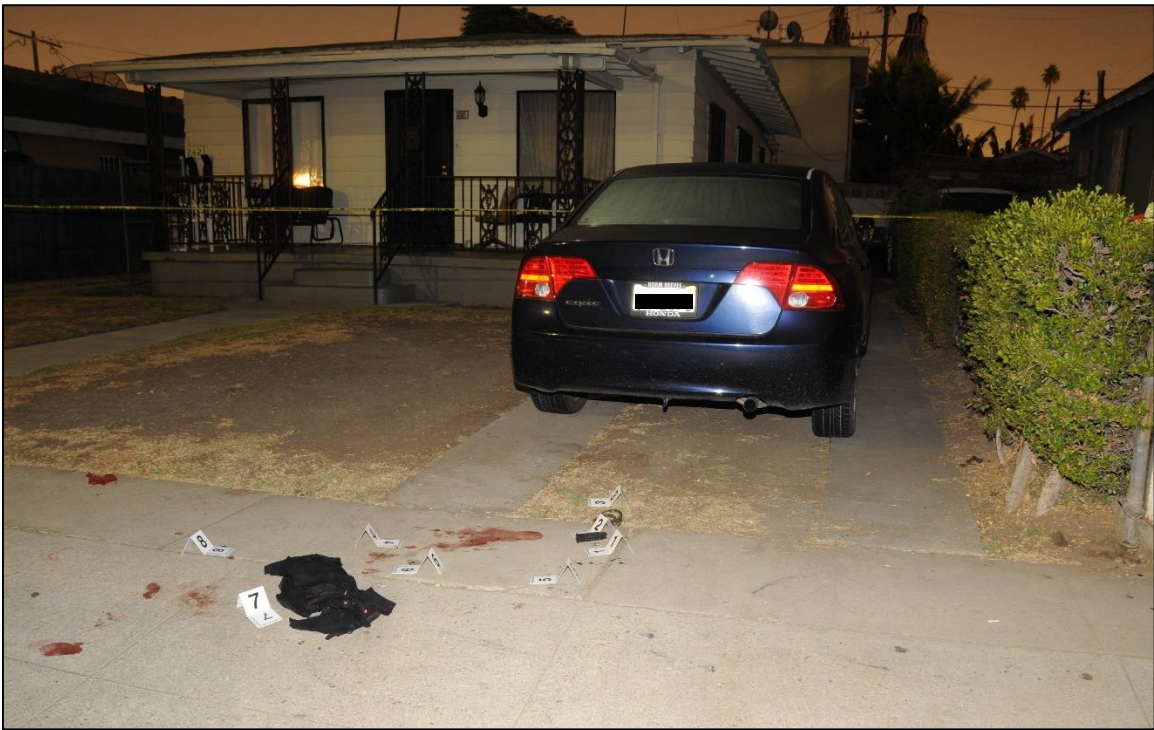


Location of the stopped patrol vehicle

<sup>3</sup> This is a residential neighborhood with primarily single family homes.

<sup>4</sup> The alley is approximately 248 feet west of the residence where the couch is located.

<sup>5</sup> Even when officers have no basis for suspecting a particular individual, they may generally ask the individual questions. *Florida v. Bostick* (1991) 501 U.S. 429.



Location of incident (view from the street)



Location of the incident (view from the residence)

Statement of Sharlton Wampler<sup>6</sup>

[REDACTED]

<sup>6</sup> Wampler was interviewed on August 12, 2014 and December 2, 2014, by FID Detectives Alma Burke and Robert Solorza. These interviews were compelled. He was deposed on February 20, 2015.

[REDACTED] 7 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 8 [REDACTED]  
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[REDACTED] 10 [REDACTED]  
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[REDACTED] 14 [REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED] 15 [REDACTED]

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7 [REDACTED]  
8 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

9 [REDACTED] Additionally, in 2008, Wampler arrested Ford, along with his brother and father, for possession for sales of marijuana. [REDACTED]

10 [REDACTED]

11 Villegas broadcast, "Code 6." "Code 6" advises dispatch of the officers' location whenever they initiate contact with an individual.

12 [REDACTED]  
[REDACTED]

13 [REDACTED]  
[REDACTED]

14 [REDACTED]  
15 Wampler is 5 feet 11 inches tall and weighs 180 pounds.

[REDACTED]  
[REDACTED]<sup>16</sup> [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]<sup>17</sup>

[REDACTED]  
[REDACTED]<sup>18</sup> [REDACTED]  
[REDACTED]  
[REDACTED]<sup>19</sup> [REDACTED]  
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[REDACTED]<sup>21</sup> [REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]

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<sup>16</sup> [REDACTED]  
[REDACTED]  
[REDACTED]  
<sup>17</sup> [REDACTED]  
[REDACTED]

<sup>18</sup> Wampler is right-handed. His holster for his primary service weapon was located at his right hip on his utility belt. The top of the holster has two leather straps, one originating from the front of the holster and the other originating from the back of the holster. The straps fasten together with two snaps at the top of the holster, securing a handgun into the holster. The butt of the handgun remains exposed for access.

<sup>19</sup> Wampler's primary service weapon is a Glock, model 22, .40 caliber semiautomatic handgun.

<sup>20</sup> Wampler carried a back-up weapon in a holster that was attached to his bulletproof vest on his left side. His back-up weapon is an LAPD approved Smith & Wesson, Chief's special, .38 caliber, five shot revolver.

<sup>21</sup> [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]





Wampler's ejected magazine and primary weapon



Wampler's back-up weapon



Wampler's holster for his back-up weapon

[REDACTED]

Statement of Antonio Villegas<sup>22</sup>

[REDACTED]

[REDACTED]

<sup>22</sup> Villegas was interviewed on August 12, 2014 and December 2, 2014, by FID Detectives Alma Burke and Robert Solorza. These interviews were compelled. He was deposed on February 20, 2015.

<sup>23</sup> [REDACTED]

<sup>24</sup> Villegas was armed with a Glock, Model 21, .45 caliber, semiautomatic handgun. [REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

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25 [Redacted text block]

26 [Redacted text block]

27 [Redacted text block]

28 [Redacted text block]

29 [Redacted text block]

30 [Redacted text block]

Los Angeles Board of Police Commissioners' Incident Summary<sup>32</sup>

On Monday, August 11, 2014, at approximately 8:10 p.m., Newton Area Gang Enforcement Detail (GED) Police Officers Wampler and Villegas were driving a marked hybrid police vehicle along a residential street.

Wampler and Villegas were driving west when they observed a group of approximately four to five gang members, some standing on the south curb, others sitting on a couch on the sidewalk. The officers were familiar with this location due to the gang activity in the neighborhood, particularly at this location. As the officers slowly patrolled the area and slowly drove past the group, Wampler made eye contact with some of the members of the group. Wampler looked back using his rear view mirror to see if there was any criminal activity occurring within the group.

As the officers continued westbound, they observed Ford walking westbound, away from the same direction where that group was.<sup>33</sup>

According to Wampler, from an approximate distance of 20-30 feet, Ford looked back over his right shoulder in the officers' direction, then immediately placed his hands in his front pockets. As Wampler drove slowly, he attempted to get a closer look at Ford. Ford immediately looked back in their direction, then looked forward, looked back again, walking a little as he looked in their direction.

Ford created distance from them, at which point, Wampler told his partner, "*Let's at least talk to him and have a consensual encounter.*" Wampler diagonally parked the police car.

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<sup>31</sup> [REDACTED]

<sup>32</sup> This section is comprised of portions of the Incident Summary contained in the [Abridged Summary of Categorical Use of Force Incident and Findings by the Los Angeles Board of Police Commissioners](#) (Police Commission Report), which was released to the public and reviewed by LADA prior to the effective date of the federal court protective order. It is included solely to provide context to the analysis contained herein, given the extensive redaction required by the protective order. The portions of the Incident Summary in this section are verbatim, including emphasis, with the exception that the individuals identified as Officer A, Officer B and Subject are replaced with Wampler, Villegas and Ford, respectively. The full text of the Police Commission Report and the Incident Summary are currently available online at the LAPD website.

<sup>33</sup> Though Wampler had previously arrested Ford, as indicated in the Police Commission Report, Wampler stated it was dusk and he could not make out who Ford was at this time.

As he exited the vehicle, Villegas made a “Code-6” broadcast, indicating his unit’s call sign and location.<sup>34</sup>

Wampler got out of the vehicle, walked in a southwest direction toward the sidewalk, and called out to Ford, “*Hey, let me talk with you,*” at which point Ford looked back at the officers for approximately one to two seconds. According to Wampler, he made eye contact with Ford, then Ford turned and walked away. At this point Wampler was on the sidewalk behind Ford, who was still facing west, walking away with his hands concealed at his front waistband area. It appeared to Wampler that Ford was aware of their presence and was trying to get away from them. Wampler formulated the opinion that the officers had reasonable suspicion to detain Ford based on Wampler’s knowledge of the local gang, the high narcotics activity on that street (particularly the alley just west of them), the current crime trends in the area and Ford’s unusual nervous demeanor. Wampler further believed that Ford may be in possession of contraband.

Wampler approached Ford and was concerned where Ford’s hands were. Wampler believed that Ford potentially could be secreting a dangerous weapon.

Wampler asked Ford, “Hey, do me a favor, get your hands out of your pockets.” Ford ignored Wampler and kept his hands along the waistband area, while creating more distance from the officers. As Ford walked at an increasingly rapid pace, he looked back at the officers, and it appeared as if he was assessing where they were. In Wampler’s opinion, he determined that Ford was trying to gauge the officers’ positions in order to possibly run.

**Note:** In his first interview, Villegas stated that Wampler “did tell the suspect to take his hands out of his pockets and – and which he did, but then he went right back to his pockets.”

In his deposition testimony, Villegas stated that Ford took his hands out of his pockets after Wampler asked him to do so, but did not take them out “immediately.” According to Villegas, Ford then put his hand back in his pocket, then removed it again. Wampler did not recall whether Ford had then put his hand back in his pocket once again.

After Villegas exited his police car, he unholstered his service pistol and held it at a two-handed, low-ready position with his finger along the frame.

**Note:** Regarding his initial decision to draw his pistol, in his first interview Villegas stated, “I saw him [Ford] looking around a couple of times and go [...] to his pockets and – waistband area [...] [B]ecause it's a gang area [...] I believe he possibly had a weapon [...] Believing he might possibly be armed with a firearm, [...] I unholstered my weapon.” Later in the same interview, Villegas was asked, “And you unholstered because of what at that time?” Villegas replied, “Initially I believed he possibly was armed because again, well-known gang area. Once I originally thought he was not, I – I holstered. I reholstered my weapon.”

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<sup>34</sup> Villegas broadcast, “Code-6” at approximately 8:10:24 p.m. Villegas mistakenly informed dispatch that their location was 65<sup>th</sup> Street west of Broadway, rather than east of Broadway.

Ford approached a nearby residential driveway, and walked between a parked car that was in the driveway and some bushes that were located to the west of the driveway. Wampler followed Ford but still could not see his hands. As Wampler got closer, he observed Ford bent forward at the waist, almost at a 45 degree angle, with his body faced west toward the bushes and away from the officers. Wampler formed the opinion that Ford was attempting to discard narcotics and planned to handcuff him.

**Note:** In his deposition, Wampler was asked whether the fact that Ford walked away from him changed the contact from a consensual encounter “to something else.” Wampler replied that “alone” it did not. In explaining what changed the contact from a consensual encounter, Wampler stated, “[M]y knowledge of the area, it's a known gang-narcotics location. He was observed walking away from the group of known gang members, walking towards an alley, where individuals, typically, go to ingest narcotics. His nervous demeanor, upon seeing my partner and I, as we exited the vehicle. He – he did stop and, um, immediately placed his hands what appeared to be in his pockets or waistband area. I asked him kindly, said, ‘Do me a favor. Would you please take your hands out of your pocket,’ at which time he kept his hand in his pocket and didn’t just walk. It was – he walked away as fast as a person could possibly walk, without running, ducked between a vehicle and the bushes. All those circumstances put together I formed the reasonable suspicion this individual was attempting to go discard narcotics.” Wampler was further asked, “So is it at the point that he goes near the bushes that you came to the opinion, in your mind, that it was no longer a consensual encounter?” Wampler replied, “Yes, as he – as he abruptly walked as fast as he could, towards the vehicle and the bushes.”

Villegas approached Ford from the north and further assessed Ford’s clothing. Villegas didn’t detect any large bulges or items that could potentially be a weapon, and holstered his pistol. As he continued to assess Ford’s posture and demeanor, Villegas believed that Ford might be concealing his hands because he was trying to discard narcotics. Villegas “*triangulated himself*” at the apron of the driveway, to Wampler’s right, just in case Ford ran west.

While Ford was bent forward at the waist area, Wampler leaned in and extended his left hand toward Ford’s upper left shoulder area and with his right hand he pulled back on Ford’s right shoulder in order to handcuff him. Ford immediately spun to his right toward Wampler, with his head down. Ford wrapped his arms around Wampler’s waist while he thrust his head into Wampler’s stomach. As Ford attempted to tackle Wampler, Wampler side-stepped to his left and lowered his knees to control the fall. Wampler wrapped his arms around Ford’s stomach and spun Ford around in mid-air. As they landed on the ground at the end of the driveway, Wampler was on top of Ford, with his head facing north. However, once on the ground, Ford immediately rolled over on top of Wampler, who was now lying on his back. Ford positioned himself on top of Wampler with his head tucked into Wampler’s chest. Wampler’s head was now facing north and Ford’s head was facing west with his legs extended and perpendicular to Wampler.

**Note:** Regarding Ford’s actions when he (Wampler) initiated physical contact with him, in his first interview, Wampler stated, “He had hunched over. He wasn’t, like, crouched low. He was just, like, I guess bent his body not quite 45 degrees. 45 degrees would be, like, this far. He – he had went over and went like

this so it was kind of like [...] I don't know how many degrees [...] He was bent over enough where I definitely could not see his hands. I couldn't see what he was doing. I couldn't even see his face.”

In his deposition, Wampler was asked if he saw Ford raise his hands as he (Wampler) approached him. He replied that he had not, stating, “I could not see his hands because [...] his back was to me the entire time.”

**Note:** Villegas' account of Ford's actions with his hands at the time Wampler made physical contact with Ford was different from that of Wampler. According to Villegas, in his first interview, “Once [Wampler made contact with the Subject...] I want to say his – his hands were above his head but at – at that time when he makes contact, [...] I can't be sure.” In his deposition testimony, Villegas confirmed that he had told interviewing detectives that Ford “raised his hands over his head,” and stated that this occurred “slightly a fraction of a second” before Wampler made contact with Ford. Villegas continued, “But the subject was not standing erect – straight up [...] Subject was in between the bush – the bushes and the vehicle. More so toward the rear bumper. Bent over. And his mannerism, from the angle I got or that I was at, I observed his right hand. Again, he's bent over. His mannerism was right hand, as if discarding something. Like this (indicating). So this is what I meant by his hand is over his head.”

Wampler's tactical plan as they landed on the ground, was to get control of Ford's head, by utilizing a headlock to flip Ford off and away from him. Ford had now managed a side-control position, where he used his body weight to control Wampler's lower body movements.

Villegas heard voices coming from the north side of the street and turned in that direction. As Wampler moved forward toward Ford, Villegas turned his attention back toward Wampler, and he observed him on the ground with Ford on top of him.

Villegas moved to Wampler's right side and broadcast a request for back-up.<sup>35</sup>

While Wampler was attempting to get control of Ford, he felt a tug on his holster, which was located on the right side of his body.

He also felt slack between his snap and the retention to be loose. Wampler immediately gripped the butt of his pistol by pushing it down with his right hand. Wampler believed that Ford was attempting to get possession of his pistol and used his right hand to press down harder, in an effort to retain control of his pistol. At this point, Wampler realized that both snaps from his double retention holster were unsecured, which he later believed may have been caused by the impact of the fall. Villegas moved in to assist his partner and observed that Ford had his upper torso perpendicular to Wampler. Wampler's head was facing north while Ford had managed to maintain a top *side-control* position, his head was facing northwest and he was lying across Wampler. Ford continued to move his entire body toward Wampler's right side. While Wampler was still on the ground with his head facing north, Villegas was on Wampler's right side, facing east.

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<sup>35</sup> Villegas requested assistance approximately 13 seconds after his initial “Code-6” broadcast.

Ford's right side was exposed to Villegas who placed his left arm on Ford's upper back and his right knee on Ford's lower back area. According to Villegas, he used his left hand to pivot over Ford's right shoulder, then grabbed Ford's right wrist and pulled it back in order to handcuff him.

According to Wampler, Ford's fingers (unknown from which hand) were wrapped around Wampler's right fingers, while Ford's hand partially touched the top of Wampler's pistol. Wampler held onto his pistol as hard as he could, by forcing it down with his right hand. Ford aggressively yanked upward and out in an effort to gain control of Wampler's pistol. Ford's fingers were now wrapped around Wampler's hand and, as Wampler stated, "*I could feel an extremely strong grip wrapped around my hands and then at times was going underneath the palm of my right hand that was capping the weapon in an attempt to, I guess, circumvent my grip and gain control of my weapon.*" Wampler believed that if Ford got a hold of his pistol, Ford would use it to kill him and his partner.

According to Wampler, Ford shifted his entire body weight over to Wampler's right side and used his body weight to control Wampler's movements, while Ford continued to tug at Wampler's pistol. Wampler yelled out, "*He's going for my gun. He's going for my gun.*" Having heard his partner, Villegas released Ford's right hand, stood up and assessed where Ford's hands were in conjunction to where Wampler carried his pistol. Villegas saw Ford's upper torso on top of Wampler's upper torso and although he couldn't see Ford's left hand, he observed it to be tucked under Wampler's holster area.

Villegas believed that based on Ford's actions, and the likelihood that if Ford got a hold of Wampler's pistol, he could use it against both officers, Villegas stood up and unholstered his pistol. Villegas held his pistol with a two-handed grip at the low-ready, with his finger along the frame and assessed his ability to use deadly force.

As Wampler yelled out to his partner, Ford continued to pull at his pistol. At this point, Wampler felt his pistol coming out of the threshold of the holster exposing the chamber and yelled, "*Partner, he's getting my gun! Partner he's getting my gun!*"

Wampler feared that Ford was going to kill him with his own gun and twisted his hips inward and to his right while lowering his hips towards the pavement to retain his weapon and away from Ford in order to get away from him. This movement allowed Wampler to momentarily create a gap between his upper torso and Ford.

Villegas heard the inflection in Wampler's plea and recognized the fear in his voice. Villegas stated that, "I've been working with Wampler four or five months and he's usually cool, calm, collect. I heard his voice that he was, you know, I mean, I'm just going to say. He was afraid because his gun. The suspect was trying to take my partner's gun. You know, something was definitely different. At which point, I stood up. I was looking down at both of them. I verified the way they were positioned it made suspect's left hand. Again, I was trying to control his right hand, but the suspect's left hand was under him in the area where my partner was and I didn't see my partner's holster or handgun, but again, my partner said, "He's he's, he's going for my gun." So I stood up. I unholstered again, verify what I had. I knew at which point I had to use deadly force, you know. Pepper spray in my opinion wouldn't wouldn't have been effect or been

effective and I didn't want second-hand contamination. Because he was going for my partner's weapon, I was in fear for his life and in return my life.”

Villegas assessed his ability to fire at the top of Ford's right torso (flank area). While Villegas remained behind Ford and to Wampler's right side, he observed Ford's left arm down on the concrete, tucked underneath Wampler's right side. Ford's right upper torso area of his body was flailing and fully exposed to Villegas. Wampler was lying vertically to his right, which allowed a foot of space for his partner to shoot without a bullet inadvertently hitting him.

Villegas bent down at the waist and grabbed Ford's right upper shoulder area with his left hand, while maintaining his pistol in a right hand close contact position. Villegas placed his pistol on Ford's upper arm, and lifted his left hand away from Ford's shoulder. Villegas slightly pulled his weapon back away from Ford's arm to avoid a pistol malfunction and discharged one round in a downward direction, from east to west. Villegas was aware of where Wampler was and felt comfortable that he would not injure Wampler.

Villegas stood up halfway after the first gunshot and reassessed. Villegas noticed that the gunshot appeared to have no effect on Ford. According to Wampler, Ford had been shot in the right arm and was still fighting with him. Ford's aggression appeared to have increased and he continued to pull at Wampler's pistol.

Wampler felt his pistol coming half way out of his holster. Wampler felt that Ford had a tighter grip on his pistol than before and yelled out to his partner, “*Shoot him! Shoot him again! You have to stop him!*” Within seconds of his first gunshot, Villegas heard Wampler's plea to shoot Ford again. Villegas lowered himself down by bending his knees and placed his left hand on Ford's right shoulder. Villegas held his pistol in a one-hand grip and placed it on Ford's right side then fired a second time. He fired from east to west, at a downward angle, with the presence of mind again not to injure Wampler, who was still struggling with Ford on the ground.

Simultaneously, Wampler feared that the first gunshot had very little effect on Ford. Wampler carried his revolver in a black holster velcroed into his ballistic vest. The weapon was velcroed to the left side of his ballistic vest, he unzipped his uniform shirt and reached for his back-up weapon with his left hand.

With Ford still struggling violently for possession of his gun, Wampler's belief was that Ford had already sustained two gunshots that had very little to no effect on him. Wampler assessed his ability to use his back-up weapon.

Wampler was still on the ground, with Ford on top, as Wampler continued to grip his primary duty pistol with his right hand and push it down as hard as he could. Wampler removed his back-up revolver from his vest with his left hand. Fearing that Ford was going to kill him with his primary pistol, Wampler reached with his left hand over Ford's back and pointed his revolver at Ford's back abdomen. Wampler discharged one round, at close contact, in a downward direction.

After firing his round, Wampler felt Ford go limp. Wampler was able to maneuver his body to his left and was able to extract himself from under Ford. Wampler pushed Ford away from him, planted his left knee on the ground in order to handcuff Ford.



Villegas broadcast, “*Officer Needs Help. Shots fired!*”<sup>36</sup>

As Wampler knelt, he observed a group of approximately 10-12 people run quickly toward them from the east. As he looked on, Wampler saw another group of people quickly approaching from the west. Wampler feared that the hostile crowd was about to attack them and another deadly force situation was about to occur. Wampler held his revolver out and pointed it downward at a low-ready position with his finger along the frame. As he held his revolver out, Wampler observed a male running toward them in an aggressive manner.

Wampler believed that this unidentified male was angry and was about to attack them, which could cause serious bodily injury or death to him and his partner. Wampler raised his revolver and aimed at the unidentified male’s chest area while he told him to, “get the [expletive] back,” causing the male to run east toward the group of people. Wampler handcuffed Ford, laid him on the ground, as they waited for medical personnel.

Villegas broadcast a request for an ambulance.

As back-up units arrived, Wampler assessed the increasing hostile crowd and instructed units to protect the crime scene. With his right hand, Wampler reached around to check the condition of his primary pistol. It was at this point, that Wampler realized that his primary duty pistol was missing the magazine from the magazine well. Wampler looked around and observed the ejected magazine on the ground, in the area where the altercation occurred.

#### Statement of Witness 1<sup>37</sup>

On August 11, 2014, at approximately 8:10 p.m., Witness 1 was inside her home on West 65<sup>th</sup> Street with her daughter, Witness 2, Witness 3, and Witness 3’s five-year old daughter.<sup>38</sup> Witness 1 was inside the house when she heard a fight outside. She looked out her open front door, through the screen door, and saw a police car in front of her house. There were two individuals on the ground at the end of her driveway. Witness 1 could only see their moving feet because Witness 2’s car, the blue Honda, was parked at the end of the driveway and blocked much of her view. Witness 1 heard someone state, “I’m going to shoot you! I’m going to shoot you!” Witness 1 ran toward the rear of the residence to notify Witness 2 that someone was going to get shot. As she was speaking to Witness 2, Witness 1 heard a gunshot. Witness 1 fell to the floor in a panic.<sup>39</sup> Approximately five seconds later, she heard a second gunshot. After the second gunshot, approximately one to two seconds later, she heard a third gunshot. Witness 1 remained on the floor inside her home and did not witness anything further.<sup>40</sup>

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<sup>36</sup> Villegas made this broadcast approximately 40 seconds after he had radioed for assistance.

<sup>37</sup> Witness 1 was interviewed by Jacqueline Edwards and Ken Shepherd, private investigators for the Ford family civil attorneys, on August 19, 2014 and by LADA Senior Investigator Catherine Bennett on September 18, 2015. The statements in this section are taken from these interviews. Witness 1 was deposed for the civil lawsuit on February 18, 2015.

<sup>38</sup> The shooting occurred in the driveway of Witness 1’s single family residence.

<sup>39</sup> Witness 1 suffered a panic attack and was subsequently treated by paramedics.

<sup>40</sup> Witness 1 did not personally know Ford or his family prior to the shooting. However, she met several members of his family after the incident.

### Statement of Witness 2<sup>41</sup>

On August 11, 2014, at approximately 8:10 p.m., Witness 2 was in her bedroom toward the rear of the residence with Witness 3 and Witness 3's daughter.<sup>42</sup> At approximately 8:10 p.m., Witness 1 came to her bedroom and told her that there was a fight outside and that someone was going to get shot. Witness 2 heard a gunshot. Witness 1 dropped to the ground inside the residence. Witness 2 ran to the open front door and looked outside through the screen door. She saw feet lying on the ground, behind the rear bumper of her car. Witness 2 stated that she knew that they were Ford's feet because they were shod in high tops, not police boots.<sup>43</sup> Ford was facing down. Witness 2 saw Villegas on top of Ford with his right knee on Ford's back.<sup>44</sup> Ford's right arm was behind his back folded like a "chicken arm." Villegas was pointing his handgun at Ford's back. Witness 2 could not see Ford's left arm, left hand, or upper body because her car blocked her view. Villegas stated, "Let go of the gun, let go of the gun!" Witness 2 did not see Ford reaching for Villegas' gun.<sup>45</sup> Witness 2 heard a second gunshot and observed Villegas' arm move back with the recoil of the gunshot. Immediately, Witness 2 ran back inside her house. Shortly thereafter, she heard a third gunshot. There were several seconds between each gunshot.<sup>46</sup> Witness 2 stated that she only saw one officer during the incident.

### Statement of Witness 3<sup>47</sup>

On August 11, 2014, Witness 3 was in her bedroom with her daughter and Witness 2. She heard Witness 1 screaming, "They're gonna kill him!" Witness 3 heard a gunshot. Witness 2 ran to the front door while Witness 3 remained in the back of the residence with her daughter and Witness 1. A few seconds later, Witness 3 heard two additional, consecutive gunshots. Witness 3 went to the front door after the third gunshot. She observed Ford lying face down on the ground. Wampler was standing over Ford, handcuffing him. Villegas was standing next to them. Witness 3 did not hear any fighting or commands prior to the gunshots.

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<sup>41</sup> Witness 2 was interviewed by Edwards and Shepherd on August 19, 2014 and by District Attorney Senior Investigators Joe Miraflor and Dulce Sanchez-Castillo on August 4, 2015. The statements in this section are taken from these interviews. She was interviewed on other occasions by investigators hired by the Ford family's civil attorney, but these interviews were not recorded. On February 18, 2015, Witness 2 was deposed for the civil lawsuit. Following the incident, LAPD investigators attempted to interview Witness 2. Witness 2 refused because she had already given her statement to Edwards and Shepherd.

<sup>42</sup> Witness 2 has prior criminal convictions for violations of Penal Code sections 664/211, 32, 484(a), and Vehicle Code section 20002(a).

<sup>43</sup> Though Witness 2 did not personally know Ford, she had observed him walking in the neighborhood. At the time of the incident, Ford was wearing gray high top sneakers. Wampler was wearing black high top boots.

<sup>44</sup> [REDACTED]

<sup>45</sup> Witness 2 did not see Wampler at any time during the incident. Because she only observed Villegas and Ford, she believed Villegas was referring to his own weapon when he ordered Ford to let go of the gun.

<sup>46</sup> In the interview by Edwards and Shepherd, Witness 2 stated that there were seconds between each of the gunshots. During her deposition, Witness 2 stated that there were approximately 10 to 15 seconds between the first and second gunshots, and approximately 30 to 60 seconds between the second and third gunshots.

<sup>47</sup> Witness 3 was interviewed by Edwards and Shepherd on August 19, 2014 and by District Attorney Senior Investigator Michael Moursalian on September 22, 2015. The statements in this section are taken from these interviews. She was deposed for the civil lawsuit on February 18, 2015.

#### Statement of Witness 4<sup>48</sup>

Witness 4 stated that he is a very close friend of the Ford family and was an “uncle” to Ford.<sup>49</sup> On the day of the incident, Witness 4 and Ford were hanging out in the area of the couch and the sidewalk. Ford was leaving when Witness 4 saw an LAPD patrol vehicle driving slowly westbound on West 65<sup>th</sup> Street. After the patrol vehicle passed Witness 4’s location, Witness 4 immediately looked around for Ford. Because of Ford’s mental illness, Witness 4 was concerned for his safety.<sup>50</sup> Witness 4 observed the officers struggling with Ford. Ford had his hands in the air when the officer who was driving the patrol vehicle (Wampler) tackled Ford to the ground. Wampler was on the ground with Ford as the passenger officer (Villegas) was standing with one knee on Ford. Witness 4 ran toward the officers to tell them that Ford was “slow.” Before he was able to say anything, Villegas pointed a gun at Ford and fired. Witness 4 heard a total of three muffled gunshots with a pause between each gunshot. The officers were speaking to each other as Villegas fired. Witness 4 could not hear specifically what the officers were saying, but it appeared that Wampler, who was lying on top of Ford, was instructing Villegas to shoot.<sup>51</sup> After shooting Ford, Villegas pointed his gun at the gathering crowd, then back at Ford.<sup>52</sup>

#### Statement of Witness 5<sup>53</sup>

Witness 5 stated that he is a friend of the Ford family and had known Ford since Ford was a child.<sup>54</sup> On August 11, 2014, at approximately 8:00 p.m., Witness 5 was sitting on the couch with Ford. There were numerous other individuals in the area as well. Witness 5 walked across the street toward his parked car and was talking to another individual when he saw a marked police car driving westbound.<sup>55</sup> He informed the people around him that the police were coming. He looked back and saw Ford walking on the sidewalk, westbound away from the couch. The police car pulled over at an angle and the officers jumped out.<sup>56</sup> Ford stopped and put his hands

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<sup>48</sup> Witness 4 was interviewed by Edwards and Shepherd on August 24, 2014. He was deposed on May 11, 2015. He was interviewed on other occasions by investigators and attorneys for the Ford family, however, these interviews were not recorded. Witness 4 refused to speak with LAPD or LADA investigators.

<sup>49</sup> Witness 4 stated that he is a former member of the East Coast Crips. He has prior convictions for violations of Health and Safety Code section 11351(a), Health and Safety Code section 11351.5(a), Penal Code section 12021(a), and Penal Code section 459.

<sup>50</sup> Witness 4 stated, on a prior occasion, he had informed Wampler that Ford was “slow.”

<sup>51</sup> Witness 4 originally stated that Wampler was “on the bottom” and was instructing Villegas to shoot. Upon further questioning by Edwards and Shepherd, he stated that Wampler was on top of Ford.

<sup>52</sup> In his deposition, Witness 4 stated that he had not been promised money or favors with respect to the outcome of the civil litigation. When asked if he expected anything “if Ford’s father came into a lot of money,” Witness 4 replied, “Yes, he probably would give me something.”

<sup>53</sup> Witness 5 was interviewed by Edwards and Shepherd on August 21, 2014. He was deposed for the civil lawsuit on May 13, 2015. Witness 5 refused to speak with LAPD and LADA investigators.

<sup>54</sup> Witness 5 is a documented member of the East Coast Crips. He has prior criminal convictions for violations of Penal Code sections 211 and 245(a)(2). He currently has pending gun charges in case BA442448. He also has pending federal criminal charges relating to narcotics and weapons. In 2009, Witness 5 and Ford were both incarcerated and shared a prison cell. After Ford was paroled, Witness 5 shared a prison cell with Ford’s father, Edsell Ford.

<sup>55</sup> Witness 5 refused to identify the individual with whom he was speaking.

<sup>56</sup> Witness 5 believed that the officers targeted Ford because they drove past approximately 20 other people, including East Coast Crips gang members, on the street who looked suspicious. During his interview with Edwards and Shepherd, Witness 5 stated that if the officers had stopped him, they would have discovered that he was in possession of an illegal firearm and illegal drugs. Later in the interview, Witness 5 denied having a firearm, but stated that others had firearms.

up. The driver officer (Wampler), was shouting commands at Ford as he “took [Ford] straight down.” Ford fell on his back. Wampler was lying face down on top of Ford and was shouting, “Quit resisting! Quit resisting!” Ford was not resisting or moving at the time.

Witness 5 began running across the street toward the officers to tell them that Ford was “slow.” Witness 5 heard a muffled gunshot. Witness 7 and his wife, Witness 8, were sitting in their parked car near Witness 5. Witness 7 jumped out of his vehicle after the first gunshot.<sup>57</sup> A few seconds later, there was a second gunshot. After the second gunshot, Witness 5 jumped into his vehicle and left the location to notify Ford’s family of the shooting. Though Witness 5 did not see Wampler with a firearm, he believed that Wampler fired the gunshots as they occurred while Wampler was on top of Ford. The passenger officer (Villegas) was standing to the side of Ford and Wampler. Villegas removed his firearm from his holster after the gunshots and pointed it at the forming crowd.<sup>58</sup>

#### Statement of Witness 6<sup>59</sup>

Witness 6 lived in a second floor apartment located across the street from the incident.<sup>60</sup> His bathroom window faced the street and had a direct view of the location where the shooting occurred. Witness 6 stated that, on August 11, 2014, at approximately 8:00 p.m., he was taking a shower. He heard someone yelling, “Hey, hey, stop! Don’t move! Get down!”

Witness 6 looked out of the bathroom window and saw Ford on the ground wrestling with two officers. Witness 6 could not tell if Ford was facing up or down because it was dusk.<sup>61</sup> The bigger officer (Villegas) was on top of Ford, restraining Ford with his knee on Ford’s chest or back. The smaller officer (Wampler) was on the side of Ford, also with his knee on Ford. They were holding him down and had Ford under control.

Witness 6 stated that he heard three gunshots. The first gunshot occurred when Ford and the officers first hit the ground. As the officers struggled with Ford, he heard a second gunshot. Witness 6 heard one of the officers say, “Shoot him again!” He heard a third gunshot. Witness 6 could not tell which officer had spoken or fired the shots. The first gunshot sounded muffled. The second and third gunshots were loud. There were approximately three to four seconds between each gunshot.

Following the third gunshot, Witness 6 observed the officers handcuff Ford. Ford was lying face down. The bigger officer (Villegas) rolled Ford over, pulled him off the grass onto the sidewalk. The shorter officer (Wampler) was pointing his handgun at the crowd that was forming and shouted, “Back the fuck up!” Shortly thereafter, numerous other officers arrived.

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<sup>57</sup> Witness 7 shouted to Witness 5 to film the incident with his phone. However, Witness 5’s phone was in his vehicle.

<sup>58</sup> In his interview with Edwards and Shepherd, Witness 5 told them that he wanted support because his way of providing for his family may become more difficult after coming forward as a witness in this case. He also stated that he was not promised compensation or favors for giving his statement.

<sup>59</sup> Witness 6 was interviewed at his residence on August 19, 2014, by FID Detectives Robert Solorza and Alma Burke. Subsequent attempts by LADA investigators to locate Witness 6 were unsuccessful.

<sup>60</sup> Witness 6 has prior criminal convictions for violations of Health and Safety Code section 11351 and Penal Code sections 12025 and 243(e).

<sup>61</sup> According to the Old Farmer’s Almanac, sunset in Los Angeles on August 11, 2014, was at 7:43 p.m.

## Statement of Witness 7<sup>62</sup>

Witness 7 stated that he was a friend of the Ford family.<sup>63</sup> He has known Ford since Ford was born. Ford tended to wear pants that were too big. He frequently walked around with his hands holding up his pants.

At the time of the shooting, Witness 7 was sitting in his vehicle with his wife, Witness 8.<sup>64</sup> Witness 7's vehicle was parked across the street from where the incident occurred. Another individual informed Witness 7 that the police were coming.<sup>65</sup> Witness 7 turned and observed a black and white police car driving down the street in the same direction that Ford was walking. The vehicle "merged in," the officers said something to Ford, and Ford immediately put his hands in the air. Two police officers jumped out of the car and ran toward Ford.<sup>66</sup> The officer who was driving (Wampler) reached Ford first, then both officers "took him down." Witness 7 stated that Ford was on the sidewalk, but when the officers tackled him to the ground, they moved him to the side of a car that was parked in a driveway as if to isolate Ford.

After that, "things got hectic" and "bodies were on the ground." The officer who was driving (Wampler) was on top of Ford. The passenger officer (Villegas) was next to them, looking around as if to secure the scene. Because it was getting dark, Witness 7 could not see if Ford was lying on his front or back. Witness 7 heard a gunshot. Within seconds, he heard a second gunshot. One of the officers yelled, "Shoot him!" Witness 7 heard a third gunshot. Witness 7 believed Wampler fired all of the shots.<sup>67</sup> After that, there was no movement. Witness 7 heard one of the officers broadcast via his police radio, "Shots fired." Within two to three minutes, numerous other police officers arrived at the scene.<sup>68</sup>

## Autopsy

Deputy Medical Examiner Vadims Poukens, M.D. performed an autopsy on Ezell Ford on August 14, 2014. Ford was six feet one inch tall and weighed 171 pounds. He had a gunshot wound to his right back, a gunshot wound to his right front flank, and a gunshot wound to his upper right arm. The surrounding skin to the wound on Ford's right back had a muzzle imprint, indicating that it was a contact wound. This was a through and through wound with the exit wound on Ford's right chest. The bullet causing the wound to Ford's right front flank was

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<sup>62</sup> Witness 7 was interviewed on August 18, 2014 by Edwards and Shepherd. Witness 7 was murdered in an unrelated incident on February 13, 2015.

<sup>63</sup> Witness 7 had prior criminal convictions for violations of Health and Safety Code section 11352 and Penal Code sections 211, 487(a) and 273.5(a).

<sup>64</sup> LADA investigators attempted to interview Witness 8. Through her attorney, Witness 8 stated that she would only agree to an interview if LADA provided protection for her safety and offered her relocation services.

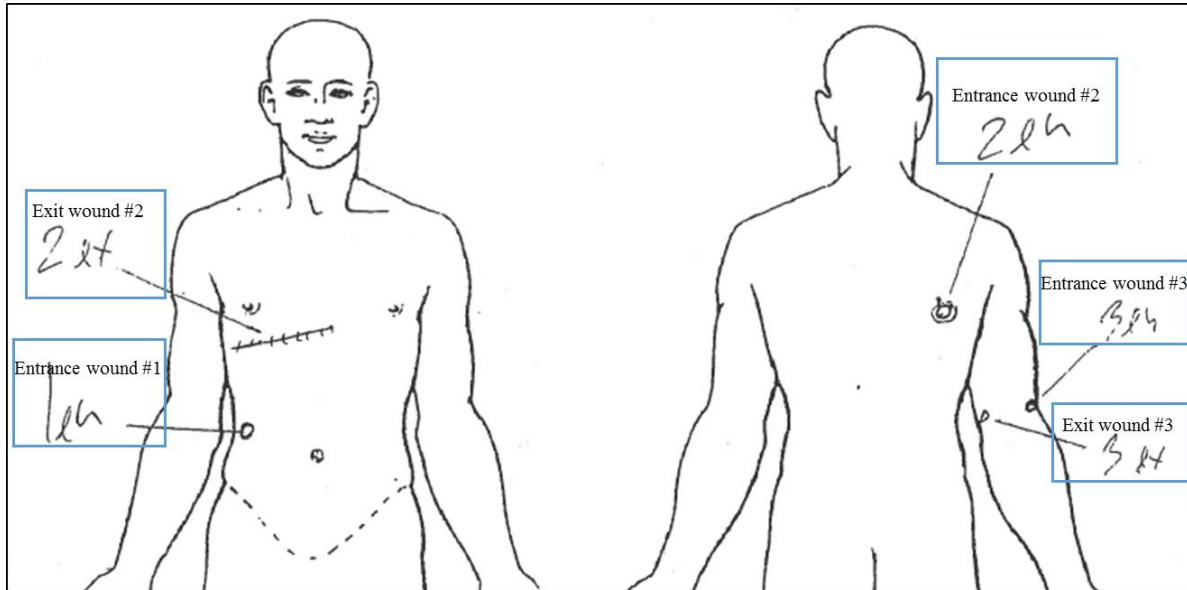
<sup>65</sup> Witness 7 did not know the name of this individual.

<sup>66</sup> Witness 7 stated that these two officers were seen harassing Ford two days prior to the incident. Witness 7 believed the driver of the police car was "Officer Ferguson."

<sup>67</sup> Witness 7 later learned from news broadcasts that both officers fired.

<sup>68</sup> There were numerous individuals congregating in the area immediately following the incident. FID detectives attempted to locate and identify witnesses to the incident. However, the individuals were hostile toward the officers and refused to make any statements. On August 19, 2014, FID detectives, along with investigators from the Inspector General's Office (IGO) canvassed the area for witnesses. They were followed by Ford's brother, Lavell Ford, who was video recording their attempts to locate witnesses. All individuals contacted by detectives refused to cooperate or make any statements. On September 2, 2014, FID and IGO investigators made another attempt to locate witnesses to the incident, but were unsuccessful.

recovered from his lumbar spine. The wound to Ford's arm was a through and through wound, however, bullet fragments were recovered from his arm. Ford also had abrasions on the back of his left shoulder, arm, and hand above the knuckles. Blood samples taken from Ford during the autopsy were analyzed and determined to contain marijuana. Dr. Poukens determined the cause of death to be multiple gunshot wounds.



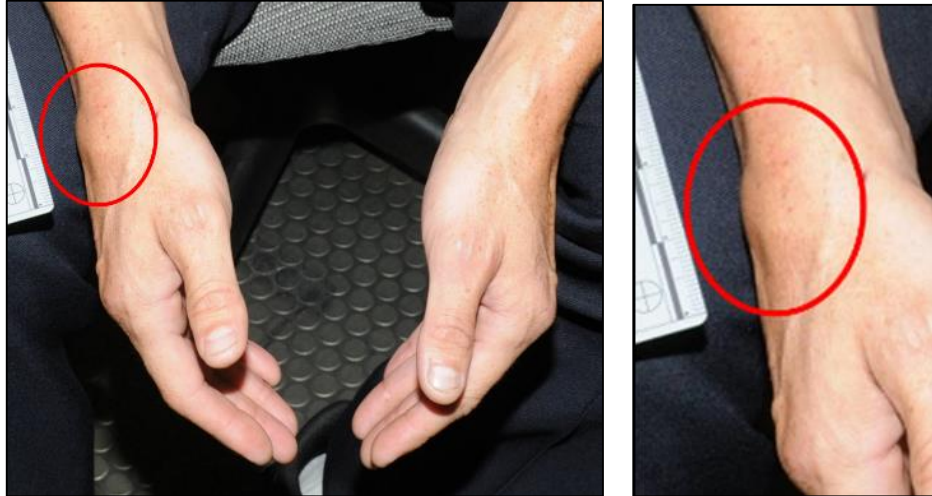
Autopsy diagram indicating gunshot entrance and exit wounds (randomly numbered)



Autopsy diagram indicating abrasions on Ford's left shoulder, arm, and hand

## Officers' Injuries

Wampler suffered visible swelling and abrasions to his right wrist, a scratch to his right forearm, abrasions to the top and outside of his right knee, and abrasions to his left knee. Villegas suffered swelling and abrasions to his right knee and left middle finger.



Wampler's right wrist



Wampler's right forearm

## Wampler's Uniform

The outside of Wampler's right boot, the outside of his holster, and his leather handcuff holder had dirt and scuff marks.<sup>69</sup> LAPD Scientific Investigations Division (SID) examined the handcuff holder and found that tiny particles embedded in the scuff marks near the top of the holder.<sup>70</sup> There were blood stains on the top straps of Wampler's holster for his primary service weapon, and on the front of his uniform shirt and utility belt. In photographs taken on the evening of the shooting, there appears to be dirt marks on the back of Wampler's uniform shirt and pants. However, when Wampler's uniform was examined by SID on August 14, 2014, there were no signs of dirt or debris.<sup>71</sup>



Wampler's right shoe



Wampler's holster



Wampler's handcuff case

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<sup>69</sup> The handcuff holder is a leather case that was attached to Wampler's utility belt immediately to the right of his holster, against his back.

<sup>70</sup> The particles were too small to collect or analyze.

<sup>71</sup> Wampler retained his uniform immediately following the incident. He provided it to SID for examination on August 14, 2014.





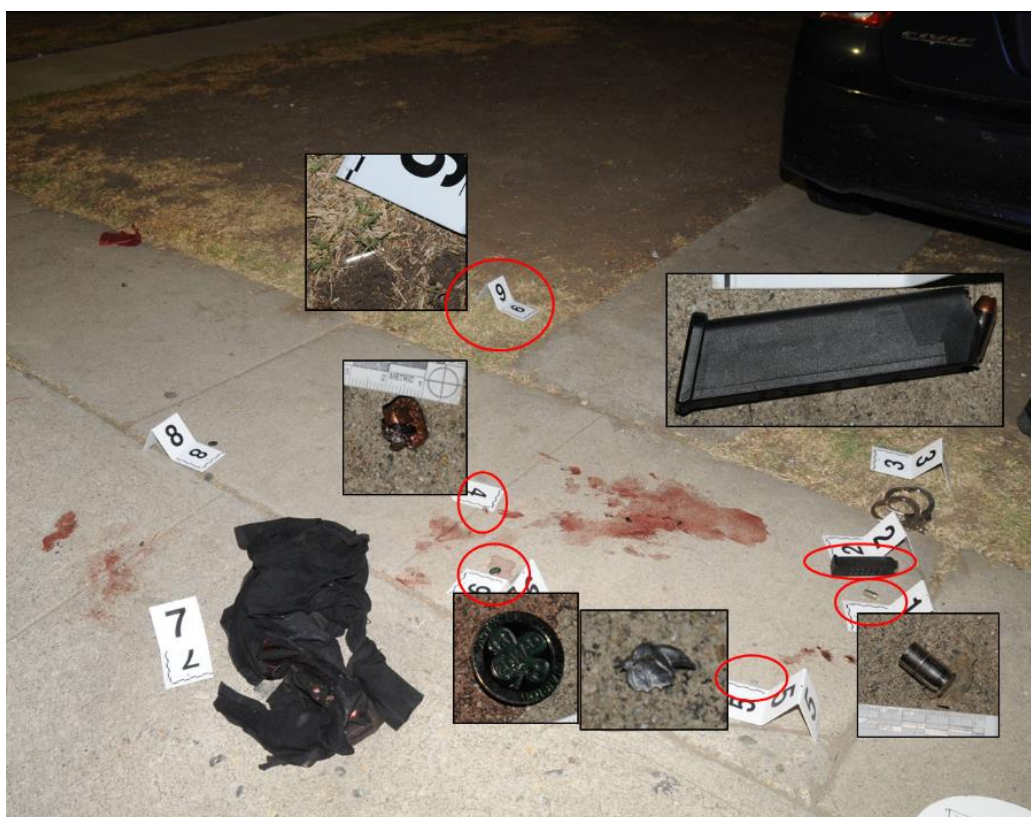
Back of Wampler's shirt



Back of Wampler's pants

### Evidence Found at the Scene

A fired bullet, two expended shell casings, and a lead fragment were recovered on the ground where the struggle occurred. A fully loaded magazine from Wampler's primary service weapon and Wampler's LAPD pin which he was wearing on his shirt were also recovered in the same area.<sup>72</sup>



Evidence at scene: 1. Expended shell casing; 2. Loaded magazine; 3. Handcuffs; 4. Expended bullet; 5. Lead fragment; 6. LAPD pin; 7. Ford's clothing; 8. Two nickels; and 9. Expended shell casing

<sup>72</sup>No controlled substances were found at the scene.

## Ballistics Evidence

The fired bullet located on the sidewalk where the struggle occurred was tested and determined to have been fired from Wampler's revolver. The expended shell casings were tested and determined to have been ejected from Villegas' service weapon. The lead fragment had no comparison value. The fired bullet removed from Ford's spine and a bullet fragment removed from his right arm during the autopsy were analyzed and are consistent with being fired by Villegas' service weapon.

## DNA Evidence

Wampler's utility belt and holster were swabbed for DNA. DNA profiles obtained from blood stains on the ends of Wampler's utility belt and the top flap of his holster include Ford as a contributor. Touch DNA profiles obtained from the front or body of Wampler's holster also include Ford as a contributor.<sup>73</sup> DNA analysis of Wampler's primary service weapon, including the gun grip, slide, and ejected magazine, was inconclusive.<sup>74</sup>

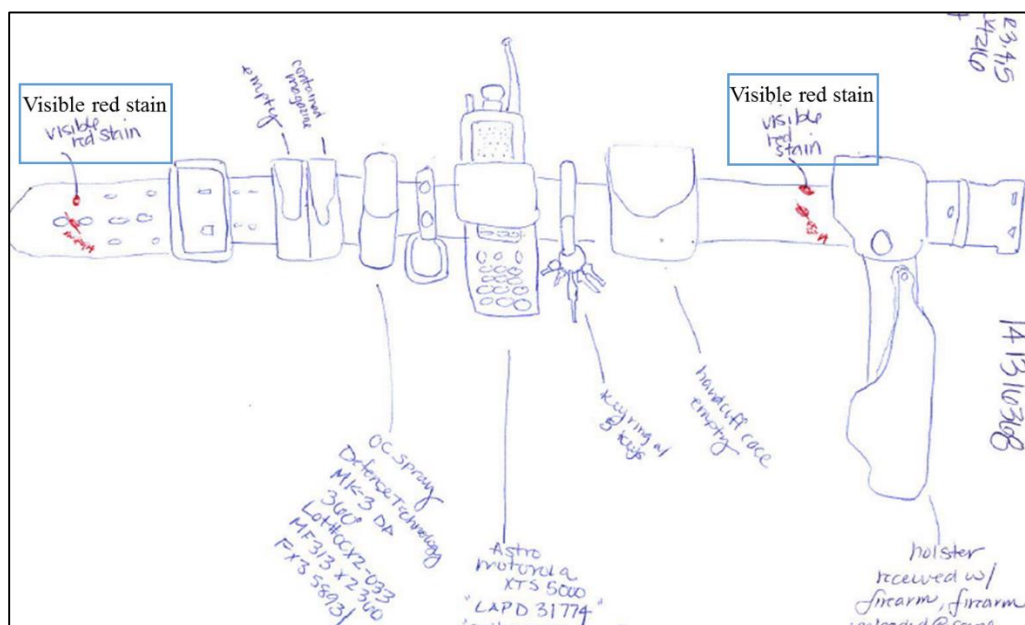


Diagram drawn by SID indicating blood stains with Ford's DNA (not to scale)



Ford's touch DNA on body of holster

<sup>73</sup> The body of the holster tested negative for the presence of blood. Therefore, any DNA present in that area is "touch" DNA which comes from sweat, skin, or saliva. The DNA obtained from the body of the holster was a mixture from at least two individuals. A partial DNA profile was obtained from a swab of the body of the holster. Ford was determined to be a possible contributor where approximately 1 in 1,000,000 individuals can be included in the DNA mixture profile.

<sup>74</sup> Wampler's holster and primary service weapon were not submitted for fingerprint analysis. DNA analysis destroys print evidence and dusting for fingerprint evidence destroys DNA evidence. In this case, LAPD investigators opted to have the items tested for DNA.

Radio Calls and Surveillance Video

Villegas remained in contact with LAPD Newton dispatch via his rover police radio. At 8:10:26 p.m., Villegas broadcast, “Code six.” 13 seconds later, at 8:10:39, Villegas broadcast, “Officer needs help.” 40 seconds after the first help call, at 8:11:19, Villegas broadcast, “Officer needs help! Shots fired!”

A surveillance video was taken from a security camera located at Broadway and West 65<sup>th</sup> Street. The video captures the headlights of the patrol vehicle, the open passenger door of the vehicle, and a possible muzzle flash. Because of the distance and the lighting conditions, other details of the incident cannot be seen on the video.



Open passenger door of patrol vehicle



Possible muzzle flash

## Ezell Ford

Ezell Ford was 25 years old at the time of the incident. He had a history of mental illness with diagnoses including schizophrenia and bi-polar disorder. Ford was a documented member of the East Coast Crips criminal street gang.<sup>75</sup>

### **LEGAL ANALYSIS**

In *Graham v. Connor* (1989) 490 U.S. 386, the United States Supreme Court held that claims of excessive force by police officers in the course of an arrest, investigatory stop or other “seizure” should be analyzed under the Fourth Amendment and its “reasonableness” standard. Pursuant to *Graham*, the test of “reasonableness” requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. *Id.* at 396. “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.... The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Graham v. Connor* at 396-397.

Under California’s civil negligence law, the reasonableness of a peace officer’s conduct is determined in light of the totality of circumstances, which includes an officer’s conduct preceding the use of deadly force. *Hayes v. County of Los Angeles* (2013) 57 Cal. 4<sup>th</sup> 622. However, “[t]he Fourth Amendment’s reasonableness standard is not the same as the standard of reasonable care under tort law, and negligent acts do not incur constitutional liability.” *Id.* at 639 (citing *Billington v. Smith* (2002) 292F.3d 1177). Thus, *Hayes* does not apply in a criminal analysis and faulty tactics or lack of reasonable suspicion is not considered.

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears that the person claiming the right of self-defense or defense of others actually and reasonably believed that he was in danger of great bodily injury or death. *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Mercer* (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person who reasonably believes that he or someone else is in imminent danger of being killed or suffering great bodily injury may use deadly force to defend against that danger if he uses no more force than was reasonably necessary to defend against that danger. CALCRIM. No. 505.

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal.App.2d 575.

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<sup>75</sup> On May 28, 2011 and May 30, 2013, Ford admitted to LAPD officers that he was a member of the 66<sup>th</sup> Street East Coast Crips street gang. He had tattoos indicating his membership in the gang, to wit, “six” on his right hand and “street” on his left hand. There are photographs of Ford flashing gang signs with his hands.

## CONCLUSION

On August 11, 2014, Ezell Ford was sitting on a couch on the sidewalk with a group of known East Coast Crips criminal street gang members, a location known to LAPD officers as a place where illegal drug sales and other gang related crimes occur. At approximately 8:10 p.m., Ford began walking home. He was heading westbound on the sidewalk as Officers Wampler and Villegas approached the known gang members in their patrol vehicle. Wampler drove slowly by the group near the couch to see if there was any observable illegal activity. Seeing nothing unusual, Wampler continued to drive westbound and observed Ford walking on the sidewalk, walking away from this group of individuals. Ford turned to look in the officers' direction and placed his hands in his pockets. As he continued walking westbound, Ford turned to look over his shoulder at the officers several times.

Wampler stopped and exited his vehicle to speak with Ford. As Wampler approached Ford, he stated, "Hey, let me talk with you." Ford turned to look in the officers' direction and began to walk away. Ford's hands were concealed at his front waistband and he appeared to Wampler that he was trying to get away.

Wampler stated, "Hey, do me a favor, get your hands out of your pockets." According to Villegas, Witness 4, Witness 5, and Witness 7, Ford put his hands up and walked quickly onto a driveway of a residence, between the rear bumper of a parked car and some bushes that lined the west side of the driveway. Based on Ford's proximity to the known gang members, the high crime area, his demeanor, his actions, and his body position as he stepped off the sidewalk, Wampler and Villegas believed that Ford was in possession of an illegal substance and was about to discard it in the bushes.

In an attempt to prevent Ford from discarding any contraband, Wampler placed his hands on Ford's shoulders. Ford immediately spun around and grabbed Wampler around his waist. They both fell to the ground. Wampler landed on his back with Ford lying on top of him. With his left hand, Ford attempted to remove Wampler's service weapon which was holstered at Wampler's right hip. With his right hand, Wampler pushed down on his weapon to prevent Ford from removing it from the holster. As the struggle continued, Wampler realized that the snaps to his holster were unfastened and he felt Ford's hand on his weapon. He shouted to his partner, "He's going for my gun!"

In fear for his partner's life, Officer Villegas responded with deadly force. He removed his service weapon and fired one round into Ford's right side. Ford continued to struggle. Wampler felt that his handgun had come partially out of his holster. He shouted, "Shoot him!" Villegas fired a second round into Ford's right side. Ford continued to fight for Wampler's service weapon. In fear for his life and his partner's life, Wampler removed his back-up weapon with his left hand, reached around Ford's body, and fired one round into Ford's back.

Witness 4, Witness 5, Witness 6 and Witness 7 made statements that differ substantially from the officers' accounts in several areas.<sup>76</sup> First, they all stated Wampler exited his vehicle and

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<sup>76</sup> Though Witness 6 cannot be located and Witness 7 would not be available to testify, their statements are considered in this analysis.

immediately tackled Ford to the ground. Villegas stated that his attention was drawn away for a moment so he did not see how Wampler and Ford ended up on the ground.

This was a rapidly evolving situation. Because both Wampler and Ford went to the ground almost immediately after Wampler placed his hands on Ford's shoulders, it may have appeared that Wampler tackled Ford, especially if Wampler was able to step to the side and bring Ford down to the ground. However, Wampler stated that Ford was the aggressor because he turned, grabbed Wampler around the waist, and attempted to tackle him to the ground. Wampler could argue that, if he had tackled Ford without any warning, Wampler would likely have been positioned on top of Ford. The fact that Wampler was on his back and Ford was on top of him in a position of advantage corroborates Wampler's statement that Ford initiated the force that brought them to the ground.

Second, Witness 4, Witness 5, Witness 6, and Witness 7 all stated that either one or both officers were on top of Ford. None of them stated that Ford was on top of Wampler. This incident occurred at approximately 8:10 p.m. It was already night. The officers were wearing dark blue uniforms. Ford was wearing a black t-shirt and black pants. Witness 6 stated that he could not tell if Ford was face up or face down because it was getting dark. It is possible that the witnesses could have mistaken Ford for Wampler given the lighting and the similarity in clothing. Additionally, Wampler's uniform appeared to have dirt on the back of the shirt and the pants. His leather handcuff case which was worn on his utility belt behind his back had scuff marks consistent with being dragged against the ground.

Ford suffered a gunshot wound to his right back and a gunshot wound to his right front flank. If Ford was on the ground and one or both officers were on top of him, it is unlikely that he would have gunshots to both his front and back. All of the gunshots would have been to his front or back, depending on whether Ford was facing up or down on the ground, especially if he was not struggling at the time of the incident. Also, if Wampler was on top of Ford, Wampler would have had access to his primary service weapon. He would not have fired his back-up weapon, using his non-dominant left hand. Additionally, the blood stains on the front of Wampler's utility belt and uniform shirt are consistent with Ford lying on top of Wampler when he was shot such that his blood dripped down onto Wampler.

Third, Witness 4, Witness 5, Witness 6, and Witness 7 all stated that Ford was not struggling or that he was under control during the incident. Wampler stated that Ford was attempting to remove his primary weapon from his right hip holster. The struggle for Wampler's weapon was occurring underneath the bodies of Ford and Wampler. Witness 4, Witness 5, Witness 6, and Witness 7 would not have been able to see the struggle for the gun. In fact, Villegas, who was kneeling immediately over Ford, was not aware that Ford was struggling for Wampler's gun until Wampler shouted out to him. Further, Witness 2 corroborates that a struggle occurred. Though she was unaware of Wampler's presence, she heard Villegas state, "Let go of the gun!"

Wampler stated that he rolled onto his right side and used his right hand to push the gun down into his holster to prevent Ford from removing it. This is corroborated by the scuff marks to the outside of Wampler's right boot indicating that Wampler was rolling over onto his right side. Additionally, Wampler had swelling to his right wrist. This is consistent with Wampler using his right hand to press down on his weapon as Ford physically tried to remove it. Ford had abrasions to the back of his left shoulder, left elbow area, and the back of his left hand. This is

consistent with Ford's arm and hand scraping or rubbing against the ground as he attempted to remove Wampler's gun.

The magazine of Wampler's service weapon was ejected without his knowledge. The front portion of Wampler's holster tested positive for Ford's "touch" DNA. Because this area tested negative for blood, the DNA on that part of the holster came from Ford's sweat, skin, or saliva. This corroborates that Ford's hand was touching Wampler's holster during this incident.

Wampler stated that he was in fear for his life. When he felt Ford removing his weapon partially out of his holster, he shouted to his partner, "Shoot him!" Though Villegas did not hear this, Witness 4, Witness 6, and Witness 7 all heard one officer instructing the other to shoot. Wampler would only have done so if his ability to defend himself was impaired. When he was ultimately able to defend himself, he used his back-up weapon with his left hand because his primary weapon was not available to him.

Finally, Witness 4, Witness 5, and Witness 7 were mistaken about who had fired all of the shots. Witness 4 believed that Villegas had fired all of the shots while Witness 5 and Witness 7 believed that Wampler had fired all the shots. However, firearms analysis confirmed that both officers fired. Because they were mistaken as to this fact, their ability to perceive other facts would be questioned. Further, because they have been friends with members of the Ford family for many years, their credibility due to bias would also be at issue.

Based on all of the above, the evidence indicates that Ford was on top of Wampler, struggling to obtain Wampler's primary service weapon and posing an immediate threat to his safety and his partner's safety. In fear for their lives, Villegas and Wampler each responded with deadly force.

We find that Officers Charlton Wampler and Antonio Villegas acted lawfully in self-defense and in defense of others when they used deadly force against Ezell Ford. We are closing our file and will take no further action in this matter.