



Office of Inspector General County of Los Angeles

REVIEW OF A DEPUTY-INVOLVED SHOOTING WITHOUT AN ADMINISTRATIVE INVESTIGATION

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Introduction

In September 2021, the Los Angeles County Sheriff's Department (Sheriff's Department) brought before the Executive Force Review Committee¹ (EFRC), a deputy-involved shooting that resulted in the death of Ryan Twyman in June 2019. The criminal investigation of the shooting was conducted (per policy² and protocol) by the Sheriff's Department Homicide Bureau. However, no administrative investigation had been conducted by the Internal Affairs Bureau Force/Shooting Response Team (IAB Shooting Response Team or IAB) at the time the case was presented to the EFRC panel for review. The EFRC panel made findings and determined whether the actions of Department personnel were consistent with Department training and policy as to the tactics and use of force for each deputy involved in the shooting.

Background and History on Bifurcation and Consecutive Investigations

As detailed in the Office of Inspector General's February 2021 report³ titled *Los Angeles County Sheriff's Department: Review and Analysis of Misconduct Investigations and Disciplinary Process (Review and Analysis of Misconduct Investigations)* the Sheriff's Department conducts separate but consecutive criminal and administrative reviews of all uses of deadly force by department members in which a person is killed or is seriously injured.

The Homicide Bureau has the narrow focus of investigating and collecting evidence to determine whether the shooting by the deputy or deputies was lawful. Because the use of deadly force, absent a legal justification, is *per se* a criminal act, deputy-involved shootings are investigated criminally. The completed investigation is submitted to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office (LADA) who after reviewing the investigation, determines whether criminal charges should be filed against the deputy shooter or shooters. JSID's decision is written in a memorandum and submitted to the responding law enforcement agency and made available to the public on its website.⁴

By policy,⁵ procedure and practice IAB monitors, but does not participate in the criminal investigation of Sheriff's Department employees. For deputy-involved

¹ LASD Manual of Policy and Procedures (MPP) 3-10/140.00 [Executive Force Review Committee](#)

² MPP 3-10/440.00 [Homicide Bureau's Responsibilities](#)

³ See the Office of Inspector General report [Los Angeles County Sheriff's Department: Review and Analysis of Misconduct Investigations and Disciplinary Process](#), issued February 2021.

⁴ <https://da.lacounty.gov/reports/ois>

⁵ MPP 3-10/130.00 [Activation of IAB Force/Shooting Response Teams](#)

shootings, once there has been a JSID decision on whether criminal charges are warranted, the Sheriff's Department IAB/Shooting Response Team investigates the case administratively. Their narrow focus is specific to Sheriff's Department policy, use of force, and tactical issues. "Department policy calls for the Internal Affairs Bureau Force/Shooting Response Team, in contrast to the Homicide Bureau, at the conclusion of the criminal investigation to prepare an administrative review of that investigation which provides an analysis of the incident for adherence to department policies and performance and training standards, recommendations for changes in policy and an assessment of the Department's exposure to civil liability as a result of its operations and procedures."⁶ Based on the administrative review, the Sheriff's Department may also impose discipline at a separate review, known as Case Review.⁷

Gates-Johnson Settlement Agreement

The Office of Inspector General's *Review and Analysis of Misconduct Investigations* report notes the following:

The Department has opposed conducting either concurrent or consolidated investigations. The reason expressed to the Office of Inspector General for this opposition has consistently been that which the Undersheriff wrote on August 23, 2019: 'The 1991 Gates-Johnson settlement agreement between the Department and the Association of Los Angeles Deputy Sheriffs (ALADS), indicates the Department would not require a deputy to be subject to concurrent criminal and administrative investigations arising out of the same incident.' This statement is simply wrong. The *Gates-Johnson* settlement agreement simply stated 'the Department would not require a deputy subject to concurrent criminal and administrative investigations arising out of the same incident to submit to an administrative interrogation until it was determined criminal charges would not be filed,' the deputy was arraigned on or requested a continuance on the criminal charge.⁸

In 2013, the appellate court wrote "nothing in the provisions of the 1991 settlement agreement prevents the Department from conducting an administrative investigation into alleged criminal misconduct by a deputy, including interviewing witnesses and obtaining a voluntary statement from the officer involved. The

⁶ See *Supra* February 2021 Office of Inspector General *Review of Misconduct Investigations* report at 65.

⁷ See [MPP section 3-01/010.58 Delegation of Disciplinary Matters](#)

⁸ *Id* at 54.

agreement restricts only the timing of a compelled administrative interrogation of a deputy concurrently subject to a criminal investigation.”⁹

Notwithstanding the court’s explicit language to the contrary, the Sheriff’s Department continues to cite the *Gates-Johnson* agreement as the reason for conducting consecutive investigations although nothing in the agreement or the court’s decision prevents concurrent investigations.

In addition to the criticism of the refusal to conduct concurrent investigations, the Office of Inspector General also continues to be critical of the investigations conducted by both the Homicide Bureau and IAB. As stated in the *Review and Analysis of Misconduct Investigations* report:¹⁰

Because neither the Homicide Bureau investigation nor the IAB Force/Shooting Team review focus on public policy issues or the constitutionality of the underlying tactics which are not related to the force itself, the evidence which may inform public policy and risk management decisions is not collected. This leaves the only avenue by which evidence relevant to these questions is collected through the filing of a lawsuit. In those shootings in which a lawsuit is not filed, significant factual issues which could inform department policies, procedures and practices designed to prevent re-occurrences and build trust with the public may be forever lost.

Summary of the Deputy-Involved Shooting Reviewed at EFRC

Until September 2021, the Sheriff’s Department under the current administration had presented deputy-involved shooting cases to the EFRC panel only after the completion of the Homicide investigation, the issuance of the JSID decision, and after the IAB administrative investigation was completed.

At the time of the EFRC panel’s September 2021 review of the deputy-involved shooting of Ryan Twyman, the only investigation completed by the Sheriff’s Department was the criminal investigation by the Homicide Bureau. According to investigative records in the file, JSID received the Homicide investigation on November 15, 2019. According to the Sheriff’s Department, it made 17 requests to JSID regarding the status of the case between February 20, 2020, and June 14, 2021. The Commander who serves as chair of the EFRC panel reported that a letter was sent to JSID advising of the Sheriff’s Department’s intent to proceed with the

⁹ See *Ass’n for L.A. Deputy Sheriffs v. Baca*, (2013) 2013 CA. App. Unpub. LEXIS 8162, p. 4.

¹⁰ See *Supra* February 2021 Office of Inspector General *Review of Misconduct Investigations* report at 61.

case and requested a response from JSID within 30 days and that no response was received during the requested timeframe. According to the panel chair, the Sheriff's Department believed that it had enough information to make an informed decision regarding the force and tactics used in the incident without an administrative investigation by the IAB Force/Shooting Team or a decision by JSID.¹¹

The IAB Force/Shooting Response Team did not conduct an administrative investigation of this deputy-involved shooting. Both deputies involved in the shooting were given the opportunity to voluntarily interview with IAB, however, they both declined. None of the witnesses interviewed by the Homicide Bureau investigators were interviewed or given the option of being questioned by IAB.

Interviewing witnesses and conducting a thorough administrative investigation even excluding the compelled administrative interviews of the shooter deputies, would have allowed for a more thorough understanding of the events that led to the deputy-involved shooting. These interviews would not have violated the terms of the *Gates-Johnson* settlement agreement as discussed above and extensively in the Office of Inspector General's *Review and Analysis of Misconduct Investigations* report.¹² Because no interviews were conducted by IAB, questions remain as to the circumstances and communication that led the deputies to respond to the scene, which quickly escalated into a deputy-involved shooting.

The Homicide Bureau investigation included interviews of the following people:

- Audio-recorded interviews of the two deputies involved in the shooting
- Audio-recorded interviews of three civilian witnesses¹³
- *Un-recorded* telephonic interviews of three detectives
- *Un-recorded* telephonic interview of a patrol deputy

There were four Sheriff's Department employees (three detectives and one station deputy) who had information pertaining to the investigation of Ryan Twyman and the events leading up to the deputy-involved shooting. Homicide Bureau did not audio-record four of the interviews of the Sheriff's Department employees, rather, they wrote a summary of the interviews. LASD Manual of Policy and Procedures section 3/10.440.00, Homicide Bureau Responsibilities, partly states:

¹¹ LADA has since filed charges against one of the two deputies who fired at Mr. Twyman. See LADA New Release [March 3, 2022: Ex-Sheriff's Deputy Charged With Manslaughter in 2019 On-Duty Fatal Shooting of Ryan Twyman](#)

¹² *Id* at 53-55.

¹³ Of the three civilian witnesses, only one civilian witnessed the shooting. The other two civilians were in the area and heard the shooting but did not witness it.

Homicide Bureau investigators shall interview all parties separately, and shall complete the detailed supplemental report of the actual shooting incident. The report shall include witness statements.

Department members' statements regarding the incident shall be tape-recorded.

Homicide Bureau investigators violated Sheriff's Department policy by not audio-recording these four interviews. This is problematic, because the EFRC panel and the Office of Inspector General are left reliant on a summary of a conversation based on what the Homicide Bureau investigators deemed important enough to summarize. Additionally, facts that may not be pertinent to the criminal investigation by the Homicide Bureau, may be pertinent to the administrative investigation by IAB. Because Homicide and IAB have different focuses in their investigations, IAB should have interviewed these four employees to clarify vague and contradictory statements made during their interviews.

As an example, Homicide Bureau investigators failed to clarify circumstances surrounding a conversation that the two deputies involved in the shooting previously had with an Operation Safe Streets (OSS) detective. Deputy Lyons¹⁴ stated that while he was on patrol with his partner, Deputy Muse, they received information via telephone from an OSS detective regarding a person of interest that was wanted for possession of firearms. That person of interest was Ryan Twyman. According to the Homicide Bureau investigation, Deputy Lyons related that the deputies were given an address and were told Mr. Twyman was known to frequent this location. Deputy Lyons told investigators that they were also given a vehicle description and license plate of the vehicle he was known to drive. Deputy Lyons stated that Deputy Muse ran the plate of the car. When they arrived at the address, they were able to see the vehicle and confirmed the license plate as matching the license plate information they had been given.

Deputy Muse stated during his interview with Homicide Bureau investigators that they were contacted during their shift by the OSS unit. Deputy Muse essentially repeated the same information as Deputy Lyons. However, Deputy Muse added that they were told by the OSS detective that this information was also briefed to several radio car units from their station that are assigned to patrol the specific area where Mr. Twyman was believed to be.

¹⁴ The deputies have been identified by their names on the Sheriff's Department website as being involved in the shooting. https://lasd.org/wp-content/uploads/2021/06/Transparency_060619_CEN_Summary_060221.pdf

Homicide detectives never asked whether both deputies spoke to the OSS detective at the same time, and if not, which one of them spoke to the detective. They also did not ask for the name of the OSS detective the deputies had spoken with.

Civilian Witnesses and Four Department Employees Should Have Been Interviewed by IAB Force/Shooting Response Team

The Homicide Bureau audio-recorded interviews with two civilian witnesses who did not witness the shooting but were in the area and heard the shooting when it occurred. The third civilian witness was the passenger in Mr. Twyman's vehicle when the shooting occurred.

The following Department employees were identified and interviewed by Homicide Bureau investigators as having information which led to Deputies Muse and Lyons responding to the apartment complex to look for Ryan Twyman. We briefly summarize the information that they provided to Homicide Bureau investigators and subsequently analyze the areas of further inquiry that should have been explored by IAB through additional interviews of these employees.

OSS Detective Bryce Chalmers

Detective Chalmers was interviewed by Homicide Bureau investigators; however, the conversation was not audio-recorded. Detective Chalmers told investigators that on June 6, 2019, he was contacted telephonically by OSS Detective Alberto Arevalo requesting assistance from a patrol unit to conduct a check inside the South Bay Villa apartment complex for Ryan Twyman. Detective Chalmers stated that Detective Arevalo contacted Detective Laura Perales as well and provided her with the same information. It remains unclear how Detective Chalmers had knowledge of who Detective Arevalo contacted.

Detective Chalmers stated he contacted Deputy Muse via telephone and sought his assistance with arresting Mr. Twyman. During the telephone conversation with Deputy Muse, Detective Chalmers received information from Detective Perales that she was "making arrangements" with other deputy personnel (it is unclear what arrangements and with whom). Detective Chalmers stated he instructed Deputy Muse to cancel his response. In Homicide Bureau's summary of their interview with Deputy Muse, ***Deputy Muse never states that Detective Chalmers instructed him to cancel his response.***

OSS Detective Laura Perales

Detective Perales was interviewed by Homicide Bureau investigators; however, the conversation was not audio-recorded. Detective Perales reportedly “believed” that OSS Detective Arevalo had disseminated information to Century patrol units regarding Mr. Twyman and the vehicle he was known to drive, a Kia. She is not asked what her belief was based on. She also “believed” that on June 6, 2019, Detective Arevalo received information regarding Mr. Twyman being seen by an informant at the apartment complex and possibly driving a white Kia. Again, she is not asked what her belief was based on.

Gang Surveillance Unit Detective Alberto Arevalo

Detective Arevalo was interviewed by Homicide Bureau investigators; however, the interview was not audio-recorded. Detective Arevalo stated he contacted Detectives Perales and Chalmers *separately* and told them that an informant gave him information that Mr. Twyman was at the apartment complex and was seen in a white Kia. Detective Arevalo stated that he never contacted or provided information to Century Patrol deputies. ***This statement contradicts what Detective Perales stated, which was that she believed Detective Arevalo had disseminated this information to Century Station patrol deputies.***

Century Station Deputy Jaime Gomez

Deputy Gomez was interviewed by Homicide Bureau investigators; however, the interview was not audio-recorded. Deputy Gomez was a Field Training Officer with a trainee on the day of the shooting. He stated on June 6, 2019, he received a telephone call from Detective Perales requesting assistance in arresting Mr. Twyman at an apartment complex. Because he and his trainee were too far from the address, he stated that he called Deputy Lyons because Deputy Lyons was assigned to that area. Deputy Gomez provided the information he was given from Detective Perales to Deputy Lyons for the arrest of Mr. Twyman. He stated approximately five minutes after this call, he heard Deputy Lyons and his partner put out emergent radio traffic indicating they had been in a deputy-involved shooting.

Outstanding Issues and Questions Remain

IAB Force/Shooting Response Team should have conducted interviews with the above-named witnesses. The following issues and questions remain unanswered after Homicide Bureau's interviews.

- Based on Homicide Bureau interviews with Deputies Lyons and Muse, it is unclear if one or both deputies spoke with an OSS detective; who from OSS they spoke to; and specific details as to what they were told to do if they found the vehicle in question and/or Mr. Twyman.
- The investigation does not address why OSS detectives did not communicate with a Century station supervisor regarding their request involving Mr. Twyman. Instead, multiple OSS detectives appear to have been communicating with various deputies without clarity as to the final orders.
- OSS Detective Chalmers told Homicide Bureau investigators that he spoke with Deputy Muse and directed him to the apartment complex. However, he stated that while he was speaking to Deputy Muse, he was advised Detective Perales had arranged with other deputy personnel to assist. It is unclear what "other deputies" were told to assist with. Detective Chalmers stated upon receiving this information, he instructed Deputy Muse to cancel his response. Deputy Muse never stated to investigators that he was told to cancel his response. The time sequence of these calls in relation to the shooting is also unclear.
- OSS Detective Perales stated that she believed Detective Arevalo had disseminated information regarding Mr. Twyman to Century patrol units. Detective Arevalo contradicted this and stated that he never contacted or provided this information to anyone. Detective Perales is never asked about "making other arrangements for other deputies to assist" as reported by Detective Chalmers. Detective Perales was not asked what she told Deputy Gomez to do in the event Mr. Twyman or the car he was associated with were found. In fact, Detective Perales never stated she spoke to Deputy Gomez. Only Deputy Gomez stated he had received a telephone call from Detective Perales.
- Deputy Gomez stated that he called Deputy Lyons and conveyed information provided by OSS. It is unclear what specific information was conveyed to Deputy Lyons outside of the want for the arrest of Mr. Twyman. For example, did Deputy Gomez tell Deputy Lyons what to do if the vehicle or Mr. Twyman were found? A better understanding of the time sequence between the call

from Deputy Gomez to Deputy Lyons and the telephone call from Detective Chalmers to Deputy Muse would help in understanding the order of events prior to the shooting. As it stands, the information suggests that Deputy Muse was told by Detective Chalmers to cancel their response and subsequently Deputy Lyons was told by Deputy Gomez to respond. There is no information as to 1) whether Deputy Muse followed up with Detective Chalmers to see what had changed or 2) whether Deputy Lyons told Deputy Gomez that Detective Chalmers had called them off from responding.

As evident from the above analysis, numerous areas of confusion remain leading up to Deputies Lyons and Muse being dispatched to seek and arrest Mr. Twyman. The EFRC panel believed because their focus was solely on the policies and tactics of the deputies at the time of the shooting, while ignoring the events leading up to the shooting, that they were well equipped to review the case.

If a lack of communication or miscommunication occurs prior to a deputy-involved shooting, as may be the case here, i.e., specifically what the deputies involved in the shooting were directed to do, it is imperative for the Sheriff's Department to understand the cause of those issues and miscommunications and to create protocols to prevent such problems in the future. Without such an understanding, there are no lessons learned and systemic issues will remain, failing to prevent similar occurrences in the future. While the issues of communication by OSS detectives in this case may not be related to the policies and tactics used by Deputies Lyons and Muse during the deputy-involved shooting, it is still vital information to know so that in the future a similar lack of communication does not lend itself to confusion, putting deputies and suspects at risk. These issues should be addressed by IAB as part of their investigation in a section of "non-force related issues discovered."¹⁵

While the Sheriff's Department should be commended on not waiting a lengthy time for JSID to make a determination as to the filing of criminal charges for a deputy-involved shooting, and proceeding with the case before the appropriate committee, the Office of Inspector General reiterates the recommendation in its *Review of Misconduct Investigations* report that both the Homicide Bureau and

¹⁵ Penal Code section 835a codifies case law on reasonable use of force to effect arrest and notes in subsection (3) "That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies." Subsection (4) further states, "That the decision by a peace officer to use force shall be evaluated 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.

IAB conduct a timely and thorough investigation. A thorough investigation also prepares the Department for any Civil Service appeals and avoids the potential for discovery of critical facts regarding a deputy-involved shooting for the first time during a Civil Service hearing.

CASE REVIEW:

In addition to conducting the EFRC, the Sheriff's Department held a Case Review to determine if discipline of either deputy was necessary. Without the answers to outstanding issues and questions noted above, the same concerns applicable to the EFRC are applicable to the imposition of discipline. Without the clarification that an IAB investigation would have provided, the imposition of discipline may not have considered all of the circumstances of the shooting and the events leading up to it.

RECOMMENDATIONS:

- 1. The Sheriff's Department should conduct concurrent investigations, by the Homicide Bureau (criminally) and by the Internal Affairs Bureau (administratively) after a deputy-involved shooting has occurred.**
- 2. The Executive Force Review Committee and the Case Review proceedings should be held only after both the Homicide Bureau and Internal Affairs Bureau investigations are completed so that the committees have the benefit of making decisions based upon all available information gathered.**
- 3. The Sheriff's Department executive staff should consult with County Counsel in order to fully understand the practical application of the *Gates-Johnson* agreement which would serve to expedite Internal Affairs Bureau investigations.¹⁶**
- 4. The Sheriff's Department should re-negotiate the *Gates-Johnson* agreement.¹⁷**

¹⁶ See *Supra* February 2021 Office of Inspector General *Review of Misconduct Investigations* report at 123.

¹⁷ On October 13, 2021, the Office of Inspector General sent an e-mail to the Chief of Professional Standards Division asking numerous questions regarding the Department's plans to move forward in a similar-fashion as this case, including what criteria was being used to determine the chosen cases and whether the Department was re-negotiating the *Gates-Johnson* agreement. We did not receive a response to our e-mail.

- 5. Internal Affairs Bureau investigations should always have a section regarding “non-force related issues discovered.”¹⁸**
- 6. Homicide Bureau should follow Sheriff’s Department policy and audio-record all interviews of witnesses.**

¹⁸ See *Supra* February 2021 Office of Inspector General *Review of Misconduct Investigations* report at 124.