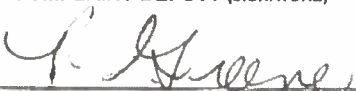
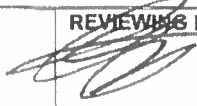


**LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET**

<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	AGENCY NAME LAPD - TRAFFIC	DA CASE NO. 38671666	DATE 11/16/2018			
	AGENCY FILE NO. (DR OR URN) 17-04-18335	DA OFFICE CODE J.S.I.D. #18-0093R	VICTIM ASSISTANCE REFERRAL <input checked="" type="checkbox"/> YES - NOTIFY VWAP <input type="checkbox"/> NO			
SUSP NO.	SUSPECT		CHARGES			
			CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) ROBLES-PLACENCIA, CARRIE ESMERALDA		PC	192(C)(1)	11/16/2017	B
	DOB 02/15/1987	SEX (MF) F	BOOKING NO.	VIP -- Yes X No		
	Gang Member Name of Gang		Victim Gang Member Name of Gang:			
	Victim Name: JOSE H [REDACTED] & MARCOS H [REDACTED]		Victim DOB: [REDACTED]			
2	NAME (LAST, FIRST MIDDLE))					
	DOB	SEX (MF)	BOOKING NO.	VIP -- Yes -- No		
	Gang Member Name of Gang		Victim Gang Member Name of Gang:			
	Victim Name:		Victim DOB:			
3	NAME (LAST, FIRST MIDDLE))					
	DOB	SEX (MF)	BOOKING NO.	VIP -- Yes -- No		
	Gang Member Name of Gang		Victim Gang Member Name of Gang:			
	Victim Name:		Victim DOB:			
Comments SEE ATTACHED.						
COMPLAINT DEPUTY (print) RACHEL GREENE/map		COMPLAINT DEPUTY (SIGNATURE) 		STATE BAR NO. 197256		REVIEWING DEPUTY (SIGNATURE) 

LAST NAME: ROBLES-PLACENCIA

FIRST NAME: CARRIE

DA CASE NUMBER: 38671666

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): DETECTIVE SUPERVISOR CHRISTOPHER RODRIGUEZ FILING OFFICER (SIGNATURE): SERIAL #: 33805

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)	D. Victim Unavailable/Declines To Testify	H. Other (indicate the reason in Comments section)	L. Prosecutor Prefiling Deferral
A. Lack of Corpus	E. Witness Unavailable/Declines to Testify	I. Referred to Non-California Jurisdiction	<u>DISTRICT ATTORNEY'S REASON CODES</u>
B. Lack of Sufficient Evidence	F. Combined with Other Counts/Cases	J. Deferred for Revocation of Parole	M. Probation Violation filed in lieu of
C. Inadmissible Search/Seizure	G. Interest of Justice	K. Further Investigation	N. Referred to City Attorney for Misdemeanor Consideration

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the allegation that Los Angeles County Sheriff's Department (LASD) Deputy Carrie Robles-Placencia, Serial #610439, committed the crime of vehicular manslaughter within the meaning of Penal Code sections 192(c)(1) or (c)(2). For the reasons set forth below, this office declines to initiate criminal proceedings.

The following analysis is based on reports prepared by the Los Angeles Police Department (LAPD), submitted to this office for filing consideration by Detective Supervisor Chris Rodriguez, LAPD Traffic Coordination Section, Multi-Discipline Collision Investigation Team (TCS/MCIT). Provided with the reports were the recordings of statements of civilian witnesses, video recovered from security cameras near the scene, 911 calls and radio traffic, video-recorded vehicle inspections, medical reports, MDT logs, vehicle maintenance logs, scene photos, CAD diagrams of the scene based on measurements collected from a Leica TS12 Total Station data collector, and data downloaded from the vehicle's black box recorder, as referred to in the above-referenced reports.¹ Compelled statements were not considered as part of this analysis.

FACTUAL ANALYSIS

This case involves a horrific accident which occurred as a Los Angeles Sheriff's Department (LASD) patrol trainee apparently began to respond to a call involving an assault with a firearm, only to crash and take the lives of two young brothers as they walked home from school with their mother.

On November 16, 2017, Deputy Carrie Robles-Placencia had three years with the Department and was in training for a patrol assignment. Just before 7:20 p.m., she was driving a marked, black and white, 2015 Ford Explorer SUV patrol vehicle southbound on Indiana Street near the border of East Los Angeles and the City of Los Angeles.² Her training officer, Deputy Vincent Moran, an 11-year veteran of the department, was seated in the front passenger seat. A radio call informed them that an assault with a firearm just occurred within two miles southeast of their location. Robles accelerated the patrol vehicle up to 60 miles per hour (m.p.h.) only to slow to a near or complete stop as they approached the intersection of Indiana Street and Whittier Boulevard. Indiana Street traffic had a red light and Whittier Boulevard traffic was proceeding through a green light.³ Approximately 80 feet before the intersection, she activated the vehicle's

¹ See Attachments A: Scene Diagrams and B: Chronology. Note that news accounts of this incident have incorporated video footage and depictions which mislabeled involved individuals and which are contradicted by the digital evidence obtained by investigators.

² Indiana Street runs north-south and is the dividing line between East Los Angeles and the City of Los Angeles where it crosses Whittier Boulevard at a slightly skewed angle—the southbound lanes are in LAPD's Hollenbeck Area and the northbound lanes are unincorporated East Los Angeles. The posted speed limit is 30 m.p.h. Whittier Boulevard has four lanes, and its posted speed limit is 35 m.p.h. A Wells Fargo Bank branch sits on the southeast corner of the intersection. See Attachment A for further details.

³ At 7:00 p.m. in November, the intersection is well-traveled with cars and buses and has significant pedestrian traffic, as well. Security camera footage shows the traffic was moving well with intermittent breaks. The conditions were dark with lighting from streetlights and businesses. The lamp standard closest to the initial area of impact was not illuminated. The traffic-control lights were functioning properly.

overhead light bar with blue and red emergency lights. An MTA bus that had been traveling eastbound on Whittier Boulevard in the number one lane came to a stop as Robles activated her lights.

Robles proceeded from the limit-line with the throttle at 36 percent. As she entered the intersection, a Honda Accord came eastbound in the number two lane of Whittier Boulevard, appearing from the other side of the bus, and the vehicles collided. The Accord was rotated clockwise and southeast, hitting the front of a Honda Odyssey that had been traveling northbound on Indiana Street and had stopped at the red light at Whittier Boulevard.

The patrol vehicle was traveling about 14 m.p.h. when it hit the Accord. The collision caused it to swerve east, grazing a pedestrian in the crosswalk on the south side of Whittier Boulevard, jumping the southeast curb, and striking the wall of the Wells Fargo Bank, a mother and two young brothers on the sidewalk near the bank, another pedestrian a little further east on the sidewalk, and a large cement trash receptacle which was dislodged onto a sixth pedestrian.

The brake lights of the patrol vehicle illuminated as it exited the sidewalk almost 90 feet east of the location of the first collision. The SUV came to rest facing east and slightly north in the number two lane of Whittier Boulevard. No witnesses reported hearing any siren activated and when the vehicle came to rest, it was left in reverse, with the engine running, lights still flashing, and siren silent.

██████████ Jose H ██████████' injuries were immediately fatal. His ██████████ brother, Marcos H ██████████, succumbed to his injuries at the hospital. Their mother suffered a crushed pelvis and other broken bones.

LAPD TCS/MCIT investigators noted no pre-impact tire marks from the patrol vehicle, nor the other two involved vehicles. Data downloads from the SUV's systems showed that upon initial impact with the Accord, Robles opened the throttle from 36 to 100 percent and the speed of the patrol vehicle increased from 14 m.p.h. to approximately 22 m.p.h. during the chain collisions which ensued.

To activate the emergency lights of this patrol vehicle, Robles had to flip a toggle switch on a control panel on the center console. The switch toggles through three settings. The third position corresponds to lights, no siren. To activate the siren, a driver must turn the engine on, toggle the lights control to the third setting, and then press one of several buttons on the panel next to the toggle. Later inspection determined that these controls were in good working order.

The traffic investigation ascribed the cause of the incident to Robles entering the intersection on a red light without due regard for the safety of all persons on the highway. Although emergency lights were illuminated prior to entering the intersection, no siren was sounded to cause vehicular

and pedestrian traffic to yield the right-of-way.⁴ This resulted in the collision with the Accord and the subsequent collisions thereafter.

LEGAL ANALYSIS

Penal Code §192 (c)(1) – Gross Vehicular Manslaughter

To prove the crime of vehicular manslaughter with gross negligence, California Criminal Jury Instruction (CALCRIM) No. 592 requires the People to establish that:

1. Deputy Robles drove a vehicle;
2. While driving that vehicle, Deputy Robles committed a misdemeanor or infraction or an otherwise lawful act that might cause death (entering intersection against a red light with lights but no siren);
3. Deputy Robles committed the traffic violation or otherwise lawful act that might cause death with gross negligence; and
4. Deputy Robles' grossly negligent conduct caused the death of another person.

CALCRIM No. 592 provides that gross negligence involves *more than ordinary carelessness, inattention, or mistake in judgement*. A person acts with gross negligence when:

1. She acts in a reckless way that creates a high risk of death or great bodily injury, and
2. A reasonable person would have known that acting in that way would create such a risk.

“In other words, a person acts with gross negligence when the way he or she acts is so different from how an ordinarily careful person would act in the same situation that his or her act *amounts to disregard for human life or indifference to the consequences of that act.*”

Regarding causation, the same jury instruction provides:

“An act causes death if the death is the direct, natural, and probable consequence of the act and the death would not have happened without the act. A *natural and probable consequence* is one that a reasonable person would know is likely to *happen if nothing unusual intervenes.*

There may be more than one cause of death. An act causes death only if it is a substantial factor in causing the death. A *substantial factor* is more than a trivial or remote factor. However, it does not need to be the only factor that causes the death.”

⁴ This unit was not authorized to proceed “Code-3” with lights and siren activated en route to the scene. See Attachment B.

Penal Code §192 (c)(2) – Misdemeanor Vehicular Manslaughter

To prove the crime of vehicular manslaughter with ordinary negligence, CALCRIM No. 593 requires the People to establish that:

1. Deputy Robles drove a vehicle;
2. While driving that vehicle, Deputy Robles committed an infraction or an otherwise lawful act that might cause death; and
3. Deputy Robles committed the infraction or otherwise lawful act that might cause death with ordinary negligence.

CALCRIM No. 593 defines ordinary negligence as the failure to use reasonable care to prevent reasonably foreseeable harm to oneself or someone else. It further provides that “a person is negligent if she does something that a reasonably careful person would not do in the same situation or fails to do something that a reasonably careful person would do in the same situation.”

Misdemeanor Vehicular Manslaughter has the same definition and requirement of causation as Gross Vehicular Manslaughter, as set out, above.

Applicable Rules of the Road

Vehicle Code §21453(a)⁵ provides that a driver facing a red stoplight “shall stop at a marked limit line... and shall remain stopped until an indication to proceed is shown.” Robles was driving a marked, black and white police vehicle at the time of the traffic collision and had activated the overhead emergency light bar prior to entering the intersection. V.C. §21055 states that “the driver of an authorized emergency vehicle is exempt from” various rules of the road, including the prohibition against running a red light, “under all of the following conditions: (a) If the vehicle is being driven in response to an emergency call.... (b) If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians. A siren shall not be sounded by an authorized emergency vehicle except when required under this section.”

However, V.C. §21056 warns that “[V.C. §21055] does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section.

Per V.C. §21806, other drivers are to yield the right-of-way immediately upon the approach of an authorized emergency vehicle “which is sounding a siren and which has at least one lighted lamp

⁵ All subsequent references to the Vehicle Code shall be so designated by “V.C.”

exhibiting red light.” The driver of the Accord was not in violation of this section since Robles had not activated her siren.

The evidence examined in this investigation shows that this tragic collision occurred as a result of Robles entering the intersection on a red light and without both lights and siren activated, in violation of the Vehicle Code sections cited above. However, to establish the crime of vehicular manslaughter, the People would be required to prove that Robles’ actions, under the circumstances, amounted to criminal negligence or ordinary negligence and that sounding her siren was reasonably necessary under the circumstances.

There are two key points in the sequence of events in this case which present potential issues of proof under either the felony or misdemeanor forms of vehicular manslaughter. The first is the moment when Robles decided to enter the intersection at a slow rate of speed with the overhead light bar illuminated but without sounding the siren. The second is the moment when, upon colliding with the Accord, she depressed the accelerator instead of the brake pedal, swerving to accomplish a near-miss of some pedestrians, only to cause tragedy for others.

Gross Negligence Versus Mere Mistake of Judgment

The facts of this case lead to several plausible, reasonably foreseeable defenses, including that Robles’ actions in deciding to enter the intersection do not seem to evince “disregard for human life or indifference to the consequences of that act.” Rather, since she was not authorized to proceed Code-3 with lights and siren here, she slowed to a rate of speed to account for the amount of traffic at the time, paused upon illuminating the light bar, and saw that it had the desired effect of causing the MTA bus to stop at the green light. In this view, it was mere “mistake of judgment” to fail to realize that a car, unseen beyond the bus, would enter the intersection because its driver did not see the emergency lights. Under CALCRIM No. 3404, the defendant is not guilty if she *acted, or failed to act, accidentally*, without criminal negligence.

*Gross Negligence or Pedal Application Error/Accident*⁶

Another application of this notion of accident could be applied to the second key point. It is almost inconceivable that Robles chose to accelerate and drive onto the sidewalk willfully. The downloaded data from the vehicle could support a scenario of pedal application error (PAE) in which she believed she was hitting the brakes and was panicked and confused to find the vehicle speeding up.⁷ In this view, it was the tragic accident of PAE which was the intervening cause of the horrible deaths of the young brothers.

⁶ Accident is not an affirmative defense to ordinary negligence.

⁷ See, for example, Lococo, K.H., et al. (March 2012), *Pedal Application Errors* (Report No. DOT HS 811 597). Washington, DC: National Highway Traffic Safety Administration.

Ordinary negligence and causation versus reasonable care

Another variable is the fact that Robles was a trainee and presumably following the instructions of Moran in responding to the call, slowing the vehicle upon approaching the intersection, illuminating the light bar, and entering the intersection at the moment she did. This situation complicates a juror's analysis of what "a reasonably careful person" would do under the circumstances. In such a case, where experts would say that PAE-related factors were present, it raises the question of whether both Moran and Robles reasonably believed she would be able to control her speed across the intersection such that she would not endanger the lives of pedestrians on the sidewalk.

In this manner, concepts of 'mere accident' encroach on the analysis of misdemeanor vehicular manslaughter-ordinary negligence. Namely, it was reasonable for Robles to rely on her trainer's instructions. It was reasonable for her trainer to expect her to perform competently, having seen her respond safely and appropriately to a Code-3 call less than a half-hour prior to this incident.⁸ And neither of them could have reasonably foreseen PAE and a tragic chain reaction. In this view, the deaths were not natural and probable consequences of entering the intersection because the unexpected acceleration was *not* "likely to happen." Rather, the accidental acceleration was an unusual, intervening factor that breaks the chain of causation. The People's rebuttal would be that the initial decision to enter the intersection without sounding the siren was nevertheless a "substantial factor" in the boys' deaths.

The evidence examined in this investigation shows that this tragic collision occurred as a result of Robles entering the intersection in violation of Vehicle Code sections 21453(a) and 21055. However, to establish the crime of vehicular manslaughter, the People would be required to prove that Robles' decision to do so after slowing, illuminating the patrol vehicle's light bar, and seeing other traffic stop, under the circumstances, was negligent and that "nothing unusual" intervened in the chain of causation. CALCRIM 592 and 593.

Unlike a civil case where the standard of proof is "by a preponderance of the evidence," the People would be required to prove Robles was negligent beyond a reasonable doubt. Based on all of these circumstances, the People cannot prove beyond a reasonable doubt that Robles' conduct in the performance of her duties constituted a failure to use reasonable care to prevent reasonably foreseeable harm as required under the statute.

CONCLUSION

Based upon the foregoing analysis, we find insufficient evidence to prove that Deputy Carrie Robles-Placencia committed the crime of vehicular manslaughter. As such, we decline to initiate criminal proceedings against her. We are closing our file and will take no further action in this matter.

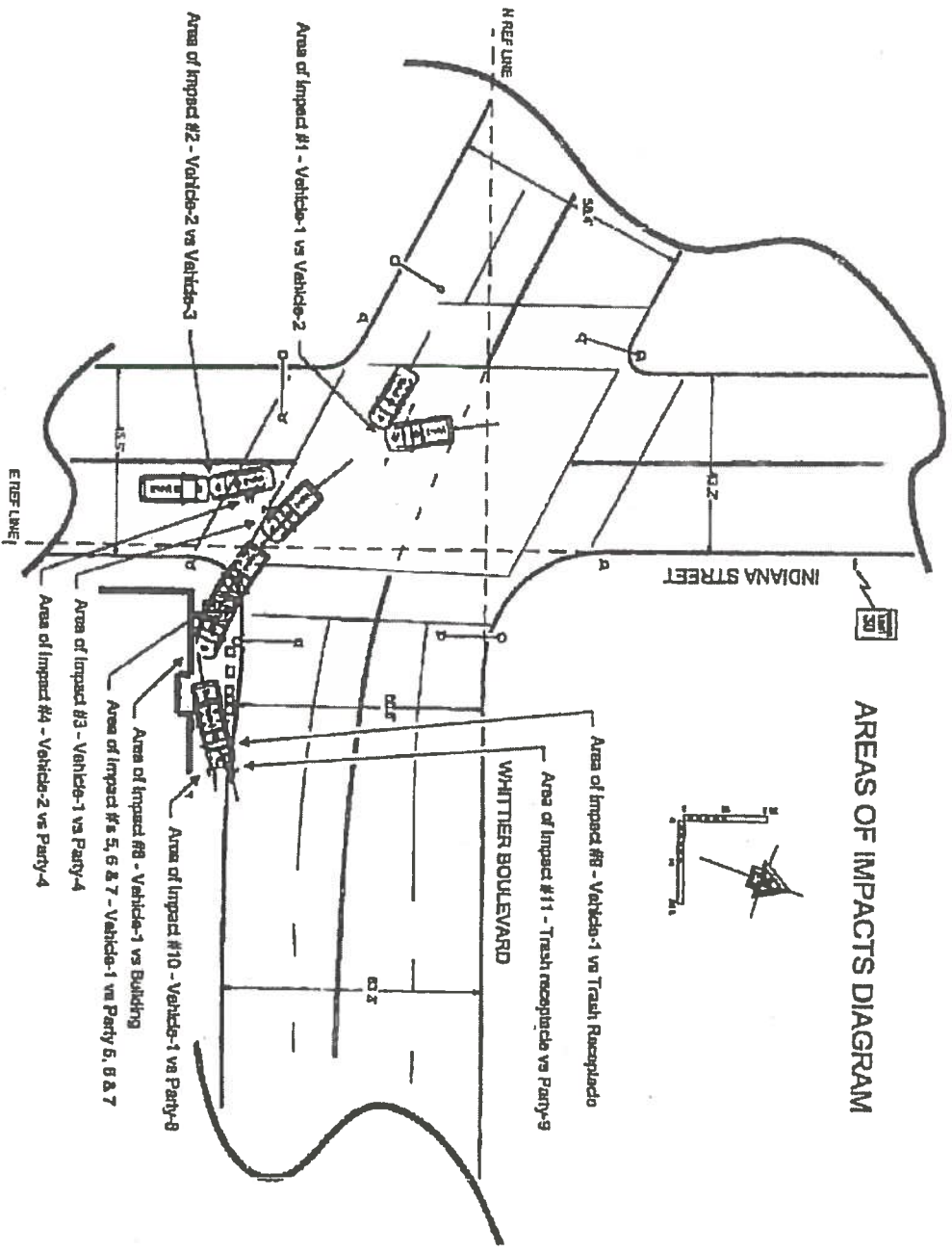
⁸ See Attachment B.

ATTACHMENT A SCENE DIAGRAMS

STATE OF CALIFORNIA
FACTUAL DIAGRAM

PAGE 11 OF 45

DATE OF INCIDENT X 11/18/2017	TIME X 1920	NCIC NUMBER X 1842	OFFICER I.D. NUMBER X 39444	NUMBER X 17-04-18335
----------------------------------	----------------	-----------------------	--------------------------------	-------------------------

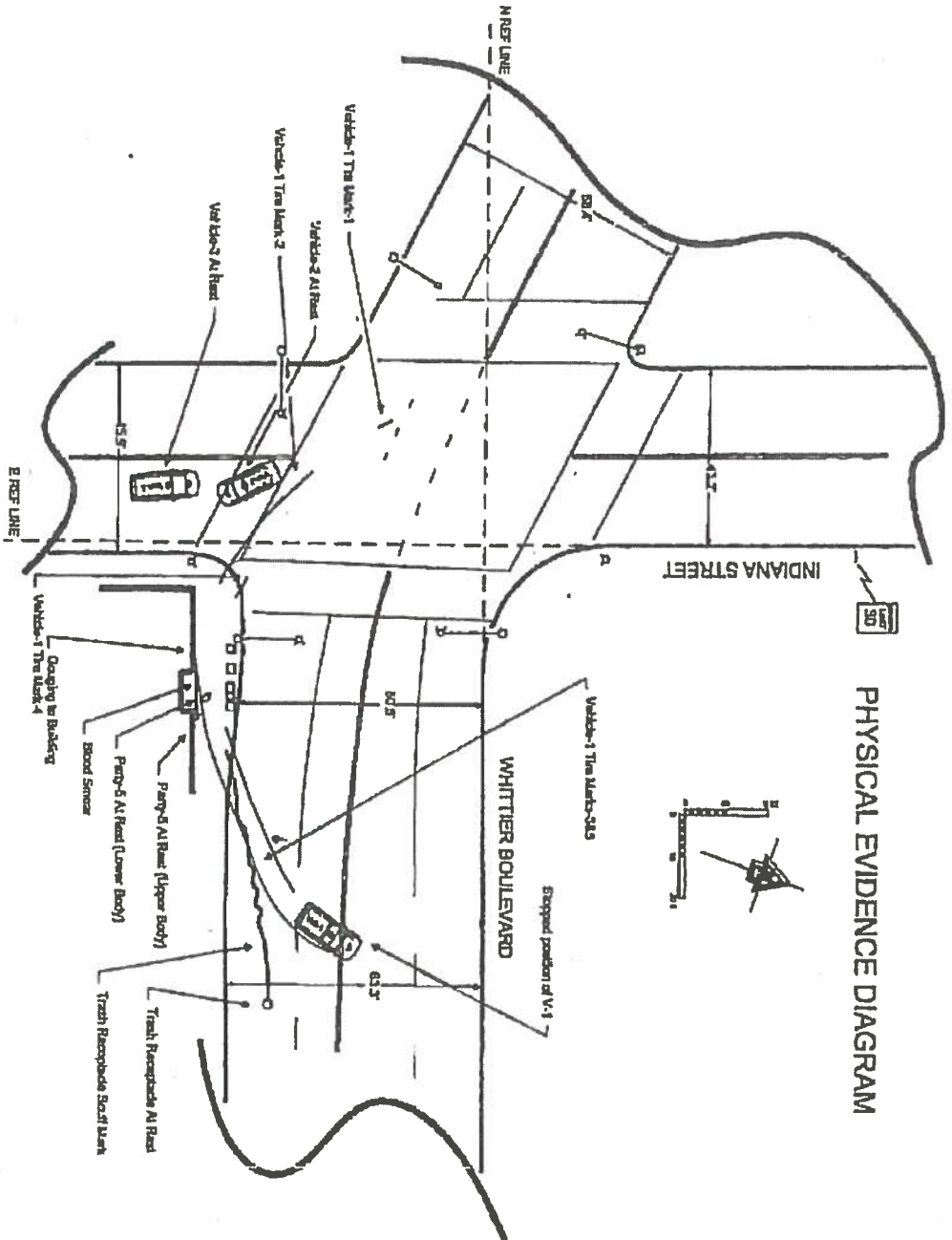


PREPARED BY X S. HOLMES	ID. NUMBER X 39444	DATE X 01/18/2018	REVIEWER'S NAME X	DATE X
----------------------------	-----------------------	----------------------	----------------------	-----------

STATE OF CALIFORNIA
FACTUAL DIAGRAM

PAGE 16 OF 45

DATE OF INCIDENT X 11/16/2017	TIME X 1920	NCIC NUMBER X 1942	OFFICER I.D. NUMBER X 39444
----------------------------------	----------------	-----------------------	--------------------------------



PREPARED BY X S. HOLMES	I.D. NUMBER X 39444	DATE X 01/16/2018	REVIEWER'S NAME X	DATE X
----------------------------	------------------------	----------------------	----------------------	-----------

Charge Evaluation Worksheet
J.S.I.D. File #18-0093R
L.A.P.D. File #17-04-18335
Page 9 of 11

ATTACHMENT B CHRONOLOGY

Chronology:⁹

- 19:09:25 Patrol vehicle traveling north on Indiana Street near Gleason Avenue
- 19:09:45 Patrol vehicle traveling south on Indiana Street; goes Code-3 at 10 mph
- 19:10:01 Patrol vehicle goes off Code-3; is stopped facing north on Indiana Street at Gleason Avenue for about 8 minutes
- 19:17 LASD Communications broadcasts a call of an ADW/GSV¹⁰ at Triggs and Downey Streets in the East LA area; need for numerous units
- LASD Unit #23 is designated primary unit dispatched to the call
 - Units #2 and #24 is authorized to respond Code-3
 - Broadcast correction 44 seconds into this call: Units #23 and #24 are the only units authorized to respond Code-3
- 19:18 Sirens in background, various units responding to ADW at Triggs
- 19:18:48 Patrol vehicle traveling south on Indiana Street from Gleason Avenue at 35 mph
- 19:19 Unit #23 arrives at the ADW call and broadcasts description of suspect.
- 19:19:52: Patrol vehicle is stopped on Indiana Street near Lanfranco Street (north of scene)
- 19:20:08 Patrol vehicle travelling south on Indiana Street at 28 mph, near the intersection with 6th Street
- 19:20:18 Patrol vehicle travelling south on Indiana Street at 60 mph between intersections with Hubbard and Percy Streets (consistent with observations of witness on Indiana Street)
- Robles flips toggle to Code-3 and light bar is illuminated
 - 4 seconds prior to first collision, brake is disengaged¹¹

⁹ This LASD vehicle was equipped with the Bosch Crash Data Retrieval (CDR— “black box”) System and the GST Tracker System which utilizes GPS technology to provide location, speed, and light bar status. The CDR data was obtained via search warrant and downloaded by LAPD MCIT. LASD provided the GST data to LAPD. The GST data is captured at 10-second intervals. In this case, the GST software did not retain the light bar activation, which instead has been determined based on security camera video and eyewitness statements. The CDR data captured some of the available measurements for the 5 seconds prior to the first impact and for the 2.1 seconds between the first and second impact. The notations accompanying the downloaded data indicate that “It is possible that conditions in a crash may result in an incomplete event data record.”

¹⁰ Assault with Deadly Weapon/Gunshot Victim.

¹¹ At some point seconds before Robles removes her foot from the brake, she flips the toggle to the third position since the overhead light bar is seen to illuminate as the patrol vehicle continues to slow on its approach toward the Whittier intersection.

- 19:20:28 Patrol vehicle travelling south on Indiana Street at 10 mph between the intersections of Whittier Boulevard and Calzona Street
- Throttle of vehicle is at 36% prior to first collision.
 - Speed of vehicle is 14 m.p.h. at first collision (LASD versus Honda Accord)
 - Throttle of vehicle accelerates to 100% and remains at 100% until collision with Wells Fargo Bank wall
 - Speed of vehicle is 22 m.p.h. at second collision (LASD versus Wells Fargo Bank wall)
 - Data for throttle of vehicle is not registered after collision with bank wall
 - After series of collisions, brake is re-applied
 - Brake lights are seen to illuminate after collision with trash can and unit exits the sidewalk
- 19:20:39 Patrol vehicle travelling northeast on Whittier Boulevard between the intersections with Indiana Street and with S. Alma Avenue at 11 m.p.h.
- 19:20:47 Patrol vehicle completely stopped facing north on Whittier Boulevard¹²
- 19:20 Patrol-initiated broadcast advises a vehicle versus pedestrian traffic collision occurred at the intersection of Indiana Street and Whittier Boulevard, and three additional units, RAs,¹³ CHP,¹⁴ and a sergeant are needed. A female voice from the scene broadcasts multiple people are down and identifies the unit as #21
- 19:21 LASD units broadcast request to block traffic from entering scene
- 19:26 LAPD receives call of two vehicle traffic collision involving five pedestrians and East LA Sheriff's, with three rescue ambulances responding; initiates incident and seeks to route units to scene
- 19:35 First LAPD unit acknowledges en route to scene

¹² Per GST Tracker data, the unit did not move again until a time and direction were logged which coincided with its being towed from the scene.

¹³ Rescue Ambulances

¹⁴ California Highway Patrol