

The 911 Mystery

Questions surround off-duty LAPD cop's calls for help

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Photo by Ted Soqui A 911 call made by an off-duty Los Angeles police officer moments after he shot a man who tried to sell him jewelry at a restaurant in Lynwood raises questions about the official version of events.

The timing of the call contradicts the Sheriff's Department news release, which said Officer Jose Cortez Amaya called for help before he shot 23-year-old Alfonso Ruben Renteria Gonzalez. The Sheriff's news release said Amaya called 911, then shot Gonzalez when he "reached into his pants pocket and pulled out an object." The department refuses to identify the object; the Gonzalez family attorney says Gonzalez had a bottle of Thunderbird in his pocket.

The shooting occurred around 1:40 p.m. April 26 at Lucy's Drive-In in Lynwood, which contracts with the Sheriff's Department for police services. The 6-foot-2 Gonzalez approached the 5-foot-5 Amaya, who was out of uniform, on the patio of the restaurant and tried to sell him costume-jewelry chains and rings. When the 39-year-old Amaya turned down his request, Gonzalez grew increasingly agitated, the news release said.

A copy of the 911 tape, obtained by the *Weekly*, contains two calls. The first, from an unidentified civilian, reported in Spanish, "They've shot a kid." In his one and only call on the tape, Officer Amaya refers to "a civilian" and then clearly says, "He tried to attack me, and I just shot him."

"You just shot him?" the dispatcher repeated.

"Yeah, I just shot him," the officer replied.

Detective Kevin Lowe of the Sheriff's Department Homicide Division said the news release, including the mistaken idea that the 911 call came in before the shooting, was based on statements made by Amaya and a witness, whom Lowe would not name.

The timing of Amaya's 911 call is an issue because it goes to the officer's credibility when he reported his side of the story to the Sheriff's Department, and could also provide insight into his state of mind. A call made as a situation escalated could suggest a calm approach and a clear-headed attempt to bring in more officers and possibly avert a violent outcome. In his 911 call after shooting Gonzalez, Amaya calls for backup, an expression one might use during, not after, an incident. Afterward, a call for an ambulance might be more in order. Gonzalez died, about an hour after the shooting, at St. Francis Medical Center from multiple shots to his chest.

Lowe said investigators are waiting for cell-phone records from that day to confirm the time of the call. As to the 911 tape, Lowe cautioned that "I'm not listening to the tape right now, but what I heard was the two phone calls we got from the [California Highway Patrol] — if that's what you heard, it must be the same tape."

Lowe's boss, Lieutenant Ray Peavy, first asserted that the CHP provided an incomplete 911 tape to the *Weekly*, because he'd been told that a witness recalled seeing the off-duty officer on the phone prior to the shooting. When contacted later, Peavy said that the matter would require further investigation before he could say anything definitive.

The 911 tape, supplied by the California Highway Patrol, which fields cell-phone calls, explicitly states, "All 911 calls regarding this incident are included." A CHP spokeswoman, when told of Peavy's statement, reiterated that the tape was complete.

Other questions are raised by the 911 tape. In Amaya's call after the shooting, the officer says, "He tried to attack me," but makes no reference to a weapon in Gonzalez's hand. Fear that the jewelry vendor was armed and reaching for a "shiny object" was the final reason offered in the Sheriff's Department account for the officer's opening fire — after calling 911 for help.

Police-litigation attorneys call reports of suspects reaching for waistbands and thus provoking a shooting "shopworn" and "hackneyed." This shiny-object-going-for-the-waistband stuff I've heard too many times," says attorney Tom Beck, who has pursued police-misconduct cases for almost 20 years.

Another contradiction of the official version lies in the account of a witness interviewed by the Mexican Consulate, which has filed a complaint against the city. The witness, who was a friend of Gonzalez's, said that the off-duty officer was holding the jewelry and refused to return it, telling Gonzalez that it was illegal to sell it. When Gonzalez demanded that he return the jewelry, Amaya replied, "Go home or I'll shoot you." Fernando Herrera, the consulate's investigator, said other witnesses disagreed on whether Amaya threatened to shoot.

Several investigations related to the Gonzalez case are going forward. One is being conducted internally by the LAPD; its officers were sent to the scene in Lynwood. That probe is examining tactics, the drawing of a weapon, and whether the use-of-force falls within department policy. The Sheriff's Homicide Division continues its investigation, and the Los Angeles County District Attorney's Office, which sent a roll-out team to the site, will decide whether further action is warranted.

The Mexican Consulate has assigned the case to consulting attorney Marco Lopez, of the Los Angeles firm Sayre & Chavez. Lopez has filed a claim against the city, the first step in seeking damages on behalf of Gonzalez's mother in Mexico.

Gonzalez, who arrived here two years ago from Mexico, lived with relatives in Pico-Union. Until recently, he sold jewelry along Maple Street in downtown's Fashion District.