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WARNING: (FRAIL) HUMANS AT WORK

Amid chaos and uncertainty, the presence of a gun can prove lethal



For *Police Issues* by Julius (Jay) Wachtel. Adrian Abelar concedes that he had a pistol in hand when he stepped out of his vehicle on that fateful day in September 2021. But [his lawsuit](#) against the L.A. County Sheriff's Department insists that his intentions were actually benign:

As plaintiff complied with Deputy 1's direction to exit, he discarded a handgun, tossing it away from himself and the Mazda. (pg. 4)

Alas, that's definitely *not* how the deputies saw it. According to the [video compilation](#) posted by the L.A. County Sheriff's Department, Deputy #1 ordered Abelar out of the car. And when he saw that the man had a gun in hand, the deputy frantically (and repeatedly) yelled "gun!":





Deputy #1 and his partner (Deputy #2) instantly wrestled Abelar to the ground. Deputy #3 (identified by the Sheriff and in the lawsuit as Deputy Yen Liu) then fired once. Discharged about *six seconds* after Deputy #1 yelled “gun”, her bullet struck Abelar, who was lying on his stomach, in the back. Thankfully, the wound wasn’t fatal.

Should Deputy Liu have fired? We’ll come to that later. First, let’s explore what brought the deputies to the auto body shop where the encounter took place. According to the Sheriff’s video compilation and “[transparency summary](#)”, the shop’s owner had telephoned the sheriff’s station to report that a man, later identified as Abelar, brought in his car and demanded it be promptly repaired because he was wanted for murder:

...Alright, I got a body shop. I got a guy on my property who’s telling me fix his car right away because he’s up for attempted murder, and the cops are chasing him all over the neighborhood. He just pulled into the back of my shop a half hour ago, needs wheel bearings and I just want him out of here because I just had a “Redacted”, and so if you guys could just roll by he’s in a 2009 Black Mazda 4-door, he’s about 6-2, about 110 pounds, very very light skin with a tank top his girlfriend is in his car; get them off my property please...

The deputies’ response was delayed, and the shop owner called back to complain. When the badge-wearers finally arrived, they found Abelar and his girlfriend seated in a car that was clearly undergoing repairs. Its left front wheel was gone and the front end was jacked up.



Deputy #1 spoke with Abelar. During their interaction, which went on for about five minutes, Abelar was evasive throughout. He purposely misspelled his last name (“v” instead of “b”), furnished an incorrect birth-date, and falsely asserted that the shop had his driver license. That caused a brief delay as deputies confirmed that no, it

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didn't.

Why was Abelar deceptive? Here's a summary of his Los Angeles Superior Court cases, which we gathered through a paid [online search](#):

Off./arr.	Case no.	Charges	Dispo.
9/21/13	XSEVA 131982	Lewd act on child (mult. counts), assault with deadly wpn	1/13/14: Pled nolo to PC273a (F); willful cruelty to child; 4 yrs. prison, 5 yrs. prob.
8/21/14	DOWVA 136527	Injuring spouse, cohabitant	9/8/14: Pled nolo to PC273.5a (F); 2 yrs. prison, 3 yrs. prob.
6/8/15	DOWVA 139332	Criminal threats, brandish replica gun	6/22/15: Pled nolo to PC422(a) – crim threats (F); 2 yrs. prison.
2/3/18	LACBA 465278	Take vehicle w/o consent	2/23/18: Pled nolo to VC10851(a) – take vehicle (F), 2 yrs. prison
10/7/20	DOWVA 154423	Poss. drugs for sale, poss. gun & ammo. by narco. Addict	3/6/21: Pled nolo to PC29088(a) – gun poss. by addict (F); 16 mos. prison
11/25/20	LACOES 05230	Will. cruelty to child, batt. On peace ofcr., false inf. to peace ofcr., burg 2 nd . deg.	1/27/21: Pled nolo to PC148.9 – false ID to peace ofc. (M); 128 days jail
9/2/21	REV1PB 03537	Probation violation	Probation warrant issued; 11/10/21 revoked & reinstated
2/22/22	REV2PB 00664	Probation violation	3/24/22: Revoked & reinstated
6/13/22	REV2PB 02421	Probation violation, warrant request	8/19/22: No bail warrant issued

Abelar was a convicted felon. His 2014 conviction for felony child cruelty would prohibit his possession of a firearm. Six years later he was convicted of gun possession by an addict. And while he wasn't wanted for "murder," he *was* wanted for violating the term of probation that was imposed after a 2020 conviction for furnishing



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false ID to police.

During Abelar's most recent tangle, the three deputies who responded didn't know who Abelar really was, nor that he was armed with the pistol depicted above until it was literally too late. Their subject's deceptive demeanor, though, seemed clear from the start. Here's how the Sheriff's video set out the initial five-minute encounter:

ABELAR DID NOT HAVE IDENTIFICATION AND PROVIDED FALSE INFORMATION REGARDING THE SPELLING OF HIS NAME AND HIS DATE OF BIRTH TO THE DEPUTIES.

AFTER SPEAKING TO ABELAR FOR APPROXIMATELY FIVE MINUTES, THE DEPUTIES DECIDED TO DIRECT HIM TO STEP OUT OF THE VEHICLE IN ORDER TO IDENTIFY HIM AND DETERMINE IF HE IN FACT HAD A WARRANT FOR HIS ARREST.

ONE OF THE DEPUTIES OPENED THE DRIVER'S SIDE DOOR OF THE MAZDA AND ASKED ABELAR TO STEP OUT. ABELAR SUDDENLY EXITED THE CAR ARMED WITH A HANDGUN IN HIS RIGHT HAND.

THE DEPUTY YELLED, "GUN, GUN, GUN" AND A SHORT PHYSICAL STRUGGLE ENSUED. BOTH THE DEPUTY AND ABELAR FELL TO THE GROUND NEXT TO THE DRIVER'S SIDE DOOR, AND A DEPUTY-INVOLVED SHOOTING OCCURRED.



At the end of those five minutes, Deputy #1 ordered Abelar out of the car. As Abelar began to exit, the deputy realized that the man was gripping a gun in his lowered right hand. Deputy #1 instantly began yelling "gun!" and took Abelar to the

ground. Deputy #2 jumped in to help. During this process, which took all of five seconds, Abelar's pistol fell away. Deputy #3, however, was a few steps off. *She may have never seen the gun.* But what she knew for sure was what Deputy #1's "gun, gun, gun" alert forcefully conveyed *six seconds* earlier: that deceitful, violent man who told the body shop owner that he was wanted for murder was *armed*.

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If so, would her ostensibly defensible reason for shooting Abelar overcome the fact that he had, seconds earlier, been disarmed?

Adrian Abelar survived his wound. Alas, uses of force gone astray often prove needlessly lethal. An instance that stands out for its tactical complexity is the [2020 killing of Breonna Taylor](#) by Louisville police officers who were serving a no-knock search warrant at the apartment she shared with her boyfriend, Kenneth Walker. As it turns out, the warrant was, evidence-wise, deeply flawed. But our attention here is on the situation officers encountered when, seconds after making entry, they were fired on by Mr. Walker, who said he thought they were intruders. His bullet struck an officer in the leg. Police unleashed a barrage of return fire. Their shots missed Mr. Walker but fatally wounded Ms. Taylor, who was unarmed but had appeared alongside him. Shots fired by Detective Brett Hankinson entered an adjoining apartment. Although they struck no one, he wound up being the only officer prosecuted in this case.

As one might expect, ordinary citizens were stymied by the unforgiving circumstances that Detective Hankinson and his colleagues had faced. Hankinson was acquitted of state endangerment charges, and his Federal trial for civil rights violations [recently ended with a hung jury](#).

Back to Abelar. Deputy #3 seemingly got caught up in a complex, life-threatening situation not unlike what the Louisville cops faced. But there's a hitch. Check out the voice-over caption that accompanies the 12:06 frame of the sheriff's video (its accompanying background image was purposely blurred out):

(Deputy) Put your gun away (male groaning)

“Put your gun away” was rapidly uttered by a male. It seems that seconds after Deputy #3 fired, one of her colleagues told her to holster her pistol. His comments carried a clear implication of disapproval.

To be sure, another deputy might have handled things differently. From the beginning (see, for example, [“When Cops Kill”](#)) we've emphasized that differences in personality, experience and training greatly affect how officers react. What's more, even “routine” policing is packed with chaos and citizen noncompliance. And while the post-Floyd era has led agencies to try to “fix” things by fashioning ever-more-complex rules to guide the police response, what the deputies faced on September 21, 2021 was decidedly extreme. We thus struggle to come up with a procedural “fix” that would have guaranteed a chronically misbehaving gunslinger came out unscathed.

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Well, there *is* one approach. Set rule-making aside. Make in-depth, broadly-based, no-holds-barred discussions of the unforgiving circumstances that officers often encounter a major component of training and, as well, a routine part of every roll-call. Be sure to throw *everything* into the mix, including the foibles of citizens *and* cops. And by all means, don't feel compelled to preordain (or even offer) "solutions." You see, it's precisely the "unsolvable" that we must squarely face.