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A BROKEN “SYSTEM”

***Exploiting yet another break, a parolee absconds.
He wounds three police officers, and society shrugs.***

For Police Issues by Julius (Jay) Wachtel. We're not privy to juvenile records. So all we can say is that the first significant criminal action against Jonathan Magana took place just a few months after his eighteenth birthday, when the Los Angeles resident was arrested for armed robbery. Two months later, after pleading “nolo” to a felony, the young adult drew a year in county jail and five years' probation. As a felon, he became forbidden from ever having guns or ammunition.

Alas, Mr. Magana's first adult brush with the law apparently had little effect. Our search of L.A. County Superior Court records reveals that he enjoyed quite the criminal career. Here are his known arrests (most recent first):

- **10/5/22:** Battery on a peace officer, felon with a firearm and parole violation. Posted bail. On 2/2/23 warrants were issued for failure to appear.
- **10/27/19:** Armed robbery (two counts) and attempted robbery. Pled guilty on 2/4/20, sentenced to four years imprisonment.
- **9/14/14:** Possession of controlled substance. Pled guilty on 4/2/15, got 40 days in jail.
- **8/31/13:** Felon with a firearm. Pled nolo on 2/28/14, drew one year county jail, three years probation.
- **5/1/11:** Felon with ammunition. Pled guilty on 5/11/11, got 32 months prison.
- **12/17/09:** Hit and run, no driver license. Pled nolo on 10/25/10, got probation.
- **2/6/09:** Armed robbery. Pled nolo on 4/28/09, got one year county jail, five years probation.

Except for a gap following his 2014 arrest, Mr. Magana was always convicted on new charges well before his existing sentence would have expired. Yet punishment-wise, Mr. Magana always got a break. In December 2009, less than eight months after drawing a year for armed robbery, Mr. Magana was arrested for hit-and-run

and unlicensed driving. He got a slap on the wrist. In August 2013, less than twenty-eight months after getting thirty-two months for having ammunition, Mr. Magana was caught with a gun. That earned him county jail time and probation. And most recently, in October 2022, thirty-two months after being sentenced to two prison terms for two robberies – one for four-years, another for one year – Mr. Magana was again caught with a gun. He also battered a cop.

Mr. Magana faced a parole violation. Yet he was nonetheless allowed to post bail. And as one might have expected, he flew the coop. Five weeks later, on March 8, LAPD officers spotted the fugitive. [He ducked into a residence](#). Police ordered him to come out, but he refused. So a K-9 team went in. Mr. Magana responded with gunfire. Three officers were wounded, fortunately none critically.

SWAT took over and sent in a robot. Mr. Magana's body was hauled out later that night. He had committed suicide.

"Three officers shot" dominated the broadcast news. But when we turned to our main go-to source for happenings in Southern California, the *Los Angeles Times*, their coverage seemed to lack its usual depth. Click [here](#) for the first piece, and [here](#) for the second. Three days after the shooting, [its weekly "The Week in Photos" feature](#) was prominently tagged "A brutal killing devastates a family; meanwhile, California braces for flooding". That "family" was unrelated to the officers' shooting. As for the cops, their tragedy was accorded one measly picture, and it could only be reached after considerable scrolling. It depicts a patrol officer placing a flare on the roadway.

Fortunately, other news outlets proved quite informative. [A detailed account](#) by the *Associated Press* featured some telling comments from the board of the L.A. police officers' union:

Although we believe they will recover physically, each of these officers will live with the memory of almost losing their lives at the hands of a wanted fugitive in a hail of gunfire. What occurred last night to these Metropolitan Division K-9 officers happens all too often to law enforcement officers and is a stark reminder of the inherent danger every officer faces when they put on their uniform each day.

KTLA, a local television station, [posted a print version](#) of its comprehensive on-air coverage. After exploring Mr. Magana's criminal past and the breaks he got in some detail, it conveyed the heartfelt comments of L.A. Mayor Karen Bass, who spoke with two of the officers in the hospital:

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I think that it was just important for me to be here. This is a place that is familiar to me. I used to work here in the emergency room, in trauma, and so to go back to the emergency room now to try to bring comfort and support to officers was something that was very important and meaningful to me...It is worth repeating that we must do much, much more to protect our officers and protect our communities.

To be fair, the *Times* did (briefly) allude to Mr. Magana's criminal career. But its coverage was far less informative than what we found elsewhere. Say, [in the Washington Times](#). Its detailed account was descriptively entitled "Another felon released early from prison shot three police officers in Los Angeles."

Alas, many such encounters have produced tragically lethal endings. Here are four recent Southern California examples (see updates to "[Catch and Release](#)"):



Michael Paredes

Joseph Santana

Isaiah Cordero

Gonzalo Carrasco Jr.

- On June 14, 2022, [a multi-convicted felon](#) shot and killed El Monte, Calif. police officers Michael Paredes and Joseph Santana as they responded to a domestic violence call. Justin Flores wouldn't have been running loose had progressive L.A. District Attorney George Gascon not barred his deputies from using sentencing enhancements. Instead, the known gang member was back on the streets after serving twenty days for felon with a gun.
- On December 1, 2022 [a multi-convicted felon](#) shot and killed Riverside County (Calif.) Deputy Isaiah Cordero during a traffic stop. Two months earlier William Shea McKay was convicted of crimes including false imprisonment and evading police. But a judge released him on bail and repeatedly postponed sentencing. Police later shot McKay dead. To the *Times'* credit, it published a piece that deeply probed McKay's criminal past. It was entitled "Why a three-strikes felon — on bail twice over — was on the streets, where he gunned down a deputy."

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- On January 31, 2023 [a 23-year old ex-con](#) shot and killed Selma, California police officer Gonzalo Carrasco Jr. Officer Carrasco, who had two years on the job, encountered Nathaniel Dixon on a suspicious person call. Dixon had served a brief prison term for robbery. Once released he accumulated a series of gun and drug convictions. But thanks to [a considerate plea deal](#) and California's "Public Safety Realignment Act" (see below) he was on probation.

"[Cause and Effect](#)" traced California's easing of punishment to September 2010, when then-Governor Schwarzenegger [signed a bill](#) raising the threshold for felony Grand Theft from \$400 to \$950. One year later came the "[Public Safety Realignment Act](#)", which redirected "non-serious, non-violent" offenders from state prison to county jail. In 2014 [Proposition 47](#) reclassified all thefts where losses don't exceed \$950 (including break-ins formerly treated as burglaries) to misdemeanors. Two years later came the alluringly entitled "[Public Safety and Rehabilitation Act](#)", which directed that persons convicted of non-violent crimes be paroled after completing their primary term, regardless of other charges or sentence enhancements. And in 2022, [AB 2361](#) forbid transferring minors to adult court without proof that they couldn't be rehabilitated if treated as juveniles.

Progressive places are likely to "realign" until the proverbial cows come home. But coupling high-sounding concepts such as "realignment" and "rehabilitation" with "public safety" overlooks a chronic problem. According to a September 2021 BJS report, "[Recidivism of Prisoners Released in 24 States in 2008](#)", 81.9 percent of the members of this population of releasees was rearrested within ten years; 39.6 percent for a violent crime and 47.4 percent for a property crime (Table 11). And when rearrested, those who had been imprisoned for a violent crime were somewhat more likely than property offenders to be charged with a violent offense (44.2% v. 39.7%).

What's more, the length of prison terms proved important (Table 14). Inmates who served sentences longer than the median (15 months) were less likely to be rearrested within ten years (75.5% v. 81.1%). That was particularly so for those who had been convicted of a violent crime. For this group, 78.3 percent who served terms less than the 29-month median were arrested within ten years of release. That dropped to 66.4 percent for inmates whose sentences had exceeded the median, a statistically significant difference.

Still, as in virtually every other aspect of public policy, ideology rules. One day before Mr. Magana wounded the three officers, the Los Angeles city council [put off a decision](#) on whether to accept a \$280,000 gift to acquire an advanced robotic dog. Although its donor, the LAPD Foundation, assured lawmakers that the newfangled

creature “would allow authorities to avoid unnecessarily putting officers in harm’s way and potentially avoid violent encounters,” protesters argued that its true purpose was to help cops spy on minorities.

Your blogger is no fan of harsh policing. Nor of harsh punishment (see, for example, [“Tookie’s Fate”](#) and [“Lock’Em Up”](#)). But what he learned during a law enforcement career makes him reluctant to endorse get-out-of-jail-free cards. As the [BJS report](#) mentioned on its very first page, “about 61% of prisoners released in 2008 returned to prison within 10 years for a parole or probation violation or a new sentence.” Still, convicted persons can’t be locked up forever. While officers Paredes, Santana, Cordero and Carrasco would have certainly benefited had their assailants remained in custody, long prison terms provoke liberty concerns and are *very* expensive. At some point inmates *must* be let go.

So what *could* help? Progressively-minded California has a couple of intriguing approaches. At the state prison in Lancaster, an [“Offender Mentor Certification Program”](#) trains prisoners as alcohol and drug addiction counselors. Its intense eighteen-month program, which includes an lengthy, hands-on internship, has enabled many former inmates to secure related positions after release. And in a [brand-new effort](#), Governor Gavin Newsom announced a re-do of infamous San Quentin prison – California’s oldest lockup and the home of its only death row (he halted its use in 2019). Based on a Scandinavian model, the “Big Q” will focus on rehabilitation, education and training. California’s re-do ([it’s already in place](#) at SCI Chester, a Pennsylvania prison) has drawn interest [from across the U.S.](#)

Yet for now, when it comes to punishment, the criminal justice “system” is clearly broken. Whether their disputes reflect differences in ideology or perspective, judges, prosecutors, cops and corrections officials can’t seem to agree on basics such as length of confinement, terms of release, and what to do when efforts to give someone a “break” don’t work. And it’s not just cops who suffer the consequences. So until “Little Scandinavia” (that’s what they call SCI Chester) becomes a universal reality, perhaps we ought to encourage everyone who participates in that imperfect “system” to take a deep read of that sobering BJS report.

It couldn’t hurt.