

INTRADEPARTMENTAL CORRESPONDENCE

November 14, 2018

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 004-18

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 004-18. A Use of Force Review Board (UOFRB) was convened on this matter on October 29, 2018. I have adopted the recommendations from the UOFRB for this incident and hereby submit my findings in accordance with Police Commission policy.

[REDACTED]

On January 14, 2018, at approximately 0632 hours, Communications Division (CD) broadcasted the following call for service: *“Any Hollenbeck unit, possible ADW suspect, 3491 Amethyst Street. Suspect number one, male Hispanic, 20 years, black hoodie, black pants, holding a black handgun. Number two, male unknown wearing all black. Both suspects are sleeping on the ground behind a silver Honda Accord, Code Two, Incident 1097, Reporting District (RD) 41.”*

Note: The investigation revealed the 911 call for service was generated by witness [REDACTED]. According to [REDACTED] exited [REDACTED] residence to go to work. As [REDACTED] walked toward [REDACTED] vehicle, [REDACTED] observed two males asleep behind [REDACTED] vehicle, which was parked on the driveway. One of the males had a gun in his hand that was resting on his thigh.

Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Hollenbeck Patrol Division, were in full uniform, driving a marked black and white police vehicle. The officers heard the broadcast and advised CD they were responding to the radio call.

Note: According to Officer [REDACTED], while enroute to the radio call, Officer [REDACTED] read [REDACTED] the comments of the call.

According to the officers, they have worked together on several prior occasions. They have discussed various tactics including foot pursuits, separation, apprehension versus containment mode of foot pursuits, tactical vehicle deployment, contact and cover, and

[REDACTED]

de-escalation.

According to the officers, the radio call was at an unusual location, so Officer [REDACTED] utilized [REDACTED] personal Global Positioning System (GPS) to *guide* them to the location. The GPS subsequently directed them to the three-way intersection of Galena Street, Sardonyx Street, and Amethyst Street. The officers unknowingly turned onto Sardonyx Street and parked down the street from where they believed the suspects were located. After briefly searching the area, the officers realized they were on the wrong street. The officers then re-entered their vehicle and drove east on Sardonyx Street towards the correct location (**Additional Tactical Debrief Topics – Situational Awareness**).

According to Officer [REDACTED] *made the turn* from Sardonyx Street onto Amethyst Street. As [REDACTED] *started to look for the address* of the radio call, *two suspects appeared that matched the description in the radio call*. One suspect, later identified as C. Escobedo, was *lying down on the ground and appeared to be sleeping*. The other suspect, who was not identified, was *sitting on the ground holding onto his knees and looking around*. Officer [REDACTED] advised [REDACTED] partner they were *right on top* of the suspects.

Note: The investigation revealed Amethyst Street is a narrow east/west roadway, approximately 17 feet in width, with a single lane of traffic in each direction. Escobedo and the unidentified suspect were located on the driveway of the residence located at [REDACTED] Amethyst Street, approximately 68 feet west of the three-way intersection.

A review of Officer [REDACTED] Body Worn Video (BWV) captured [REDACTED] stopping the police vehicle just east of [REDACTED] Amethyst Street and saying, "*Oh shit, right here. Right on top of them.*"

According to Officer [REDACTED], *at that time, [REDACTED] did not see any weapons*. Officer [REDACTED] exited [REDACTED] vehicle and drew [REDACTED] service pistol based upon *the comments* of the radio call that one of the suspects was *armed with a gun*. Officer [REDACTED] assumed a position of cover *behind the engine block* of the police vehicle *to get a better view* of Escobedo and the unidentified suspect (**Drawing/Exhibiting**).

Note: Officer [REDACTED] BWV captured [REDACTED] activating the light affixed to [REDACTED] service pistol and illuminating Escobedo and the unidentified suspect.

According to Officer [REDACTED] partner *turned* onto Amethyst Street and *stopped* the police vehicle. Officer [REDACTED] exited the vehicle. Based upon [REDACTED] *reasonable belief* that one of the suspects was *armed with a firearm*, Officer [REDACTED] drew [REDACTED] service pistol (**Drawing/Exhibiting**).

According to Officer [REDACTED] *gave* the unidentified suspect *commands to stand up*. The unidentified suspect *stood up* and *took off running northbound up the driveway* of the residence. Officer [REDACTED] observed that the unidentified suspect *appeared to be holding onto his waistband with his hand*.

According to Officer [REDACTED], as [REDACTED] started walking towards the location, [REDACTED] could see one set of feet [Escobedo] lying behind a silver Honda Accord. Simultaneously, [REDACTED] observed another body pop up [unidentified suspect] and start running northbound, along the property of the residence (**Debriefing Point No. 1**).

According to Officer [REDACTED] did not see any weapons on the unidentified suspect. However, [REDACTED] observed that the unidentified suspect appeared to be holding either his pants or his waistband with his right hand. Officer [REDACTED] pursued the unidentified suspect northbound, in apprehension mode, and believed that [REDACTED] partner was also moving forward with [REDACTED] (**Debriefing Point Nos. 2 and 3 and Additional Tactical Debrief Topics – Running with Service Pistol Drawn**).

Note: A review of Officer [REDACTED] BWV captured [REDACTED] running north in the driveway of [REDACTED] Amethyst Street.

According to Officer [REDACTED] observed [REDACTED] partner begin to pursue the unidentified suspect. Officer [REDACTED] wanted to stay with [REDACTED] partner, so [REDACTED] started to follow Officer [REDACTED] while broadcasting the foot pursuit (**Debriefing Point No. 1 and Additional Tactical Debriefing Topics – Running with Service Pistol Drawn/Maintaining a Handheld Radio**).

Note: Officer [REDACTED] BWV captured [REDACTED] running around the front of the police vehicle and then north up the driveway of [REDACTED] Amethyst Street. Escobedo was depicted lying on the driveway, on his back, with his head facing north and his feet facing south.

A review of the Hollenbeck Area base frequency revealed that Officer [REDACTED] broadcasted, [REDACTED] let me get a back-up, airship, and a supervisor, the suspect is."

According to Officer [REDACTED], as [REDACTED] was broadcasting the foot pursuit, [REDACTED] ran to the left of Escobedo, who was lying on the ground. At that point, [REDACTED] inspected Escobedo and observed that Escobedo was holding a black or blue steel handgun in his left hand. Believing that Escobedo was more of a threat than the unidentified suspect, Officer [REDACTED] stopped approximately three feet from Escobedo's head, paused his broadcast, and started screaming or yelling for his partner to come back to his location.

Note: Officer [REDACTED] BWV captured [REDACTED] yelling, "Hey partner, partner, partner, partner, partner, partner, partner." The BWV also captured Officer [REDACTED] running just past Escobedo, stopping, and then immediately stepping back to a position just north of Escobedo's head.

According to Officer [REDACTED] then faced in an eastbound direction to avoid a crossfire situation with [REDACTED] partner and covered Escobedo with [REDACTED] service pistol. Escobedo woke up, started to sit up and began looking around. Officer [REDACTED] observed that Escobedo was initially pointing the handgun in an eastbound direction. Officer [REDACTED] tried to de-escalate the situation and gave Escobedo commands to stay down or to stop moving.

Note: Officer [REDACTED] BWV captured [REDACTED] telling Escobedo, "*Don't move. Don't move.*" The BWV also captured Escobedo holding the handgun in his right hand.

According to Officer [REDACTED], Escobedo *looked to his left, looked to his right and then looked at Officer [REDACTED].* At that point, Officer [REDACTED] believed that Escobedo had *identified [REDACTED]* Escobedo then *started to point the handgun in a westbound direction towards where Officer [REDACTED] was standing.* Believing that Escobedo *was about to shoot [REDACTED]* Officer [REDACTED] *jumped back and fired three rounds [REDACTED] service pistol at Escobedo to stop the threat (Lethal Use of Force).*

Note: The investigation revealed Officer [REDACTED] fired five rounds from [REDACTED] service pistol.

A review of the Hollenbeck Area base frequency revealed that after the OIS, Officer [REDACTED] immediately broadcasted, "*Officer needs help, shots fired. Officer needs help, shots fired.*" Officer [REDACTED] broadcasted the description and direction of travel of the unidentified suspect. Officer [REDACTED] then requested a Rescue Ambulance (RA) for Escobedo.

According to Officer [REDACTED], [REDACTED] *continued to pursue the unidentified suspect north, along the east side of the driveway [REDACTED] Amethyst Street. Officer [REDACTED] reached an open gate on the east side of the property and observed that the unidentified suspect was 50 to 100 feet in front of [REDACTED].* As Officer [REDACTED] *stopped at the gate to check on [REDACTED] partner's location, [REDACTED] simultaneously heard one gunshot [REDACTED]*

According to Officer [REDACTED], as [REDACTED] *turned, [REDACTED] heard more gunshots and then heard Officer [REDACTED] yell, "Partner, partner."* Officer [REDACTED] looked south, *between two vehicles parked in the driveway, and observed Escobedo was down on the ground and [REDACTED] partner was facing Escobedo with [REDACTED] service pistol drawn.* Officer [REDACTED] then *responded to [REDACTED] partner's location.* As they waited for additional units to arrive, Officer [REDACTED] covered Escobedo, while Officer [REDACTED] covered the area where the unidentified suspect was last observed running.

Additional officers responded to the location and Escobedo was handcuffed without further incident. The unidentified suspect was not located.

Sergeant [REDACTED], Serial No. [REDACTED] Hollenbeck Patrol Division, responded and ensured that the involved officers were separated. He then obtained a Public Safety Statement (PSS) from Officer [REDACTED].

Sergeant [REDACTED], Serial No. [REDACTED], Hollenbeck Patrol Division, responded and assumed the role of Incident Commander (IC).

Los Angeles Fire Department personnel responded and treated Escobedo for gunshot wounds to his head and torso area. Escobedo failed to respond to medical treatment and was pronounced dead at 0658 hours.

FINDINGS

Tactics – Tactical Debrief, Officer [REDACTED]. Administrative Disapproval, Officer [REDACTED].

Drawing/Exhibiting – In Policy, No Further Action, Officers [REDACTED] and [REDACTED].

Lethal Use of Force – In Policy, No Further Action, Officer [REDACTED].

ANALYSIS

Detention

The officers responded to a radio call of possible Assault with a Deadly Weapon suspects. Upon arrival, the officers observed the two suspects, who matched the description provided in the radio call, on the ground in the driveway of the location. One of the suspects immediately fled on foot, while the second suspect remained asleep in the driveway. As the officers engaged in foot pursuit, one of the officers observed that the suspect lying in the driveway was holding a handgun. When the suspect woke and began to sit up, he pointed the handgun in one of the officer's direction, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."

Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance

[REDACTED]

or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).

Tactical de-escalation does not require an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the officers were faced with a rapidly unfolding situation when one of the suspects fled on foot. As the officers began to pursue the fleeing suspect, one of the officers observed that the other suspect, who was lying in the driveway, was holding a handgun. When the suspect woke, the officer attempted to verbalize with the suspect to de-escalate the situation, get the suspect to surrender, and to resolve the situation peacefully without the use of force. However, the suspect began to sit up and turn toward the officer, while pointing the handgun in the officer's direction.

Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Utilization of Cover (Substantial Deviation – Officer [REDACTED])

Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, January 2014).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XXXV, Issue 9, May 2003).

Officer [REDACTED] left a position of cover when [REDACTED] observed a possibly armed suspect flee on foot.

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options.

In this case, Officer [REDACTED] indicated [REDACTED] left the cover of [REDACTED] ballistic door with the intent to get close enough to the unidentified suspect to give him commands to stop and take him into custody without incident.

Officer [REDACTED] decision to leave cover placed himself in a distinct tactical disadvantage and unnecessarily endangered his safety. Officer [REDACTED] acted independently and without good cause to support that leaving cover was reasonable under the circumstances.

Officer [REDACTED] indicated that [REDACTED] re-deployed from [REDACTED] ballistic door and assumed a position of cover behind the engine block of [REDACTED] vehicle because [REDACTED] wanted to get a better view of the suspects. [REDACTED] then left the cover of the engine block because [REDACTED] partner was in foot pursuit and [REDACTED] did not want to separate from [REDACTED] partner.

Officer [REDACTED] decision to leave cover was reasonable and appeared to be guided by [REDACTED] desire to not separate from [REDACTED] partner.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] decision to leave a position of cover was not reasonable and was a substantial deviation, without justification, from approved Department tactical training.

Additionally, based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] decision to leave [REDACTED] position of cover to keep up with [REDACTED] partner was a substantial deviation, with justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Passing an Unsearched Suspect (Substantial Deviation – Officer [REDACTED])

No arrest is so important that the patrol officers involved should expose themselves to needless danger (California Commission on Peace Officer Standards and Training, Learning Domain 22).

Officer [REDACTED] ran past a suspect, who was a potential threat, to pursue a possibly armed suspect.

Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety by their ability to recognize an unsafe situation and then work collectively to ensure a successful resolution.

In this case, as Officer [REDACTED] pursued the unidentified suspect up the driveway, [REDACTED] ran past Escobedo, who was armed with a handgun, and lost sight of Escobedo. Officer [REDACTED] decision to run past an unsearched suspect placed [REDACTED] in a distinct tactical disadvantage and unnecessarily endangered [REDACTED] safety.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] actions were a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Separation/Pursuing Possibly Armed Suspects (Substantial Deviation – Officer [REDACTED])

Separation (Split Up): Separation occurs whenever the distance between the two officers is so great that one cannot render aid to the other when confronted by the suspect or barriers exist that would unreasonably delay the partner officer from being able to render aid.

Note: While in containment mode, partner officers may separate a reasonable distance for the limited purpose of setting up a perimeter, as long as they have line of sight with each other. When separated, officers should not normally transition back into apprehension mode and attempt to take the suspect into custody alone.

Apprehension versus Containment: There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources.

During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.

Officers may make the decision to discontinue a foot pursuit when the tactical situation deteriorates, either officer becomes injured, or effective communication ability is lost (lost or broken radio or dead spot) or at either officers' discretion. If either of the pursuing officers feels it necessary to end the pursuit, he/she must alert the partner officer quickly to avoid separation.

If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.

When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following.

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident.*

***Pursuing Armed Suspects:** When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officer [REDACTED] separated from [REDACTED] partner and pursued a possibly armed suspect while in apprehension mode.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

In this case, Officer [REDACTED] exited the police vehicle and made the decision to engage in a foot pursuit, in apprehension mode, of a suspect whom he believed was possibly armed with a handgun. In this specific circumstance, it would have been tactically prudent for Officer [REDACTED] to have recognized the need to transition into containment mode upon exiting the vehicle and begin establishing perimeter containment.

Officer [REDACTED] decision to separate from [REDACTED] partner with two possibly armed suspects in the immediate vicinity was unreasonable and placed both officers at a distinct tactical disadvantage. The separation occurred without sufficient articulable facts to support that the separation was reasonable under the circumstances.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] decision to separate from [REDACTED] partner in order to pursue a possibly armed suspect was a substantial deviation, without justification, from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

Additional Tactical Debrief Topics

Situational Awareness – The investigation revealed Officers [REDACTED] and [REDACTED] responded to the radio call and exited their vehicle on an incorrect street. Additionally, after locating the correct street, the officers stopped their vehicle in close proximity to the radio call location. The officers are reminded of the importance of maintaining constant awareness of their location, as well as the location of the radio call. I will direct that this be a topic of discussion during the Tactical Debrief.

Running with Service Pistol Drawn –The investigation revealed Officer ██████ engaged in a foot pursuit with his service pistol drawn. Officer ██████ is reminded that there is a heightened concern for an unintentional discharge when running with a drawn service pistol. I will direct that this be a topic of discussion during the Tactical Debrief.

Running with Service Pistol Drawn/Maintaining a Handheld Radio – The investigation revealed that Officer ██████ engaged in a foot pursuit with ██████ service pistol drawn in ██████ right hand while holding ██████ hand-held radio in ██████ left hand. Officer ██████ is reminded there is a heightened concern for an unintentional discharge when running with a drawn service pistol and that having equipment in both hands limits an officer's options should the tactical situation change. I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

Sergeant ██████ responded and ensured that the involved officers were separated, and obtained a PSS from Officer ██████.

Sergeant ██████ responded and assumed the role of Incident Commander (IC).

The supervisors' actions were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, I find that the tactics utilized by Officer ██████ substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, I find that the tactics of Officer ██████ substantially, but justifiably, deviated from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Officers ██████ and ██████ attend a Tactical Debrief and the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;

- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On February 8, 2018, Officers [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume 1, Section 556.80).

According to Officer [REDACTED] exited [REDACTED] vehicle and drew [REDACTED] service pistol, based upon the comments of the radio call that one of the suspects was armed with a gun.

Officer [REDACTED] recalled,

I unholstered - unholstered due to the nature of the radio call and the comments, them being ADW suspects and one possibly armed with a gun. Although, at the time, we did not I did not see a gun. So, I unholstered in case the situation escalated where I had to use deadly force.

According to Officer [REDACTED] exited the vehicle and drew [REDACTED] service pistol, based upon [REDACTED] reasonable belief that one of the suspects was armed with a firearm.

Officer [REDACTED] recalled,

My partner stopped - We deployed from the vehicle. As we deployed, I deployed from the passenger side. I withdrew my firearm due to the tactical situation and my reasonable belief that the suspect may or may not be armed with a firearm.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED] and [REDACTED], while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers [REDACTED] and [REDACTED]'s Drawing/Exhibiting to be In-Policy, No Further Action.

[REDACTED]

Note: In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

Officer [REDACTED] – .40 Caliber, Glock, five rounds, in an easterly direction from an approximate distance of five to six feet.

According to Officer [REDACTED] observed Escobedo was holding a black or blue steel handgun in [REDACTED] left hand. Escobedo then started to sit up and began looking around. At that point, Officer [REDACTED] believed that Escobedo had identified him. Escobedo started to point the handgun in a westbound direction towards where Officer [REDACTED] was standing. Believing that Escobedo was about to shoot [REDACTED] Officer [REDACTED] jumped back and fired five rounds from [REDACTED] service pistol at Escobedo to stop the threat.

Officer [REDACTED] recalled,

So I went on the suspect's side and yelled for my partner. When I yelled for my partner, the suspect woke up and sat - started sitting up. As he's sitting up, he began looking around. He looked to his left, and he looked to his right. Then he looked at me. I realized that he had a gun while he was - while he was getting up, and he was holding the gun. I believe it was in his left hand. So as he's getting up, he's pointing the gun initially at an eastbound direction. When he looks at me, he starts pointing the gun at a westbound direction towards where I was standing. I thought, I thought he was going to shoot me, so I jumped back thinking that now he was going to about - he was about to shoot at me because he was pointing the gun in a different direction, and then once he looked at me, identified me, then he started to point the gun towards me. He pointed the gun at me. And I tried to tell him, I told him to - I think I told him to stay down. I gave him verbal commands to try to de-escalate the situation. It didn't work. Before he started pointing the gun at me, as I realized that he was moving the

gun in my direction, I thought he was going to shoot me, so I- I was scared for my life, and I did I just had I had to use deadly force

Based on the totality of the circumstances, the UOFRB determined, and I concur, an officer with similar training and experience as Officer [REDACTED], would reasonably believe Escobedo's actions presented an imminent threat of death or serious bodily injury and the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer [REDACTED] Use of Lethal Force to be In Policy, No Further Action.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/BWV – Hollenbeck Patrol Division police vehicles were equipped with DICVS at the time of this incident. Officers [REDACTED] and [REDACTED] DICVS was not activated at the time of the incident. Hollenbeck Patrol Division personnel were equipped with BWV at the time of the incident. Officers [REDACTED] and [REDACTED] BWV was activated at the time of the incident. Officer [REDACTED]'s BWV captured the OIS.

Outside Video – No outside video was located.

Respectfully,



MICHEL R. MOORE
Chief of Police

Date: 11-13-18

[REDACTED]