

INTRADEPARTMENTAL CORRESPONDENCE

March 14, 2019

3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 034-18

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 034-18. A Use of Force Review Board (UOFRB) was convened on this matter on February 25, 2019. I have reviewed and adopted the recommendations of the UOFRB, with the exception of their recommendation regarding the Use of Lethal Force finding (shotgun rounds 1-3) for Officer [REDACTED], Serial No. [REDACTED], Northeast Patrol Division. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On May 20, 2018, at approximately 2358 hours, Officer [REDACTED] and Officer [REDACTED], Serial No. [REDACTED], Northeast Patrol Division, were in full uniform, driving a marked black and white police vehicle. The officers were parked in the Shell gas station parking lot, located on the northwest corner of North Avenue 52 and Figueroa Street, completing an investigation from a prior radio call.

Note: The investigation revealed that Officer [REDACTED] was a probationary officer at the time of the incident, with approximately seven months in the field. This was the second-time Officer [REDACTED] had worked with Officer [REDACTED]. The officers discussed tactics including contact and cover, vehicle and foot pursuits, stolen vehicles and de-escalation techniques.

According to Officer [REDACTED] upon completion of the investigation and *prior to pulling out* of the parking lot, [REDACTED] *attention was drawn to a smaller white Honda that passed by their location, southbound* on North Avenue 52. Simultaneously, Officer [REDACTED] observed [REDACTED] *partner sit up and look in the same direction.*

According to Officer [REDACTED], as [REDACTED] and Officer [REDACTED] were about to *pull out* of the Shell gas station, [REDACTED] observed an *older model Honda quickly pull out* of the Chevron gas station, located on the northeast corner of North Avenue 52 and Figueroa Street. Officer [REDACTED] observed that the Honda was occupied by *two males and they made eye contact with [REDACTED] as they pulled out* of the gas

[REDACTED]

station. The Honda then *made a quick right onto Figueroa Street from North Avenue 52 and sped off quickly.*

Note: According to Officers [REDACTED] and [REDACTED], older model Hondas are one of the most *commonly stolen vehicles on the east side of Highland Park.*

The investigation revealed that from May 2017 to May 2018, there were a total of 62 Honda Civic and Accord vehicles, model years 1990 to 2003, stolen in the Highland Park area of Northeast Division.

According to Officer [REDACTED], [REDACTED] told Officer [REDACTED] to *catch up to the Honda because [REDACTED] could not read the vehicle license plate.* Officer [REDACTED] exited out of the Shell gas station onto North Avenue 52 and followed the Honda as it *picked up a little speed and turned south onto Figueroa Street.* As the Honda approached North Avenue 50, Officer [REDACTED] *read the vehicle license plate and entered the information into their Mobile Digital Computer to conduct a want/warrant inquiry.* The inquiry revealed that the Honda was a reported stolen vehicle.

According to Officer [REDACTED] advised Officer [REDACTED] of the Honda's status as they followed the Honda north on Echo Street from Figueroa Street. At that moment, Officer [REDACTED] turned on the passenger side *spotlight* of the police vehicle and illuminated the interior of the Honda *to see possibly how many people were in the vehicle.* Officer [REDACTED] observed a *male driver*, later identified as D. Salinas, and a *male front passenger*, later identified as A. Guerrero, inside the vehicle. Officer [REDACTED] then broadcast that they were *following a Code 37 vehicle* and requested a *back-up, airship and a supervisor (Additional/Equipment – Body Worn Video (BWV) Activation).*

According to Officer [REDACTED], when [REDACTED] *flipped on the spotlight*, Salinas *sped up* and failed to *stop at the stop sign* at Echo Street and North Avenue 50. Salinas then began to *pull away* from them as he continued to drive north on Echo Street and then north on North Avenue 52.

Note: According to Officer [REDACTED], Salinas was *blowing stop signs* and *driving at a high rate of speed* on Echo Street.

The failure to stop at the posted stop signs was captured on the officers' Digital In-Car Video System (DICVS).

According to Officer [REDACTED], as they followed Salinas *north on North Avenue 52, towards Figueroa Street*, she believed Salinas was *purposely fleeing* from them. [REDACTED] then advised Officer [REDACTED] that they were *in pursuit* and activated their overhead emergency *lights and siren* because [REDACTED] wanted Officer [REDACTED] to maintain *both hands* on the steering wheel.

According to Officer [REDACTED], as they *crossed Figueroa Street, around the Shell and Chevron gas stations*, Guerrero *came out* of the front passenger window of the Honda, *armed with a shotgun*,

[REDACTED]

and *pointed* it at [REDACTED] and Officer [REDACTED]. Officer [REDACTED] observed that Guerrero's *body was completely turned back towards* [REDACTED] with his *left hand extended* along the barrel and his *right hand near the trigger*. Believing *there was an immediate threat* to her and Officer [REDACTED], Officer [REDACTED] *ducked down* and drew [REDACTED] service pistol (**Drawing/Exhibiting and Debriefing Point No. 1**).

Note: According to Officers [REDACTED] and [REDACTED], they believed Guerrero *shot* at them as Salinas drove through the intersection of Figueroa Street and North Avenue 52.

A review of the officers' DICVS captured Guerrero extending his upper torso out of the front passenger window of the Honda and pointing a shotgun in the officers' direction as Salinas drove through the intersection of Figueroa Street and North Avenue 52. The investigation revealed that Guerrero did not discharge his shotgun at this time.

According to Officer [REDACTED], Officer [REDACTED] started to apply the *brakes* and asked, "*What do I do?*" Officer [REDACTED] responded, "*You keep going, we're going, we're going.*"

According to Officer [REDACTED], as Salinas *continued* to drive *north* on North Avenue 52, [REDACTED] believed Guerrero was *going to shoot through the front window* of their police vehicle and *hit* [REDACTED] and [REDACTED] partner *in the face*. In fear that Guerrero was *going to kill* them, Officer [REDACTED] *took* [REDACTED] *seatbelt off*, assumed a *two-handed grip* on [REDACTED] service pistol, *leaned out* the passenger side window, and fired what [REDACTED] believed was *three to five rounds* from [REDACTED] service pistol at Guerrero to stop the threat (**Lethal Use of Force and Debriefing Point No. 2**).

Note: A review of Officer [REDACTED] BWV revealed that Officer [REDACTED] fired two rounds from [REDACTED] service pistol. Additionally, upon review of the officers' DICVS and Officer [REDACTED] BWV, it appears Officer [REDACTED] first round, during this sequence of fire, struck the passenger side spotlight of the police vehicle (**Additional Tactical Debrief Topics – Shooting Foreground**).

According to Officer [REDACTED], *at that time*, [REDACTED] *looked for* the vehicle radio *microphone to broadcast that shots were fired and to put out a help call*, but [REDACTED] *could not find the microphone*. Consequently, [REDACTED] *continued driving, grabbed* [REDACTED] *handheld radio* from [REDACTED] *duty belt* and broadcast a *help call* (**Additional Tactical Debrief Topics – Situational Awareness**).

According to Officer [REDACTED], as Salinas *continued* driving *northbound* on North Avenue 52, Guerrero *continued to come out* of the passenger side window, *face* their police vehicle and *shoot the shotgun* at them. Officer [REDACTED] observed *muzzle flash* from Guerrero's shotgun and *heard his gun going off*.

According to Officer [REDACTED], as they *crossed over Monte Vista Street*, Officer [REDACTED] believed Guerrero was *going to shoot* [REDACTED] and Officer [REDACTED] *in the face and kill* them. *At that point*, Officer [REDACTED] assumed a *one-handed grip* on [REDACTED] service pistol, *leaned out* the passenger side window and fired what [REDACTED] believed was *four to five rounds* from [REDACTED] service pistol at Guerrero to stop the

threat (Lethal Use of Force and Additional Tactical Debrief Topics – Single Handed Shooting).

Note: A review of Officer [REDACTED] BWV revealed that Officer [REDACTED] fired seven rounds from [REDACTED] service pistol. Additionally, upon review of the officers' DICVS and Officer [REDACTED] BWV, it appears Officer [REDACTED]' second round, during this sequence of fire, struck the passenger side spotlight of the police vehicle (**Additional Tactical Debrief Topics – Shooting Foreground**).

The officers' DICVS captured Guerrero extend his upper torso out of the front passenger window of the Honda, point a shotgun in the officers' direction and fire three rounds as Salinas drove north on North Avenue 52 between Monte Vista Street and Granada Street.

Investigators were unable to locate any impacts from Guerrero's shotgun on the front of Officers [REDACTED] and [REDACTED] police vehicle.

According to Officer [REDACTED], as the pursuit *continued north* on North Avenue 52, around Granada Street [REDACTED] *looked at [REDACTED] gun* and assessed the condition of [REDACTED] service pistol. [REDACTED] observed that *it was not in slide lock*, but was unsure how many rounds [REDACTED] had left. *At that point, [REDACTED] believed [REDACTED] was out powered* by Guerrero's shotgun and *needed a better weapon system to protect [REDACTED] and Officer [REDACTED]*. Officer [REDACTED] *made the decision to transition to the Department shotgun* and told Officer [REDACTED] to give [REDACTED] the shotgun.

Note: According to Officer [REDACTED] *did not mean* for Officer [REDACTED] to physically give [REDACTED] the shotgun. [REDACTED] *only meant for Officer [REDACTED] to hit the shotgun release button*, so [REDACTED] [Officer [REDACTED]] could remove the shotgun from the rack and *not have to take [REDACTED] eyes off of Guerrero*.

According to Officer [REDACTED], Officer [REDACTED] advised [REDACTED] that [REDACTED] *had to drive and could not give [REDACTED] the shotgun*. Officer [REDACTED] realized that Officer [REDACTED] *did not understand what [REDACTED] was asking [REDACTED] to do*, so Officer [REDACTED] *threw [REDACTED] service pistol onto the front passenger floorboard* of their vehicle, *unlocked the shotgun rack and got the shotgun* from the vertical console rack (**Drawing/Exhibiting and Additional Tactical Debrief Topics – Maintaining Control of Equipment**).

Note: Officer [REDACTED] BWV captured Officer [REDACTED] broadcast, "62, I think he has a shotgun. The passenger on the right." Shortly thereafter, she broadcast, "62 we are turning left on Aldama."

According to Officer [REDACTED] *canted the shotgun out the passenger side window* of the police vehicle and *chambered a round*. *At that point, [REDACTED] placed most of [REDACTED] weight on [REDACTED] left leg, anchored [REDACTED] right foot under the passenger door ledge, sat up and positioned [REDACTED] whole upper body out of the passenger side window with the shotgun*.

According to Officer [REDACTED], they were still in pursuit as they turned west onto Aldama Street from North Avenue 52. [REDACTED] observed that Aldama Street was a slight left turn that curved more to the left as it descended to North Avenue 50. Due to the curve on Aldama Street and the way they were travelling, Officer [REDACTED] could not see if Guerrero was still hanging out of the passenger side window of the Honda. However, she knew where Guerrero and Salinas were seated and believed Guerrero was going to pop out and start shooting again.

According to Officer [REDACTED], [REDACTED] observed that Guerrero wasn't at that moment, shooting back at [REDACTED] and [REDACTED] partner. However, [REDACTED] still perceived that Guerrero was a threat because, in the past less than 30 seconds, Guerrero had shot multiple times at [REDACTED] and [REDACTED] partner and believed he was trying to kill them. Officer [REDACTED] believed that Guerrero was going to keep firing until he hit [REDACTED] partner or somebody else.

According to Officer [REDACTED] wanted to stop the threat and keep Guerrero from coming back out of the window with the gun and shooting at them. Using the back window of the Honda as [REDACTED] focal point and target location, Officer [REDACTED] aimed for Guerrero and Salinas and fired what [REDACTED] believed was three to four rounds of direct fire from [REDACTED] Department shotgun to stop the threat (Lethal Use of Force).

Note: A review of Officer [REDACTED] BWV revealed that Officer [REDACTED] fired three rounds from her Department shotgun.

According to Officer [REDACTED], [REDACTED] believed [REDACTED] fired [REDACTED] first two shotgun rounds as they drove up the hill on North Avenue 52, approaching Aldama Street. However, after reviewing the DICVS, [REDACTED] realized they had covered more ground and [REDACTED] actually fired all three shotgun rounds after they turned south onto Aldama Street.

Officers [REDACTED] and [REDACTED] DICVS captured the Honda negotiate a left turn from Aldama Street onto North Avenue 50. As the Honda was turning, the front passenger door opened and Officer [REDACTED] simultaneously fired [REDACTED] third round from [REDACTED] shotgun at the Honda.

A review of the officers' DICVS reflects that after Officer [REDACTED] fired [REDACTED] last round from [REDACTED] service pistol, Guerrero went back inside the passenger side window of the Honda. The officers continued to pursue the Honda for approximately 30 seconds until they were involved in a traffic collision and terminated the pursuit. During this approximate 30 second time period, Guerrero did not come back out of the passenger side window of the Honda.

According to Officer [REDACTED], after firing [REDACTED] last shotgun round [REDACTED] could feel Officer [REDACTED] losing control of the police vehicle as they came down Aldama Street towards North Avenue 50.

The vehicle pursuit terminated when Officer [REDACTED] collided with the west curb of North Avenue 50, south of Aldama Street. As the officers exited their police vehicle, the Honda continued south on North Avenue 50 toward Monte Vista Street and out of the officers' line of sight.

Note: A review of the Northeast Area base frequency captured Officer [REDACTED] make the following broadcast, "11A26 we TC'd. We're at Aldama and Avenue 50. We're both [REDACTED], but we need a... vehicle was last seen southbound 50 toward Monte Vista. Two male Hispanics. The driver, unknown male Hispanic. The right passenger had a shotgun. We were taking shots fired. I need an RA [Rescue Ambulance] possibly for my partner."

Sergeant [REDACTED], Serial No. [REDACTED] Northeast Patrol Division, responded to the scene and assumed the role of Incident Commander (IC). Believing the tactical situation was ongoing and a large crime scene needed to be established, Sergeant [REDACTED] obtained preliminary information from Officer [REDACTED], ensured the involved officers were separated, and began to coordinate the response of responding personnel **(Additional/Equipment – Protocols Subsequent to a Categorical Use of Force Incident)**.

Sergeant [REDACTED], Serial No. [REDACTED], Northeast Patrol Division, responded to the scene and obtained a Public Safety Statement (PSS) from Officer [REDACTED] **(Additional/Equipment – Protocols Subsequent to a Categorical Use of Force Incident)**.

Additional units from Northeast and Rampart Division responded to the scene and a perimeter was established. Guerrero was taken into custody without incident at North Avenue 52 and Marmion Way, while Salinas was taken into custody without incident at Figueroa Street and Sycamore Terrace. The abandoned Honda was located at Joy Street and Marmion Way.

Note: The investigation revealed that the Honda was reported stolen from Northeast Area on May 15, 2018.

Two live 20-Gauge shotgun shells were recovered from Salinas' pants pocket.

Three expended 20-Gauge shotgun shells were recovered from the interior of the Honda. Investigators determined that the expended shotgun shells were fired from Guerrero's shotgun.

Three expended shotgun shell waddings were recovered from the street between Monte Vista Street and Granada Street. Investigators determined that the waddings were consistent with those typically loaded into the 20-Gauge shotgun shells recovered from inside the Honda.

Officer [REDACTED] Serial No. [REDACTED] and K-9 [REDACTED], Serial No. [REDACTED] Metropolitan Division, K-9 Platoon, responded and searched the area for the shotgun. K-9 [REDACTED] located a 20-gauge pump shotgun, with the barrel and stock sawed off, in a planter bed located at [REDACTED] Sycamore Terrace. The shotgun was located approximately 0.1 miles from Salinas' arrest location.

Los Angeles Fire Department personnel responded and examined Officer [REDACTED] at the scene. Officer [REDACTED] was treated for an abrasion to [REDACTED] right knee and complained of pain to [REDACTED] right torso and right shoulder [REDACTED] declined further medical treatment.

Salinas was examined and treated at the Metropolitan Detention Center for two superficial bullet wounds to his back. On May, 22, 2018, Salinas was transported by 77th Street Patrol Division personnel to Providence Little Company of Mary Medical Center for additional medical treatment. Salinas was examined and treated for burns to his back caused by the shotgun pellets.

FINDINGS

Tactics –Tactical Debrief, Officers [REDACTED] and [REDACTED].

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

Lethal Use of Force – In Policy, No Further Action, Officer [REDACTED] (rounds 1-9). Out of Policy, Administrative Disapproval, Officer [REDACTED] (shotgun rounds 1-3).

ANALYSIS

Detention

While on patrol, the officers observed a vehicle, conducted a want/warrant inquiry on the vehicle license plate and discovered the vehicle was stolen. As the officers began to follow the vehicle, the driver committed several vehicle code violations and attempted to evade the officers, resulting in the initiation of a vehicle pursuit. During the vehicle pursuit, the passenger suspect leaned out of the passenger side window and pointed a shotgun at the officers, 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” (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



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 that 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, during a pursuit of a stolen vehicle, the officers were faced with a rapidly unfolding tactical situation when the passenger suspect pointed a shotgun at them.

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

During a review of the incident, the following Debriefing Points were noted:

Debriefing Point No. 1 Vehicle Pursuit Notification

Notifying Communications Division. When a unit goes in pursuit, it shall advise Communications Division that it is "in pursuit" and give the unit's identification, location, a description of the pursued vehicle and/or suspects, directions taken, and reason for pursuit. Communications Division will be responsible for requesting and assigning to the pursuit a back-up, air unit and an available uniformed supervisor in close proximity to the pursuit. The pursuing unit shall give frequent and comprehensive progress reports (Los Angeles Police Department Manual, Volume 4, Section 205.01)

Officer [REDACTED] did not advise Communications Division (CD) they had initiated a vehicle pursuit.

In this case, Officer [REDACTED] had already advised CD they were following a stolen vehicle and provided the vehicle description, license plate and direction of travel. According to Officer [REDACTED] was preparing to broadcast that they were in pursuit, when [REDACTED] attention was immediately directed to Guerrero, who was pointing a shotgun in [REDACTED] direction. As such, [REDACTED] dropped the vehicle radio microphone onto the floorboard and drew [REDACTED] service pistol.

The UOFRB noted that in this circumstance, Officer [REDACTED] was faced with a rapidly unfolding tactical situation and her actions were reasonable.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] actions were a substantial deviation, with justification, from approved Department tactical training. I will direct that this topic be discussed during the Tactical Debrief.

Debriefing Point No. 2 Use of a Safety Belt

Employee's Responsibilities. *Employees and all others operating or riding in Department vehicles shall wear three-point safety belts when provided. Two-point safety belts (lap belts) shall be worn when three-point safety belts are not provided. Employees intending to operate or ride in a Department vehicle shall ensure that all occupants of the vehicle are using the available safety belts before the vehicle is operated.*

Tactical Considerations. *When a potentially dangerous tactical situation is perceived or anticipated, the safety belt may be removed to allow adequate time for safe response to the situation (Los Angeles Police Department Manual, Volume 4, Section 289).*

Officer [REDACTED] removed [REDACTED] safety belt, during a vehicle pursuit, to engage an armed suspect.

Officers are often forced to make split second decisions under extremely stressful situations.

In this case, Officer [REDACTED] was faced with a rapidly unfolding tactical situation when Guerrero emerged from the passenger window and pointed a shotgun at [REDACTED] and [REDACTED] partner. Officer [REDACTED] believed that Guerrero was going to shoot through the front window of their police vehicle and kill them. Officer [REDACTED] did not want to fire through the windshield of the police vehicle. Consequently, [REDACTED] made the decision to remove [REDACTED] safety belt so [REDACTED] could lean out of [REDACTED] passenger side window, with [REDACTED] service pistol, and engage the deadly threat.

Although Officer [REDACTED] decision to remove [REDACTED] safety belt, at this time, placed [REDACTED] in danger, the immediate deadly threat of an armed suspect posed a greater danger. By removing [REDACTED] safety belt, Officer [REDACTED] was able to position herself in a more advantageous tactical position to address the deadly threat.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that in this circumstance, Officer [REDACTED] action of removing her safety belt, during a vehicle pursuit, to engage an armed suspect, was reasonable and not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Shooting Foreground – The investigation revealed that one round from Officer [REDACTED] first sequence of fire and an additional round from [REDACTED] second sequence of fire appeared to have struck the passenger side spotlight of the police vehicle. Officer [REDACTED] is reminded of the importance of assessing [REDACTED] foreground while discharging [REDACTED] weapon. I will direct that this be a topic of discussion during the Tactical Debrief.

Situational Awareness – The investigation revealed that Officer [REDACTED] broadcast the incorrect unit designation when she broadcast the help call. Although [REDACTED] provided the correct unit designation during a subsequent broadcast, Officer [REDACTED] is reminded of the importance of

accurately broadcasting all pertinent information when requesting help. I will direct that this be a topic of discussion during the Tactical Debrief.

Single-Handed Shooting – The investigation revealed that Officer [REDACTED] utilized a one-handed shooting grip on [REDACTED] service pistol at the time of the OIS. Although the Los Angeles Police Department Training Division teaches a one-handed shooting technique, a two-handed shooting grip would be more tactically advantageous and provide a better shooting platform. Officer [REDACTED] is reminded to utilize a two-handed shooting grip whenever feasible. I will direct that this be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment – The investigation revealed that Officer [REDACTED] threw [REDACTED] service pistol, which was in single action mode, onto the front passenger floorboard of the police vehicle. According to Officer [REDACTED], [REDACTED] made the decision not to holster her service pistol in order to give [REDACTED] more time to quickly transition to the Department shotgun and address the ongoing threat. Although I understand that this was a rapidly unfolding tactical situation, Officer [REDACTED] is reminded of [REDACTED] responsibility to ensure that [REDACTED] service pistol is appropriately secured at all times, as it increases the likelihood of tactical success during incidents such as this. Officer [REDACTED] is further reminded that there is a heightened concern for an unintentional discharge when throwing a loaded service pistol in single action mode onto a hard surface. I will direct that this topic be discussed during the Tactical Debrief.

Command and Control

Sergeant [REDACTED] responded to the scene and assumed the role of IC. Sergeant [REDACTED] obtained preliminary information from Officer [REDACTED], ensured the involved officers were separated, and began to coordinate the response of responding personnel

Sergeant [REDACTED] responded to the scene and obtained a PSS from Officer [REDACTED].

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

Tactical Debrief

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 [REDACTED] and [REDACTED] attend a Tactical Debrief and that the specific identified topics are discussed.

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

[REDACTED]

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

General Training Update (GTU)

On May 31, 2018, Officer [REDACTED] attended a GTU. On June 7, 2018, Officer [REDACTED] attended a GTU. All mandatory topics were covered, including Vehicle Pursuit Policy, High Speed Driving, Fleeing Felon, Shooting at/from Moving Vehicles and Force Option Simulator.

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 No. 1, Section 556.80).*

According to Officer [REDACTED], as [REDACTED] and [REDACTED] partner crossed Figueroa Street, Guerrero came out of the front passenger window of the Honda, armed with a shotgun, and pointed it at them. Officer [REDACTED] observed that Guerrero’s body was completely turned back towards [REDACTED] with his left hand extended along the barrel and his right hand near the trigger. Believing there was an immediate threat to [REDACTED] and Officer [REDACTED], Officer [REDACTED] ducked down and drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

...as soon as we crossed over Figueroa, right around the gas station is when I remember seeing the passenger, front passenger come out with a shotgun pointed at us [REDACTED]

He well, he was the front passenger. He turned his body. He must have been right -handed, because he turned his body completely back towards me with his left hand extended and the right hand near the trigger [REDACTED]

Yeah. I felt that there was an immediate threat to both [REDACTED] [Officer [REDACTED]] and I, and anyone that was behind us could possibly be killed or walking down the street as well [REDACTED]

[REDACTED]

I drew my weapon, I believe, when I first saw him get out, because I ducked down and pulled my weapon out and I came up. I came out the side.

According to Officer [REDACTED], as the pursuit continued north on North Avenue 52, around Granada Street, [REDACTED] looked at her gun and assessed the condition of [REDACTED] service pistol. [REDACTED] observed that it was not in slide lock, but was unsure how many rounds [REDACTED] had left. At that point, [REDACTED] believed [REDACTED] was out powered by Guerrero's shotgun and needed a better weapon system to protect [REDACTED] and Officer [REDACTED]. Officer [REDACTED] made the decision to transition to the Department shotgun. Officer [REDACTED] threw [REDACTED] service pistol onto the front passenger floorboard of their vehicle, unlocked the shotgun rack and removed the shotgun from the vertical console rack of the police vehicle.

Officer [REDACTED] recalled,

And in the course of where Marmion Way and gets all the way up to Avenue 52 and like Granada-ish is when I started to transfer. I think I had - - I had believed I had shot anywhere from 10 to 12 rounds. I knew I wasn't in slide lock because I looked at my gun. If I had to make the decision, I wasn't sure if I was going to go ahead and reload if I went to slick lock, and at that point I was like - - I felt I was out powered by his gun, that I needed to transition to the shotgun to give us the chance to protect ourselves... So it was a better weapon system to use at that point.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [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 Officer [REDACTED] Drawing/Exhibiting to be In Policy, No Further Action.

Note: In addition to the above listed employee, 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,*

[REDACTED]

- *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.*

Shooting At or From Moving Vehicles. *Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life.*

Note: *It is understood that the policy in regards to discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, Department members are expected to act with intelligence and exercise sound judgment, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to articulate clearly the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

Officer [REDACTED] – 9mm, nine rounds in two sequences of fire.

Note: Force Investigation Division investigators were unable to provide shooting distances between Officer [REDACTED] and the suspect(s) because the OIS occurred during a vehicle pursuit.

First Sequence – Two rounds in a northerly direction.

According to Officer [REDACTED], as Salinas continued to drive north on North Avenue 52, [REDACTED] believed Guerrero was going to shoot through the front window of their police vehicle and hit [REDACTED] and [REDACTED] partner in the face. In fear that Guerrero was going to kill them, Officer [REDACTED] removed [REDACTED] safety belt, assumed a two-handed grip on [REDACTED] service pistol, leaned out the passenger side window, and fired what she believed was three to five rounds from [REDACTED] service pistol at Guerrero to stop the threat.

Note: A review of Officer [REDACTED] BWV revealed that Officer [REDACTED] fired two rounds from [REDACTED] service pistol during this sequence.

A review of the officers' DICVS captured Officer [REDACTED] discharge [REDACTED] service pistol at Guerrero as he extended his upper torso out of the front passenger window of the Honda and pointed a shotgun in the officers' direction as Salinas drove through the intersection of

Figueroa Street and North Avenue 52. The investigation revealed that Guerrero did not discharge his shotgun at this time.

Officer [REDACTED] recalled,

[REDACTED] was driving, but I could feel we both kind of came down together, and I was like, 'Well, we're going to crash or we've got to engage this guy.' It took a second for it to register what was happening, but I thought he was going to shoot me and it was going to come through the window and hit us in the face...I felt that there was an immediate threat to both [REDACTED] and I, and anyone that was behind us could possibly be killed or walking down the street as well...So I knew I was going to need to engage him. I couldn't remember if he fired first or I fired first. I just know when I came out, I came out firing because he popped out the first time...But he went back in and he came out again, and then I engaged him back. And I fired, I want to say, three to five rounds at that point. I think it was more like three.

Second Sequence – Seven rounds in a northerly direction.

According to Officer [REDACTED], as Salinas continued driving north on North Avenue 52, Guerrero continued to come out of the passenger side window, face their police vehicle and shoot the shotgun at them. Officer [REDACTED] observed muzzle flash from Guerrero's shotgun and heard his gun going off.

According to Officer [REDACTED], as they crossed over Monte Vista Street, Officer [REDACTED] believed Guerrero was going to shoot her and Officer [REDACTED] in the face and kill them. At that point, Officer [REDACTED] assumed a one-handed grip on [REDACTED] service pistol, leaned out the passenger side window and fired what she believed was four to five rounds from her service pistol at Guerrero to stop the threat.

Note: A review of Officer [REDACTED]'s BWV revealed that Officer [REDACTED] fired seven rounds from [REDACTED] service pistol during this sequence.

The officers' DICVS captured Officer [REDACTED] [REDACTED] service pistol at Guerrero as he extended his upper torso out of the front passenger window of the Honda, pointed a shotgun in the officers' direction and fired three rounds at Officers [REDACTED] and [REDACTED] as Salinas drove north on North Avenue 52 between Monte Vista Street and Granada Street.

Officer [REDACTED] recalled,

We continued northbound in the pursuit...I honestly - - I would have to watch it seriously frame by frame to see how many times he shot at us...just as we crossed over and [REDACTED] put out the help call, shots fired. At that point, I know I shot one-handed out the window, maybe not the whole time, but that's when I shot the rest of my rounds with my Beretta. So I

[REDACTED]

shot anywhere from four to five rounds at that point, but I didn't have a two-handed grip the whole time.

I know I did some of them one-handed. I think I was trying to reposition my body because I could see muzzle flash and hear his gun going off...

The shots are exchanged. He's firing at me. I'm using my Beretta firearm to fire back and protect us, because I thought he was going to shoot us both in the face and kill us.

Officer [REDACTED] – 12-Gauge Shotgun, three rounds in a southwesterly direction.

Note: Force Investigation Division investigators were unable to provide shooting distances between Officer [REDACTED] and the suspect(s) because the OIS occurred during a vehicle pursuit.

According to Officer [REDACTED], [REDACTED] canted the shotgun out the passenger side window of the police vehicle and chambered a round. At that point, [REDACTED] placed most of [REDACTED] weight on [REDACTED] left leg, anchored [REDACTED] right foot under the passenger door ledge, sat up and positioned [REDACTED] whole upper body out of the passenger side window with the shotgun.

According to Officer [REDACTED], they were still in pursuit as they turned west onto Aldama Street from North Avenue 52. [REDACTED] observed that Aldama Street was a slight left turn that curved more to the left as it descended to North Avenue 50. Due to the curve on Aldama Street and the way they were travelling, Officer [REDACTED] could not see if Guerrero was still hanging out of the passenger side window of the Honda. However, she knew where Guerrero and Salinas were seated and believed Guerrero was going to pop out and start shooting again.

According to Officer [REDACTED], [REDACTED] believed Guerrero was trying to kill them and although [REDACTED] observed that he was not shooting at [REDACTED] and [REDACTED] partner as [REDACTED] fired [REDACTED] shotgun, [REDACTED] still perceived that Guerrero was a threat because he had shot multiple times at them in the last 30 seconds. Officer [REDACTED] believed that Guerrero was going to keep firing until he hit [REDACTED] partner or somebody else.

According to Officer [REDACTED] wanted to stop the threat and keep Guerrero from coming back out of the window and shooting at them with the shotgun. Using the back window of the Honda as [REDACTED] focal point and target location, Officer [REDACTED] aimed for Guerrero and Salinas and fired what [REDACTED] believed was three to four rounds of direct fire from [REDACTED] Department shotgun to stop the threat.

Note: A review of Officer [REDACTED] BWV revealed that Officer [REDACTED] fired three rounds from her Department shotgun.

[REDACTED]

Officer [REDACTED] recalled,

When I transitioned to the shotgun, I knew I had a little better spread because of the kind of weapon I was using. So I aimed for the back -- because the way that the curve on Aldama, couldn't see really at that point if he was still hanging out of the car. I was just waiting for the next shot to be fired at us. So I shot towards the window of the car into the car in hopes to stop the suspect from coming out again with the shotgun at us and hoped, also, I was also maybe it would cause the driver to stop and give up. Like just because of -- so I thought it was on my second shot that I blew out their back window, but it may have been the first shot. And I continued to -- as steady as I could with the platform that I had, that was my focal point, was the center of the car to try to put both suspects -- to stop them, stop the car, stop them because they had just tried to kill us. Who else are they going to kill? Like, we can't let them go, like, we had to engage. [REDACTED]

I still perceived the threat because he [Guerrero], in the past less than, what, 30 seconds, he had shot multiple times at me and my partner, trying to kill us. And we were still engaged in the pursuit and wanted to keep him from coming back out with the gun, so I laid down as much -- that's why I used the back window, to stop the threat, because I couldn't see if he was still, like, coming out because just the way we were traveling, like I was ready for him to pop out again and start shooting again. So I wanted to stop the threat, and I also didn't want him to be shooting and hitting somebody else or hitting [REDACTED] when she was -- it was just I didn't want anyone to get killed. So I had to lay down -- it's not cover fire, it was direct fire, and it was to stop the threat even though he wasn't, at that moment, shooting back at me. I didn't want him to come back out again and shoot back at us. So I was trying to stop his actions prior to that, so I had to keep firing. [REDACTED]

And he was still going to keep firing until he hit us...So I used a back window, and I just -- that's where I focused...Like I am aiming for them, but I used the back window of the car as my target location. [REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED] (rounds 1-9), would reasonably believe Guerrero's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer [REDACTED] Use of Lethal Force (rounds 1-9) to be In Policy, No Further Action.

Additionally, I considered several factors in evaluating the reasonableness of Officer [REDACTED] discharging of the three shotgun rounds. Officers [REDACTED] and [REDACTED] were still in pursuit as they turned west onto Aldama Street from North Avenue 52. During this time, Officer [REDACTED] indicated that she still perceived that Guerrero was a continuous threat to [REDACTED] partner and the

[REDACTED]

community because Guerrero had shot multiple times at them and believed he was trying to kill them. Officer [REDACTED] further believed that as they continued to pursue Guerrero, he was going to continue to fire at them and she wanted to keep Guerrero from coming back out of the window and shooting at them with the shotgun.

I took into consideration that this was a rapidly unfolding tactical situation, including the fact that Salinas and Guerrero were clearly evading the officers and Guerrero had shot at them. I did note, however, that at the time Officer [REDACTED] discharged [REDACTED] shotgun, [REDACTED] could not see if Guerrero was still leaning out of the Honda's passenger side window and [REDACTED] did not observe Guerrero shooting back [REDACTED]

In addition, Guerrero and Salinas did not make any movements or take any action during the approximate 30 second time period when Officer [REDACTED] fired [REDACTED] three shotgun rounds that would indicate Salinas or Guerrero were an immediate threat to herself, [REDACTED] partner, or another person. Officer [REDACTED] decision to discharge her shotgun at the back window of the Honda was not reasonable at the time.

Based on the totality of the circumstances, which included the suspect vehicle position and the immediacy of the threat posed to Officers [REDACTED] and [REDACTED] as determined by the investigation, evidence and statements, I have determined that an officer with similar training and experience as Officer [REDACTED] (shotgun rounds 1-3), would not reasonably believe Salinas and Guerrero's actions presented an immediate threat and that her life or the lives of others were not in immediate peril such that there was no reasonable or apparent means of escape, making the Use of Lethal Force not objectively reasonable.

Therefore, I find Officer [REDACTED] Use of Lethal Force (shotgun rounds 1-3) to be Out of Policy, Administrative Disapproval.

Additional/Equipment

Body Worn Video Activation – Officer [REDACTED] BWV camera was not activated during the incident due to a dead battery. The investigation revealed that at the end of Officer [REDACTED] previous shift, [REDACTED] the camera in [REDACTED] locker and did not dock the device in the charging station to charge the battery. The Vehicle Pursuit Report (VPR) reflects that this issue was addressed through training at the divisional level. The training was entered into the Learning Management System (LMS) and an Action Item was created.

The investigation also revealed that Sergeant [REDACTED] did not activate [REDACTED] BWV camera during [REDACTED] Code-Three response to the incident. Sergeant [REDACTED] did activate [REDACTED] BWV camera when [REDACTED] arrived at the termination of the vehicle pursuit. The VPR reflects that this issue was addressed through training at the divisional level and the training was entered into the LMS.

The commanding officers of Operations Central Bureau (OCB) and Office of Operations (OO) concurred with the above actions. As such, I deem no further action is necessary.

Additionally, Commander [REDACTED] Serial No. [REDACTED], Assistant Commanding Officer, OCB, advised that he will ensure random audits will be completed at all OCB divisions to ensure personnel are properly docking their BWV cameras at the end of watch.

Protocols Subsequent to a Categorical Use of Force Incident – The investigation revealed that Sergeant [REDACTED] did not deactivate his BWV and DICVS prior to obtaining a PSS from Officer [REDACTED]. Captain [REDACTED] was advised and addressed this issue through informal counseling and divisional training. This training was documented in the LMS. The commanding officers of OCB and OO concurred with this action. As such, I deem no further action is necessary.

The investigation also revealed that Officer [REDACTED] was monitored by Officer [REDACTED] Serial No. [REDACTED] Northeast Patrol Division, prior to the arrival of a second supervisor. Although Sergeant [REDACTED] directed Officer [REDACTED] not to discuss the incident and instructed [REDACTED] where to stand, Sergeant [REDACTED] is reminded that it is the duty of a Department supervisor to monitor an officer involved in a CUOF incident. Captain [REDACTED] was advised and addressed this issue through informal counseling and divisional training. This training was documented in the LMS. The commanding officers of OCB and OO concurred with this action. As such, I deem no further action is necessary.

Detention Log Protocol – The investigation revealed Guerrero and Salinas were not brought before the watch commander for an inspection and interview after they were brought into Northeast Station and logged into the Adult Detention Log. Captain [REDACTED] advised the UOFRB that supervisory personnel assigned to Northeast Area, received divisional training regarding this issue and the implementation of the Command and Control Move-Up System during a critical incident. Captain [REDACTED] Serial No. [REDACTED] Commanding Officer, FID, also advised that supervisory personnel assigned to FID will receive divisional training regarding this issue and the implementation of the Command and Control Move-Up System during a critical incident. The commanding officers of OCB and OO, as well as Professional Standards Bureau, concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Northeast Division patrol vehicles were equipped with DICVS at the time of the incident. Officers [REDACTED] and [REDACTED] DICVS captured the vehicle pursuit, OIS and traffic collision.

Northeast Division personnel were equipped with BWV at the time of the incident. Officer [REDACTED] BWV captured the vehicle pursuit, OIS and traffic collision.

Outside Video – Surveillance video cameras from the Chevron gas station, located at [REDACTED] North Avenue 52, captured Salinas and Guerrero's activities as they drove the Honda into the gas station, purchased gas, and exited the gas station.

The Honorable Board of Police Commissioners

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3.2

Chief's Direction

In an effort to enhance future tactical performance, I have directed the Director, Office of Support Services, to review the training standards regarding vehicle pursuit tactics when officers are being fired upon.

Respectfully,



MICHEL R. MOORE
Chief of Police

Date: _____

3-14-19