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FORCE INVESTIGATION DIVISION REPORT NUMBER

F012-15

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Force Investigation Division

F012-15

OFFICER-INVOLVED SHOOTING INVESTIGATION

Force Investigation Division Investigators

Administrative Team:

**DIII D. Anderson,
Serial No. 27835**

**DII P. D'Elia,
Serial No. 26795**

Criminal Team:

**DIII O. Lopez,
Serial No. 27612**

**DII J. Martinez,
Serial No. 34133**

**DII A. Rheault,
Serial No. 33961**

**DII M. Kellum,
Serial No. 32244**

**DII T. Gonzales,
Serial No. 27125**

Date and Time of Incident: February 10, 2015, 0745 Hours

Location of Incident: East/West Alley North of [REDACTED]
10th Avenue

Area of Occurrence: 77th Street, RD 1251

Subject: [REDACTED], [REDACTED]
Male, Black, [REDACTED]
Not injured

DR No. 15-1206931

Involved Officer: PO II Miguel Gutierrez
Serial No. 36634
Criminal Gang and Homicide
Division

Confidential

This report is for the confidential use of the Chief of Police

F012-15
TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Investigative Summary	1
Scene Description	5
Canvass for Witnesses	6
Subject Information	6
Injuries	7
Evidence.....	7
Clothing Analysis.....	7
Weapons.....	8
Firearms Analysis.....	8
Visual Documentation	9
Notifications.....	10
Personnel at Scene	10
Communications	10
Justice System Integrity Division Review	10
Investigators' Notes	10
Diagram.....	13
 <u>Transcribed Statement</u>	 <u>Page</u>
Police Officer II Miguel Gutierrez (Pages 1-53)	14
Police Officer II Miguel Gutierrez (Pages 1-7)	15
Police Officer II Everardo Amaral (Pages 1-24)	16
[REDACTED] (Pages 1-56)	17
[REDACTED] (Pages 1-47)	18
[REDACTED] (Pages 1-44).....	19
[REDACTED] (Pages 1-19)	20
Police Officer II Paul De La Cruz (Pages 1-11)	21
Police Officer III Gregory Smith (Pages 1-14).....	22
Police Officer I Uriel Torres (Pages 1-21).....	23

F012-15
TABLE OF CONTENTS

Police Officer II Keith Horeczko (Pages 1-14).....	24
Police Officer II Robert Mantor (Pages 1-16)	25
Police Officer II William Mateus (Pages 1-17)	26
Police Officer II Luis Carmona (Pages 1-15)	27
Police Officer II Maura Cooney (Pages 1-11)	28
Police Officer II Maricela Coss (Pages 1-11)	29
Police Officer II Gregory Sovick (Pages 1-15).....	30
Police Officer II Charles Kumlander (Pages 1-17).....	31
Police Officer II Vanessa De La Torre (Pages 1-15).....	32
Sergeant I Rick Rodgers (Pages 1-15).....	33
Sergeant I Rick Rodgers (Pages 1-5).....	34
Sergeant I Aaron Pomeroy (Pages 1-13).....	35
Sergeant I Rosendo Gomez (Pages 1-11).....	36
Detective III Christopher Barling (Pages 1-11).....	37
Detective I Robert Lait (Pages 1-8).....	38
Detective I Brian Calicchia (Pages 1-7).....	39
Detective I Christopher Valento (Pages 1-9).....	40
Detective I Patrick Flaherty (Pages 1-10).....	41
Detective I Charles Hicks (Pages 1-9).....	42
Detective I Gerardo Vejar (Pages 1-9).....	43
Sergeant I Timothy O’Gorman (Pages 1-10).....	44
Firefighter Paramedic Dustin Carson (Pages 1-15)	45
Firefighter Paramedic Anthony Temple (Pages 1-11).....	46
LAFD Captain Martin Mullen (Pages 1-6).....	47
Firefighter Robert Robbins (Pages 1-9).....	48
Firefighter James Sprinkel (Pages 1-7).....	49
Firefighter Jonathan Stevens (Pages 1-5).....	50
██████████ (Pages 1-7).....	51
██████████ (Pages 1-8).....	52
██████████ (Pages 1-9).....	53
██████████ (Pages 1-8)	54
██████████ (Pages 1-14).....	55
██████████ (Pages 1-10).....	56
██████████ (Pages 1-8)	57
██████████ (Pages 1-6).....	58
██████████ (Pages 1-11)	59
██████████ (Pages 1-17)	60
██████████ (Pages 1-14).....	61
██████████ (Pages 1-8)	62
██████████ (Pages 1-9)	63
██████████ (Pages 1-6)	64
██████████ (Pages 1-11).....	65

Addenda

Addendum No. 1

77th Area Secure Juvenile Detention Log, dated February 10, 2015.

F012-15
TABLE OF CONTENTS

Addenda No. 2 A-T	Los Angeles Police Department, Watch Commander's Daily Report, Sergeants' Daily Reports, and Detective's Daily Report.
Addendum No. 3 A-H	California Hospital Medical Center report for [REDACTED] dated February 10, 2015.
Addendum No. 4 A-B	Los Angeles Police Department Property Report for Item Nos. 1-9.
Addendum No. 5	Los Angeles Police Department Scientific Investigation Division Test Fire for Officer Gutierrez's Glock.
Addendum No. 6	Los Angeles Police Department Scientific Investigation Division Bullet Path Analysis.
Addendum No. 7	Los Angeles Police Department Scientific Investigation Division Bullet Cartridge Case Comparison.
Addendum No. 8 A-D	Real Time Analysis and Critical Response (RACR) Notification Logs
Addendum No. 9	Intradepartmental Correspondence, Criminal Gang Homicide Division Commanding Officer's Assessment of Supervisors' Response to a Categorical Use of Force, FID Case No. 012-15, dated February 13, 2015.

**FORCE INVESTIGATION DIVISION REPORT
OF AN OFFICER-INVOLVED SHOOTING
F012-15**

TO: CHARLIE BECK, CHIEF OF POLICE

SIR:

INVESTIGATIVE SUMMARY

On Tuesday, February 10, 2015, at approximately 0740 hours, Criminal Gang Homicide Division (CGHD) Police Officers II Everardo Amaral, Serial No. 34749, and Miguel Gutierrez, Serial No. 36634, assigned Unit 12W25, were in a black Crown Victoria, Shop No. 85138, travelling west on Florence Avenue approaching Crenshaw Boulevard, conducting a follow up investigation.¹ The officers were in heavy traffic, so Officer Amaral, the driver, turned south onto 10th Avenue to avoid the traffic. As Officer Gutierrez looked west out the passenger window down an east/west alley, he observed a male Black, identified as [REDACTED], pointing a blue steel handgun at a male Hispanic, identified as [REDACTED]. Officer Gutierrez observed a third individual, identified as [REDACTED], standing to the left and a little north of [REDACTED]. Officer Gutierrez believed that [REDACTED] was either being robbed or about to be murdered. Officer Gutierrez yelled to his partner, "Gun, gun, gun. Possible robbery, robbery in progress or murder."²

Note: Officer Amaral only heard Officer Gutierrez yell, "Gun, gun, gun."

Officer Amaral stopped their police vehicle approximately 68 feet south of the alley and the officers exited. Officer Gutierrez ran in a northwesterly direction toward the alley and unholstered his weapon, believing the situation could escalate into a deadly force situation. Officer Amaral also believing the situation could escalate into a deadly force situation, unholstered his weapon and ran toward the alley in a northwesterly direction behind Officer Gutierrez. As Officer Gutierrez entered the alley, he observed [REDACTED] holding a handgun in his right hand at shoulder level, pointed at [REDACTED], who was standing west of a dumpster. Officer Gutierrez immediately identified himself, stating, "LAPD. Drop the gun."³ [REDACTED] who faced north, turned to the east and pointed his handgun at Officer Gutierrez. Believing [REDACTED] was going to shoot him, Officer Gutierrez, who held his weapon in his right hand, fired three rounds in succession at [REDACTED] from a distance of approximately 29 feet.⁴

Note: According to [REDACTED] while he pointed and fired an airsoft pistol at a dumpster in the alley, an officer (Gutierrez) entered the alley, and fired three rounds at him. [REDACTED]

¹ Officer Gutierrez, 12 years, 2 months with the Department, 33 years of age, 5 feet, 8 inches, 175 pounds. He was attired in a white dress shirt, neck tie and black slacks. He equipped with a Department-authorized handgun carried in a Department-approved holster which was affixed to the right side of his equipment belt. He was further equipped with two fully-loaded magazines, a pair of handcuffs, a Department-issued radio and a Department badge clipped on the right side of his equipment belt.

² Officer Gutierrez' statement, Page 7, Line 22.

³ Officer Gutierrez' statement, Page 8, Line 11.

⁴ The investigation determined that [REDACTED] was holding a black airsoft pistol.

stated that he did not hear any orders for him to drop the airsoft pistol prior to hearing the shots.

Officer Amaral approached the northwest corner of the building south of the alley, and heard Officer Gutierrez yell something and heard three gunshots. Officer Amaral entered the alley and observed Officer Gutierrez pointing his weapon at [REDACTED] and two other individuals, identified as [REDACTED] and [REDACTED], who were lying on the ground in a high risk prone position, west of the officers in the alley. Officer Amaral observed a fourth individual, identified as [REDACTED], 18 years of age farther west in the alley, lying on the ground. At 0744:30 hours, Officer Amaral broadcast, "25W127, shots fired 10th Ave, [sic] south of Florence, give me three additional units." Communications Division (CD) immediately broadcast officer needs help. As the officers waited for the additional units, [REDACTED] stated that he thought he had been shot. Officer Amaral verified that [REDACTED] had been shot and at 0746:40 hours, Officer Amaral broadcast, "25W125, also send an RA [Rescue Ambulance] for a male, possibly 18-years-old, possibly shot, conscious and breathing."

Note: Officer Gutierrez only observed [REDACTED] [REDACTED] and [REDACTED] in the alley. Officer Gutierrez never observed [REDACTED] in the alley.

According to [REDACTED] before the gunshots, [REDACTED] had the airsoft pistol pointed at the ground. [REDACTED] further stated that prior to the OIS, they were listening to music and possibly were unable to hear the commands.

Witnesses [REDACTED] [REDACTED] and [REDACTED] stated they heard two gunshots.

According to [REDACTED], he heard seven gunshots.

According to [REDACTED] he heard four continuous gunshots.

Los Angeles County Deputy Sheriff Duane Bookman stated he was driving west on Florence Avenue when he heard two gunshots. He turned south onto 10th Avenue and observed a "plain police vehicle" stopped in the street. Deputy Bookman looked west into the alley and observed two "detectives" detaining suspects at gunpoint. Deputy Bookman exited his police vehicle and responded to the alley and stood by. Deputy Bookman stated he did not observe the Officer-Involved Shooting (OIS) and did not handcuff anyone (**Investigators' Note No. 1**).

At 0746:50 hours, Gang and Narcotics Division Fugitive Warrant Section plain clothes Police Officer II Paul De La Cruz, Serial No. 31284, assigned Unit 2K46, responded to the officer needs help call. Upon arrival, Officer De La Cruz observed a marked black and white Los Angeles County Sheriff's vehicle stopped in the middle of 10th Avenue. Officer De La Cruz drove north past the Sheriff's vehicle and observed Officers Gutierrez and Amaral in the alley, holding suspects at gunpoint. Officer De La Cruz stopped his vehicle, exited and broadcast on his radio to the officers that he was approaching from behind. As he walked into the alley, he observed Deputy Bookman with his weapon unholstered, covering one individual. Officer De

La Cruz unholstered his weapon, stood next to Officers Gutierrez and Amaral, and covered the prone individuals.

At 0747 hours, 77th Street Patrol Division uniformed Police Officer III Gregory Smith, Serial No. 31863, and Police Officer I Uriel Torres, Serial No. 41726, assigned Unit 12A67, along with Police Officers II Keith Horeczko, Serial No. 35806, and Robert Mantor, Serial No. 37190, assigned Unit 12A3, Police Officers II William Mateus, Serial No. 38331, and Luis Carmona, Serial No. 38270, assigned Unit 12A45, and Police Officers II Maura Cooney, Serial No. 36195, and Maricela Coss, Serial No. 36727, assigned Unit 12A15, responded to the help call and broadcast that they were Code Six. At 0750 hours, 77th Street Area Parole Compliance Unit (PCU) uniformed Police Officers II Gregory Sovick, Serial No. 37886, Charles Kumlander, Serial No. 39403, and Vanessa De La Torre, Serial No. 40677, Unit 12Z52, also responded to the help call and broadcast that they were Code Six.

Upon arrival, Officers Smith and Torres entered the alley, unholstered their weapons and stood next to Officers Gutierrez and Amaral. When Officers Mateus and Carmona entered the alley, they unholstered their weapons and stood next to Deputy Bookman. Officers Horeczko, Mantor, Mateus, and Carmona entered the alley and Officer Smith directed the officers to handcuff the individuals. Officers Carmona and Mateus stood by and waited for the other individuals to be handcuffed.

Officer Horeczko handcuffed and searched [REDACTED] while Officer Mantor covered him. Officer Horeczko walked [REDACTED] east out of the alley and placed him in the rear of their police vehicle. Officer Torres holstered his weapon and handcuffed and searched [REDACTED]

Note: According to [REDACTED], Officer Gutierrez put his knee in his back and handcuffed him.

Officers Sovick, Kumlander, and De La Torre entered the alley, unholstered their weapons and made contact with Officer Smith. Officer Smith advised Officer Sovick to handcuff [REDACTED]. Officer Sovick holstered his weapon, handcuffed [REDACTED], conducted a cursory search for weapons and walked him east out of the alley. Officer Kumlander holstered his weapon. Officer Carmona holstered his weapon and handcuffed [REDACTED]. Officer Mateus holstered his weapon after [REDACTED] was handcuffed. Officers De La Cruz, Smith and De La Torre holstered their weapons after all of the suspects were handcuffed.

Note: Officers Smith, Torres, Carmona, De La Torre, Mateus, Sovick and Kumlander unholstered their weapons due to the shots fired radio call and Officers Smith, Sovick and Kumlander observed a handgun in the alley in close proximity of the prone individuals. The handgun they observed was later identified as an airsoft pistol.

Officers Cooney and Coss exited their vehicle and Officer Cooney unholstered her weapon and Officer Coss removed the shotgun from their vehicle and chambered a round. They ran to the alley and observed several officers unholstered, covering four individuals who were lying in a

high risk prone position. Officers Cooney and Coss observed one individual being handcuffed and they immediately left the alley believing there were enough officers handling the situation. Officer Cooney holstered her weapon and Officer Coss went back to their vehicle, rendered the shotgun safe and secured it in their police vehicle.

At approximately 0748 hours, the Los Angeles Fire Department (LAFD) received the alarm to respond to Florence Avenue and 10th Avenue.

At 0749 hours, 77th Street Patrol Division uniformed Sergeants I Aaron Pomeroy, Serial No. 35460, assigned Unit 12L80, and Rick Rodgers, Serial No. 31318, assigned Unit 12L20, arrived at scene and broadcast they were Code Six. Sergeant Rodgers determined Officer Gutierrez was involved in an OIS and Officer Amaral was a percipient witness. The officers were separated and Officer Gutierrez was monitored by Sergeant Rodgers while Officer Amaral was monitored by Sergeant Pomeroy.

At 0749:20 hours, 77th Street Patrol Division uniformed Police Officer III+I Owen Mills, Serial No. 31180, Unit 12SL3, broadcast a Code Four. Sergeant Rodgers advised officers on scene to clear the alley and preserve the crime scene, while Sergeant Pomeroy verified there were no outstanding suspects and a Code Four had been broadcast.

Sergeant Rodgers took a Public Safety Statement (PSS) from Officer Gutierrez. According to Sergeant Rodgers, Officer Gutierrez observed a male Black suspect pointing a handgun at a male Hispanic victim. Officer Gutierrez fired two to three rounds in a westerly direction and there were no outstanding suspects. Sergeant Rodgers ordered Officer Gutierrez not to discuss the incident and continued to monitor him at scene.

Within a minute of Sergeants Rodgers and Pomeroy's arrival, 77th Street Area PCU uniformed Sergeant I Rosendo Gomez, Serial No. 30660, assigned Unit 12Z50, broadcast he was Code Six. Sergeant Gomez observed Sergeants Rodgers and Pomeroy monitoring the involved officers and he took responsibility for the scene. Sergeant Gomez guarded the inner perimeter until it was secured and then assigned Officers Smith and Torres to guard the scene. Sergeant Gomez went to the command post (CP) and spoke to Officer De La Cruz, who was the first officer to arrive at scene. Sergeant Gomez monitored Officer De La Cruz, ordered him not to speak about the incident and stayed at the CP.

At approximately 0750 hours, CGHD Detective III Christopher Barling, Serial No. 25264, arrived at scene along with other detectives from his unit. Detective Barling made contact with Sergeant Pomeroy and took over monitoring Officer Amaral. Detective Barling took a PSS from Officer Amaral. According to Detective Barling, Officer Amaral stated Officer Gutierrez had yelled gun as they were driving. Officer Amaral heard Officer Gutierrez fire three rounds.

Detective Barling directed CGHD Detective II Stacey Szymkowiak, Serial No. 33084, to monitor Officer Amaral and directed Detective II Dean Vinluan, Serial No. 30270, to monitor Officer Gutierrez. Both officers were transported and monitored at 77th Station in the Criminal Gang Homicide Unit detective squad room.

Note: Detective Barling believed he arrived at scene at approximately 0730 hours and took the PSS at 0740 hours; however, the crime scene log indicated he arrived at 0750 hours.

At 0752 hours, LAFD Rescue Ambulance (RA) 66 arrived and treated [REDACTED] for his injuries. At 0807 hours, RA 66 transported [REDACTED] to California Hospital Medical Center. Officer De La Torre rode in the back of the RA with [REDACTED] and Officers Sovick and Kumlander followed.

On February 10, 2015, Detective Lopez and FID Detective II Jose Martinez, Serial No. 34133, responded to California Hospital Medical Center and interviewed [REDACTED]. [REDACTED] stated that he and his friends were in the alley rapping and realized it was time to go to school. [REDACTED] was facing north and looking in his backpack when he heard someone yell, "Get on the fucking ground." Then [REDACTED] heard, "boom" several times and felt something in his back. [REDACTED] was unsure if he had been shot. Later in the interview, [REDACTED] said he had been shot before he heard the officer order him to the ground (**Investigators' Note No. 2**).

Note: Firefighter Paramedic Dustin Carson stated in his interview that [REDACTED] told him that someone from behind [REDACTED] said, "Get down, get down, get down," and then he had been shot.

Criminal Gang Homicide Division Detective II Robert Lait, Serial No. 34117, and Detective I Brian Calicchia, Serial No. 36369, transported [REDACTED] to 77th Street station. Criminal Gang Homicide Division Detectives I Christopher Valento, Serial No. 38160, and Patrick Flaherty, Serial No. 32266, transported [REDACTED] to 77th station. Criminal Gang Homicide Division Detective II Charles Hicks, Serial No. 32548, and Detective I Gerardo Vejar, Serial No. 33198, transported [REDACTED] to 77th Street station. [REDACTED], [REDACTED] and [REDACTED] did not make any statements about the incident to the detectives (**Investigators' Note No. 3 and Addendum No. 1**).

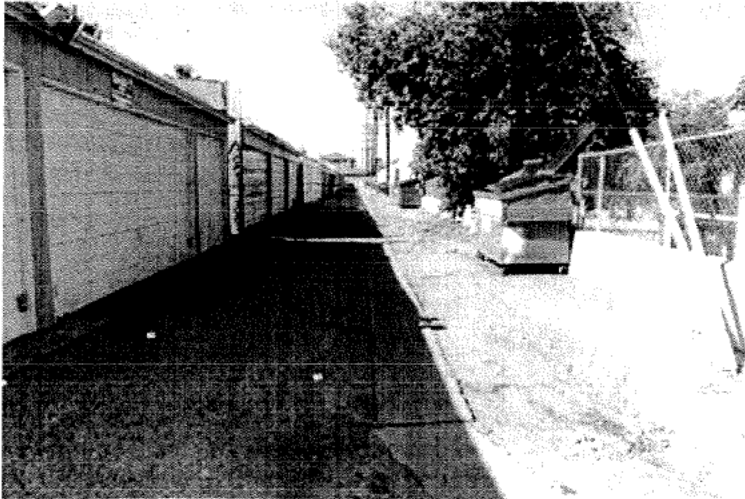
Note: Force Investigation Division (FID) Detective II Phyliss D'Elia, Serial No. 26795, reviewed all documents and circumstances surrounding the separation and monitoring of officers prior to being interviewed by FID investigators. All protocols were followed and appropriately documented (**Addendum No. 2**).

The first representative from FID arrived at 0835 hours.

SCENE DESCRIPTION

The OIS occurred in the east/west alley north of the apartment building located at [REDACTED] 10th Avenue, in the City of Los Angeles. The alley was south of Florence Avenue and west of 10th Avenue and was approximately 21 feet wide. On the north side of the alley was an approximate two-foot high cement pony wall with an attached chain link fence on top. Together, the wall and fence measured approximately six feet in height. The south of the alley was lined by a series of double car garages. The OIS occurred approximately 30 feet west of 10th Avenue.

The incident occurred during daylight; therefore, lighting was not a factor.



On February 10, 2015, FID and 77th Street Area personnel canvassed the area of 10th Avenue and Florence Avenue for witnesses to the OIS. Force Investigation Division personnel conducted several additional canvasses of the area. The statements of all witnesses and their certified transcripts are contained in this report. The digitally-recorded interviews of the involved, percipient officers and civilian witnesses are stored in Training and Evaluation and Management System (TEAMS II) database (**Investigators' Note No. 4**).

_____ was a male Black with brown hair, brown eyes, 5 feet 10 inches tall, 130 pounds and a date of birth of _____. _____ was not a documented gang member.

On February 10, 2013, Detectives Rheault and Kellum read [REDACTED] the Miranda admonition. [REDACTED] waived his rights, and stated that he and his friends were in the alley, rapping. He was holding an airsoft pistol that he pointed at the dumpster in the alley. An officer came into the alley and fired three rounds at him. [REDACTED] stated that he did not hear the officer order him to drop the gun. [REDACTED] further stated that just before the officer came into the alley, he had fired pellets from the airsoft pistol at the dumpster.

INJURIES

On February 10, 2015, at 0748 hours, LAFD Engine No. 66, staffed by LAFD Captain Martin Mullen, Firefighters Robert Robbins, and James Sprinkel, along with RA 66, staffed by Firefighter/Paramedics Dustin Carson and Anthony Temple, received an alarm for a shooting at Florence Avenue and 10th Avenue and responded to the scene, arriving at 0752 hours.

Upon their arrival, Firefighter/Paramedics Carson and Temple observed [REDACTED] sitting on the curb, handcuffed. [REDACTED] was alert and communicative. Firefighter/Paramedics Carson and Temple cut off [REDACTED] shirt and observed he had an injury to his back. They rendered medical assistance to him at scene and at 0807 hours, transported [REDACTED] to California Hospital Medical Center. Officer De La Torre rode in the rear of the RA with [REDACTED]. [REDACTED] did not make any statements while being transported in the RA.

Doctor Gandara treated [REDACTED] for a gunshot wound [REDACTED]. Bullet fragments were detected in the soft tissue and were not removed. At 1210 hours, [REDACTED] was discharged from California Hospital Medical Center and released to his mother, [REDACTED] (Addendum No. 3).

EVIDENCE

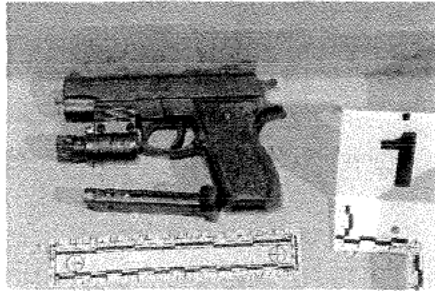
On February 10, 2015, at approximately 1300 hours, Scientific Investigation Division (SID) Firearms Analysis Unit (FAU) Criminalist II Marissa Biraimah, Serial No. N3136, Firearms Examiner Genaro Arredondo, Serial No. N4417, Supervisor Criminalist Dennis Fung, Serial No. E8444, and Laboratory Technician I Jennifer O'Connor, Serial No. N5003, responded and conducted an examination of the OIS scene for ballistic evidence. As a result of their examination, nine items of evidence were recovered, including discharged cartridge casings, an airsoft pistol, airsoft pellets and clothing (Addendum No. 4).

CLOTHING ANALYSIS

Based on the subsequent crime scene investigation, coupled with the physical evidence observed/recovered, witness statements and officer placement during the walk-through, FID investigators did not request for the suspect's clothing for analysis. However, the evidence will remain available for future analysis if needed.

WEAPONS

██████████ was armed with a UK Arms model M777R Airsoft Pistol with an orange tip on the end of the muzzle that was installed by the manufacturer. The weapon was black in color with a removable magazine.



Officer Gutierrez was armed with his Department-authorized .40 caliber Glock Model 35 semiautomatic pistol. The pistol was carried in a black leather holster attached to his equipment belt. According to Officer Gutierrez, at the time of the OIS, the pistol was loaded to capacity with 15 rounds of Winchester Ranger .40 caliber S&W, 180 grain SXT ammunition in the magazine and one round in the chamber. He carried two additional magazines on his equipment belt, loaded to their capacity of 15 rounds of the same authorized ammunition.

On February 10, 2015, at approximately 1230 hours, Detective D'Elia conducted a post-incident examination of Officer Gutierrez' pistol. She determined the firearm was loaded with one round in the chamber and 12 rounds in the magazine. Three expended cartridge cases collected at the OIS scene were determined to have been fired from Officer Gutierrez' pistol. This information is consistent with Officer Gutierrez having fired a total of three rounds during the incident.

On February 19, 2015, SID FAU Criminalist II Jessica Moody, Serial No. N4576, examined and test-fired Officer Gutierrez's pistol. The pistol was found to be functional and the measured trigger pull was within the Department's specification (**Addendum No. 5**).

Detective D'Elia verified that Officer Gutierrez' Glock was entered on his Firearms Inspection Record as of January 27, 2009.

FIREARMS ANALYSIS

On February 10, 2015, Criminalists Biraimah and Arredondo conducted an examination for impacts in the surrounding area of the alley north of ██████████ 10th Avenue. No impacts were found (**Addendum No. 6**).

Scientific Investigation Division FAU criminalists recovered a total of three expended cartridge cases and determined they were fired from Officer Gutierrez' pistol (**Addendum No. 7**).

VISUAL DOCUMENTATION

Digital In-Car Video System (DICVS)

Several responding police vehicles were equipped with DICVS. All of the video-equipped units arrived after the OIS occurred. None of the in-car videos captured the OIS, nor did they capture any relevant footage of the detention of the subjects.

The video from Unit 12A67 captured officers' arrival after the OIS and captured Sergeant Rodgers monitoring Officer Gutierrez. While Sergeant Rodgers monitored Officer Gutierrez, Sergeant Rodgers spoke to arriving detectives in the presence of Officer Gutierrez. Officers Smith and Torres (12A67) were not in the immediate area of Sergeant Rodgers and Officer Gutierrez; therefore, there was no audio of his conversation with the detectives; therefore, he was re-interviewed.

On June 23, 2015, Sergeant Rodgers was shown the in-car video and was re-interviewed. During the re-interview, Sergeant Rodgers stated that he advised the arriving detectives what still needed to be done to secure the crime scene and determined who would monitor Officer Gutierrez.

Body Worn Video (BWV)

At the time of the incident, Operations-South Bureau was not equipped with BWV.

Social Media

There was no social media connected to this incident.

Department Video

The incident did not occur near or at a Department facility.

Outside Video

Witness [REDACTED] recorded two videos that were less than 10 seconds each. They were recovered and stored under Control No. 664508. The two videos depicted the officers in the alley after the OIS. A cellular telephone video taken by witness [REDACTED] was recovered and stored under Control No. 664518. The video depicted the officers in the alley after the OIS. A video was recovered from the El Paso Inn Motel, located north of the alley and was stored under Control No. 664509. The camera was south-facing and captured the patio area of the motel. The video did not depict the alley or what occurred in the alley. None of the videos recovered depicted the OIS.

Photographs

Photographs of the OIS scene and associated evidence are stored under Control Nos. D0393991, D0394840, D0394620, and D0394628.

NOTIFICATIONS

On February 10, 2015, at 0805 hours, Real-Time Analysis and Critical Response (RACR) Division was notified of the Categorical Use of Force and the details of the subsequent notifications are attached (**Addendum No. 8**).

PERSONNEL AT SCENE

Force Investigation Division Commander Robert Lopez, Serial No. 22131, was the first FID personnel to arrive on scene. He arrived at approximately 0835 hours. Crime scene logs documenting additional personnel are on file at FID.

COMMUNICATIONS

The computer-generated incident history printout associated with this occurrence (Incident No. 150210000978) is on file at FID, along with the recording of the 77th Area base frequency and 911 calls.

JUSTICE SYSTEM INTEGRITY DIVISION REVIEW

This case met the criteria for presentation to the Justice System Integrity Division (JSID) and will be presented shortly after the completion of this administrative report.

INVESTIGATORS' NOTES

1. On April 9, 2015, FID Detective III Oscar Lopez, Serial No. 27612, and FID Detective II Jose Alvarez, Serial No. 34962, spoke to Deputy Bookman, who refused to be recorded.
2. [REDACTED] alleged he heard someone yell, "Get on the fucking ground, get on the fucking floor." On February 12, 2015, Detective D'Elia re-interviewed Officer Gutierrez, who stated he did not recall making that statement but may have due to the high stress level of the situation. On February 16, 2015, Detective D'Elia advised CGHD Captain II Byford Whittingham, Serial No. 26013, of the allegation and of Officer Gutierrez' explanation. Captain Whittingham advised he would handle the issue at the divisional level, as a training issue.

[REDACTED] [REDACTED] and [REDACTED] advised they heard the officers order them to get on the ground. They did not allege that they heard the officer use profanity.

No civilian witnesses were identified that heard commands from the officers.

██████████ was initially identified as ██████████ therefore, his transcript identified him as such. ██████████ medical report from California Hospital Medical Center identified him as ██████████.

3. Upon review of the 77th Street Area Secure Juvenile Detention Log, dated February 10, 2015, at 0830 hours, ██████████ was signed into 77th Area by Detectives Valento and Flaherty. The log indicated 77th Street Patrol Division uniformed Sergeant I Timothy O’Gorman, Serial No. 22860, asked ██████████ if he knew why he was being arrested, if he was sick, ill, or injured, and if he had any questions. Sergeant O’Gorman checked the boxes appropriately. The Miranda rights invoked box was checked. Sergeant O’Gorman stated he did not check the box and did not Mirandize ██████████. Detectives Valento and Flaherty stated they did not check the box or Mirandize ██████████.

██████████ was interviewed and Mirandized on February 10, 2015, at 1220 hours, by FID Detectives II Anthony Rheault, Serial No. 33961, and Myra Kellum, Serial No. 32244. ██████████ waived his rights and agreed to be interviewed.

██████████ stated he was in the alley with ██████████, ██████████, and ██████████ smoking a “blunt” and rapping to music on from his phone. ██████████ had an airsoft pistol in his hand and was holding it while they took turns rapping. ██████████ was standing in the alley west of the dumpster, facing the north wall, looking into his backpack for his shirt, ██████████ was standing south of him, ██████████ was southwest of ██████████ and ██████████ was standing to his right, when ██████████ heard four gunshots. After the shots were fired, an officer yelled to get on the ground and they complied.


4. On February 21, 2015, Detectives Lopez and Rheault, and Assistant Inspector General (AIG) Django Sibley, Serial No. N3042, attempted to interview witness ██████████. During this contact with ██████████ he stated Detective Rheault, on the day of the incident, yelled at him and told him to, “get the fuck out of here.” Detective Rheault advised ██████████ that he had never met him before and ██████████ advised it must have been someone who looked like him. ██████████ refused to have any further contact with the detectives. The statement was discussed with Commander López, who advised investigators to contact Internal Affairs Division for advice.

Detective D’Elia spoke with Assistant Officer-In-Charge, Internal Affairs Group Review and Evaluation Section Sergeant II Maria Lee, Serial No. 31486, who stated the statement could be handled in the FID report as an investigators’ note, due to ██████████ refusal to provide detectives additional information to investigate the statement, and due to the fact that ██████████ refused to have further contact with the detectives. Assistant Inspector General Sibley concurred that the statement did not rise to the level of misconduct and initiation of a personnel complaint was not warranted.

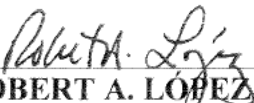
Seventy-Seventh Street Patrol Division uniformed Police Officers II Charles Castaneda, Serial No. 40673, and Dennis Shaw, Serial No. 35740, assigned Unit 12A53, Dionisio Heredia, Serial No 39497, and Alex Vidana, Serial No. 39526, assigned Unit 12A51,

responded to the incident, but arrived after a Code Four was broadcast and did not have contact with any of the individuals taken into custody. Therefore, they were not interviewed. Seventy-Seventh Street Patrol Division uniformed Police Officers III+I Martin Martinez, Serial No. 25185, assigned Unit 12SL45, and Mills, broadcast they were Code Six after the individuals were taken into custody; therefore, they were not interviewed. Seventy-Seventh Street Patrol Division Police Officers II Jeffrey Joyce, Serial No. 36944, and Edward Pernesky, Serial No. 36950, assigned Unit 12A49, advised they were en route to the scene, but after a Code Four was broadcast, they cancelled their response and never responded to the scene.

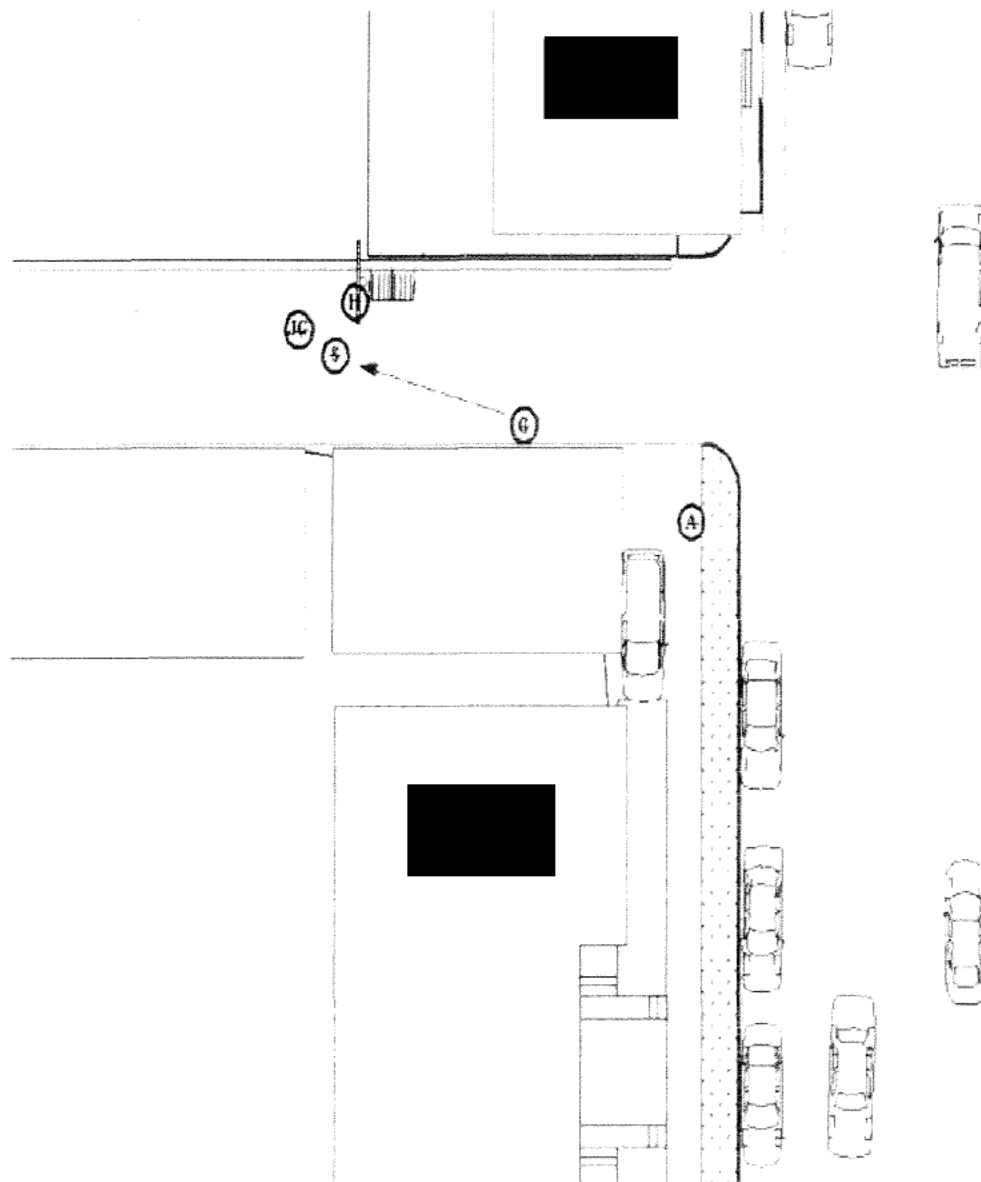
5. Detective D'Elia contacted 77th Street Captain I Marc Reina, Serial No. 34490, and advised him in the Watch Commander's Daily Report, Sergeant O'Gorman had checked the box indicating there had been no Categorical uses of force. However, on the date the report was completed, an Officer-Involved Shooting had occurred and appropriately documented in the narrative portion of the report. Captain Reina indicated that this inadvertent omission would be corrected and addressed as a training issue.


STEVEN LURIE, Lieutenant II
Officer-In-Charge, Investigative Section C
Force Investigation Division

APPROVED:


ROBERT A. LOPEZ, Commander
Commanding Officer
Force Investigation Division


DATE



10th Avenue

LEGEND	
G	Officer Gutierrez
A	Officer Amaral
	Direction of fire