

**Pursuant to California Penal Code Section 832.7,  
which was amended by Senate Bill (SB) 1421, effective  
January 1, 2019, and again by Senate Bill (SB) 16,  
effective January 1, 2022,  
a redacted version of this report is subject to disclosure  
under the California Public Records Act.**

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: July 3, 2023

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 040-22 FOR 7/11/23 CLOSED-  
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ( )</u>	<u>Uniform-Yes (X) No ( )</u>
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Hollenbeck	7/22/22	6:51 p.m.		
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Officer(s) Involved in Use of Force

Hosea, C./ PO II

Total Involved Officer(s)

1 x Sgt. I

1 x PO III

2 x PO II

<u>Suspects</u>	<u>Deceased (X)</u>	<u>Wounded ( )</u>	<u>Non-Hit ( )</u>
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Lino Soltero: Male Hispanic, 39 years of age.

**COP Recommendations**

**Tactics** – Administrative Disapproval, Officers Hosea and Tovar. Tactical Debrief, Officer Campos and Sergeant Lopez.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Hosea and Tovar.

**Lethal Use of Force** – Out of Policy, Administrative Disapproval, Officer Hosea.

**IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Same as COP.

**Lethal Use of Force** – Same as COP.

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## **INVESTIGATION**

### **Annotated Force Investigation Division Incident Summary**<sup>1</sup>

**Synopsis:** On July 22, 2022, at approximately 1851 hours, Hollenbeck Patrol Division uniformed officers were near the intersection of Eastern Avenue and Whiteside Street, when they observed a vehicle without license plates near a suspected chop shop. As the officers positioned their patrol vehicle to conduct a traffic stop, the front passenger exited, armed with a handgun. The suspect then fled through a residential neighborhood and the officers initiated a foot pursuit. During the foot pursuit, the suspect pointed the handgun at one of the officers, resulting in an Officer-Involved Shooting (OIS). The suspect was struck by gunfire and transported by rescue ambulance (RA) to a hospital where he was pronounced deceased.

### **Investigative Summary**

On July 22, 2022, at approximately 1850 hours, Hollenbeck Patrol Division Police Officers II Charles Hosea, Serial No. 43216, and Christian Tovar, Serial No. 43029, were assigned to [REDACTED].<sup>2</sup> They were traveling west on Eastern Avenue when they observed a black Nissan SUV without license plates in the area of Eastern Avenue and Whiteside Street.<sup>3-4</sup>

According to the officers, they had knowledge that multiple stripped vehicles had been recovered in the area and believed a chop shop was operating nearby. Based on that information, they believed the Nissan was possibly a stolen vehicle.

The officers continued west on Eastern Avenue, past Whiteside Street, and conducted a U-turn at Lansdowne Avenue. As the officers approached Whiteside Street, the Nissan was now stopped facing north on Whiteside Street at Eastern Avenue. The officers positioned their vehicle behind the Nissan and followed it west on Eastern Avenue.

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<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

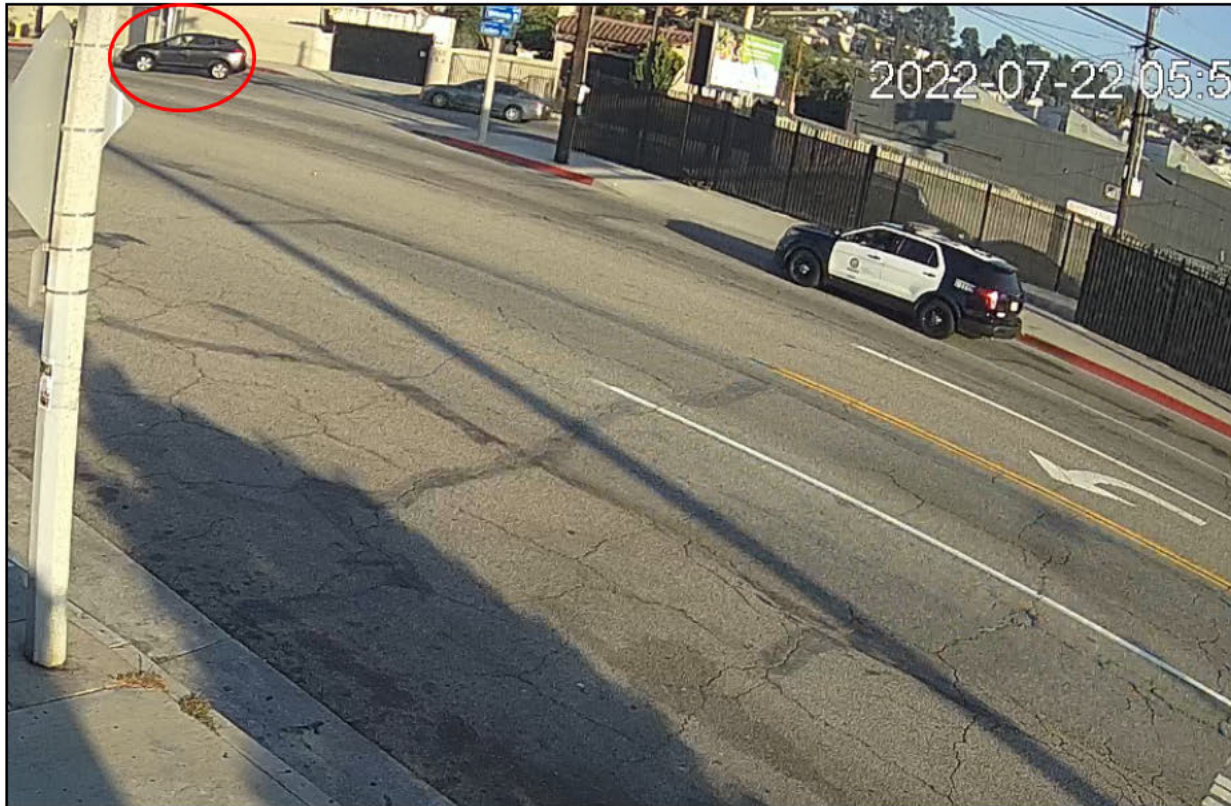
<sup>2</sup> Officers Hosea and Tovar were in full police uniform and operating out of a marked police vehicle equipped with a DICVS. Officer Hosea was the passenger, and Officer Tovar was the driver. Additionally, each officer was equipped with a BWV camera, ballistic vest, Department-approved handgun, TASER, Oleoresin Capsicum (OC) spray, handcuffs, Hobble Restraint Device (HRD), and a baton. At the time of the incident, Officer Tovar's HRD remained in his vehicle.

<sup>3</sup> Unless otherwise attributed, all observations, times, and statements were derived from Body Worn Video (BWV) or Digital In-Car Video System (DICVS).

<sup>4</sup> Eastern Avenue is a north and south roadway, which transitions to an east/west direction between Paseo Rancho Castilla and Marianna Avenue.



They observed a female driver but no other occupants. Before the officers could stop the vehicle, the Nissan turned into the parking lot of a local business.<sup>5</sup>



**Still image from security video showing the officers positioning their vehicle behind the Nissan<sup>6</sup>**

The officers followed the Nissan into the parking lot. According to the officers, while doing so the front passenger door unexpectedly opened while the Nissan was still moving. Officer Hosea observed the front passenger, later identified as Lino Soltero, began to exit armed with a handgun in his right hand.<sup>7</sup> Officer Hosea immediately communicated to his partner by announcing, “Gun, gun, gun, gun!”<sup>8</sup>

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<sup>5</sup> The business was the Metro Meat Market at 7120 North Eastern Avenue.

<sup>6</sup> The security video was obtained from the [REDACTED] at [REDACTED] North Eastern Avenue and showed that there was also a male passenger reclined in the front passenger seat. The officers were unaware of the presence of this individual as they followed this vehicle.

<sup>7</sup> Lino Soltero, 5 feet 4 inches tall, 150 pounds, 39 years of age.

<sup>8</sup> According to the officers, as the Nissan entered the parking lot, Soltero exited before they could broadcast their location or activate their vehicle’s emergency lights.



Soltero immediately fled from the vehicle armed with a handgun and ran east in the alleyway north of the parking lot.<sup>9</sup> Officers Hosea and Tovar followed in foot pursuit and unholstered their duty pistols.<sup>10</sup> As Officer Tovar passed the Nissan, he visually cleared the vehicle. When interviewed, Officer Tovar stated, *"Initially, I clear the car quickly. Took a quick peek, saw the female was still there. I could see her hands. So initially, I just clear the car real quick and I follow my partner. Because that's who we knew was armed at the time and we pursued him but the vehicle, unknown where - - where it went after we cleared it."*<sup>11</sup>



A diagram depicting where the traffic violation was observed, and where the foot pursuit was initiated.

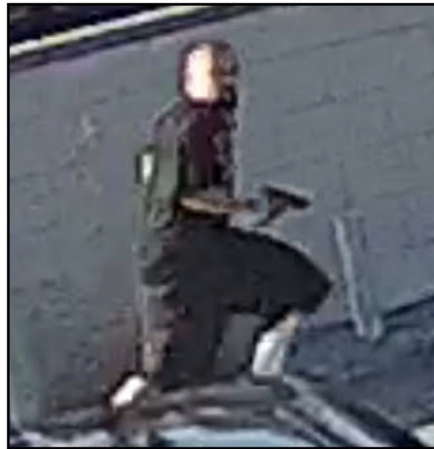
<sup>9</sup> The female driver of the black Nissan SUV was not identified. She fled east onto Eastern Avenue, after striking a Gray Nissan Versa, License No. [REDACTED], which was driving west on Eastern Avenue. A hit and run felony traffic collision report was taken for the driver of the Nissan Versa.

<sup>10</sup> According to both officers, they unholstered their pistols upon observing Soltero armed with a handgun.

<sup>11</sup> Statement of Officer Tovar, Page 24, Lines 16-22.



Additional security video from [REDACTED] captured Soltero as he ran east through the alley with the officers following behind.



Still image of Soltero running through the alley armed with a handgun

As Officer Hosea ran after Soltero in the alley, Officer Tovar followed approximately 15 feet behind, while broadcasting a request for a backup and an airship for a man with a gun.<sup>12</sup> Soltero continued through the alley as the officers repeatedly ordered him to drop the gun. Upon reaching Tim Avenue, Soltero ran north before turning west on Drucker Street. Officers Hosea and Tovar continued to command Soltero to “Drop the gun!” Soltero ran on Drucker Street along the parked vehicles on the north curb. Officer Hosea ran on the south sidewalk while Officer Tovar followed behind Soltero in the street.<sup>13</sup>

According to the officers, they pursued Soltero in apprehension mode because they were concerned he might enter a yard or house, where residents were present, and take a hostage. When interviewed, Officer Hosea said, “We were in apprehension mode. Due to the fact that there was a - - it was I believe 6:00 o'clock in the afternoon, 7:00 o'clock, I don't know. There's a lot of families out. It's the middle of summer. So we were unable to go into perimeter mode due to the suspect possibly entering a location where there might be some victims for a hostage situation.”<sup>14</sup> Officer Tovar said, “And, like I said, based on the totality of the circumstances, the date of - - the - - the time of day, the - - a lot of - - the - - the amount of foot traffic in the area, we'd rather have apprehended the suspect as quickly as possible, rather than having to have a

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<sup>12</sup> Unless otherwise specified, all broadcasts described in this report were made on the Hollenbeck Area Base radio frequency.

<sup>13</sup> Officer Tovar followed approximately 50 feet behind Soltero while on Drucker Street. When interviewed, Officer Tovar estimated he was 10 to 15 feet behind Soltero. Unless otherwise noted, the distances listed in this report were determined by Department mapping software after analysis of the available video evidence.

<sup>14</sup> Statement of Officer Hosea, Page 15, Lines 18-24.



*barricade situation or him hostage a family or some kids that are playing outside on the - - on the sidewalk of the street in the area.”<sup>15</sup>*

According to Officer Hosea, Soltero ran west along the parked vehicles on the north side of Drucker Street as the officers continued pursuing him from an approximate distance of 60 to 75 feet.<sup>16</sup> The officers indicated they remained unholstered while following Soltero on Drucker Street because they observed him look over his shoulder multiple times and believed he might attempt to shoot at them.



A diagram depicting the foot pursuit route up to this point in the incident<sup>17</sup>

As Soltero and the officers approached Lansdowne Avenue, Officer Tovar broadcast, *“I’m on Lansdowne!”* Upon reaching Lansdowne Avenue, Soltero ran north with the officers following behind him. After running approximately 50 feet, Soltero stumbled forward and fell to the ground on his right side.

According to Officer Hosea, he observed Soltero lying on the ground and raising the barrel of his gun toward him while looking directly at him. In fear for his life, Officer

<sup>15</sup> Statement of Officer Tovar, Page 60, Line 19 through Page 61, Line 2.

<sup>16</sup> When interviewed, Officer Hosea used 20 to 25 yards to estimate his distance. All distances were converted to feet for consistency.

<sup>17</sup> The foot pursuit lasted approximately 32 seconds and covered 550 feet.

Hosea aimed his pistol at Soltero's center body mass and began firing his pistol while stepping backward.

According to Officer Hosea, he assessed throughout the OIS and observed Soltero continue raising his handgun toward him. Officer Hosea stopped firing his pistol when he observed Soltero's actions "*starting to change*" and "*the gun starting to lower.*" Although he observed that Soltero's gun remained in his hand, he believed his rounds had been effective, and there was no need to fire additional rounds.

**Note:** Officer Hosea believed he fired 17 rounds during the OIS. The investigation determined Officer Hosea fired 18 rounds from an increasing distance of 20 to 30 feet.<sup>18</sup>

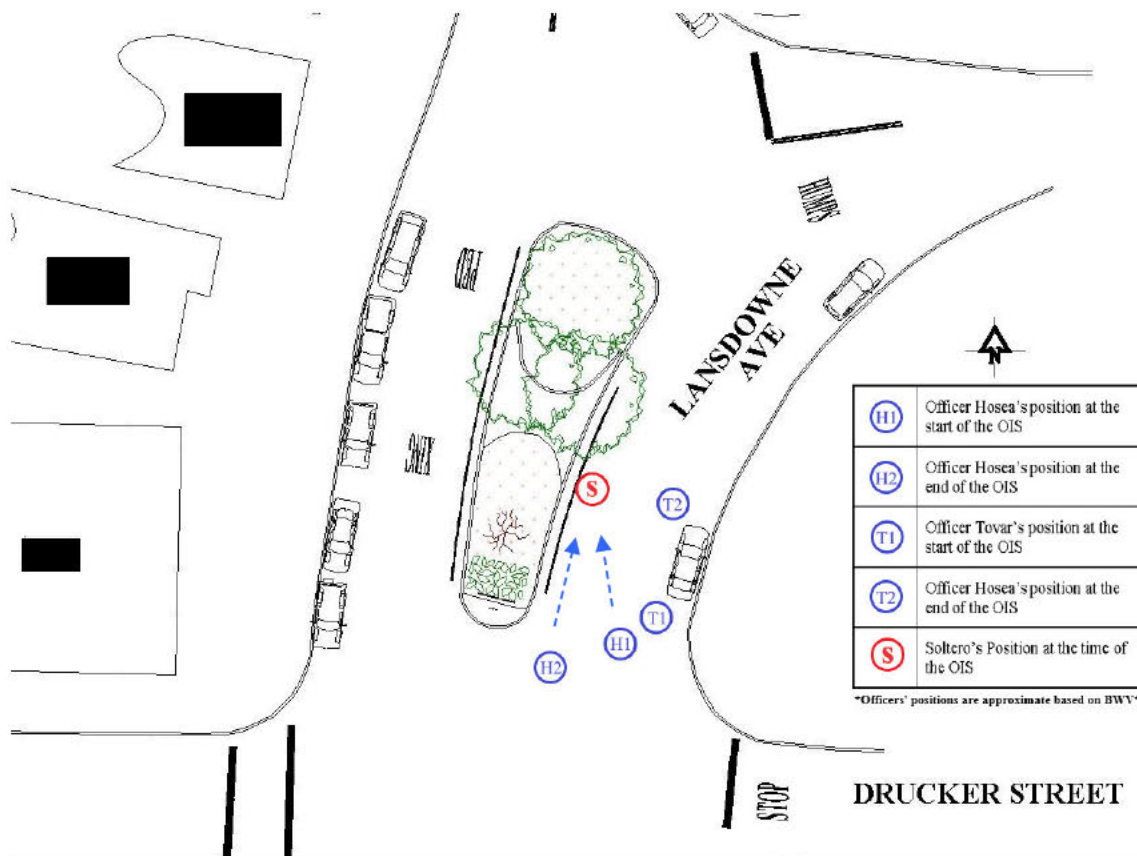
Officer Hosea explained, "*I believed he was tired but he started laying down on the floor. I thought this was going to be - - you know, this might lead to an officer involved shooting. When he was laying down on the floor, he, with his right hand, he pointed the firearm towards me. I saw his face, his eyes looking at me. And, I mean, I saw the barrel pointing at me. You know? And, you know, I was - - I was in fear for my life. I - - I - - I thought he was going to shoot me right there. I - - I began to fire towards the suspect. At which time, I mean, I was firing my rounds towards him, he continued to make eye contact with me. He continued to raise his firearm towards me. I - - at that point, I don't even think my rounds were hitting, honestly. I don't know if I was even hitting my target to stop the threat. I continued firing. At which point, he started to lower his weapon. And that's when I sought cover. And once I was behind cover, the gun was right there in his hand still.*"<sup>19</sup>

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<sup>18</sup> The time of the OIS was determined to be 1851:02 hours.

<sup>19</sup> Statement of Officer Hosea, Page 9, Line 13 through Page 10, Line 6.



**Diagram depicting the officers and Soltero's positions at the time of the OIS**

At the time Officer Hosea fired his first round, Officer Tovar was approximately five feet north of Officer Hosea and 15 feet east of Soltero. During the OIS, Officer Tovar continued to move north along the driver side of a silver Nissan Altima that was parked on the east curb of Lansdowne Avenue. When Officer Hosea fired his last round, Officer Tovar was positioned approximately five feet north and 15 feet east of Soltero on Lansdowne Avenue.

According to Officer Tovar, while following Soltero onto Lansdowne Avenue, he (Officer Tovar) stumbled as he stepped off the sidewalk. Simultaneously, he observed Soltero fall onto "all fours" and drop his handgun on the ground. Soltero then immediately reacquired the handgun, rolled onto his right side, and pointed the handgun at Officer Hosea.

When interviewed, Officer Tovar stated, "He grabbed it again with a - - in a pistol grip and he made the - - he rolled over on his shoulder and that's when he pointed it towards my partner. I heard the - - the rounds go off, but I don't know if it was from my partner or from the suspect. I did observe the - - the firearm and - - and a malfunction. So, at that time, I - - I believe that the suspect pulled the trigger and that's how the malfunction occurred."<sup>20</sup>

<sup>20</sup> Statement of Officer Tovar, Page 44, Line 11 through Page 45, Line 2.



When asked to describe the malfunction, Officer Tovar stated, *"Malfunction, either he went to slide lock or he had a double feed in his - - in his weapon. Because I saw that the frame or the slide of the - - the weapon was cocked back."*<sup>21</sup> Immediately after the OIS occurred, Officer Tovar broadcast, "█ shots fired, shots fired, Lansdowne and Drucker!"

### Timeframe Analysis

Force Investigation Division's Video Technology Unit (VTU) performed a █ Analysis on Officers Hosea and Tovar's BWV. The analysis determined a total of 19 rounds were fired in approximately 3.26 seconds.<sup>22</sup>



**Image from Officer Tovar's BWV showing Soltero pointing his handgun in Officer Hosea's direction**



**Enhanced and zoomed version of the above image showing Soltero pointing his handgun<sup>23</sup>**

<sup>21</sup> Statement of Officer Tovar, Page 45, Lines 9-12.

<sup>22</sup> The Sound Graph Analysis was completed with the assistance of Adobe Audition 2022 version 23.0.0.54 software.

<sup>23</sup> Force Investigation Division's VTU analyzed and enhanced Officer Tovar's BWV images with the assistance of Adobe Audition 2022, version 23.0.0.54 software.

**Note:** The above images were captured approximately midway through the OIS. Due to the angle, positioning, and limited resolution of the BWV, the rest of Soltero's actions during the OIS could not be determined.

After the OIS, Soltero's handgun rested on the pavement and underneath the back of his right hand. Forensic Science Division's (FSD) Firearms Analysis Unit (FAU) collected Soltero's handgun and rendered it safe. The magazine was partially ejected, and the slide was partially rearward due to a discharged cartridge case (DCC) failing to eject, which indicated the handgun had been fired. The DCC in Soltero's handgun, in conjunction with 19 rounds being recorded (one more round than Officer Hosea fired), indicated Soltero fired his handgun during the OIS. However, the exact time Soltero fired could not be determined.



**Photograph of Soltero's handgun in the condition and location it was collected**

According to Officer Hosea, he observed his handgun was out of ammunition and sought cover behind a metal sign on the center median, where he reloaded his pistol.<sup>24</sup> Simultaneously, Officer Tovar joined Officer Hosea and repeated his broadcast of their location at Lansdowne Avenue and Drucker Street. Approximately ten seconds later, Officer Tovar broadcast a request for a rescue ambulance (RA).<sup>25</sup>

## **Background**

Officer Hosea's background consisted of a paved roadway and a center median with a cinderblock wall. Approximately 120 feet north of Soltero was an unoccupied vehicle parked along the east curb of [REDACTED] Heidleman Road. This vehicle was struck by two rounds that deflected off the roadway. Additionally, 260 feet northwest of Soltero was a single-family residence located at [REDACTED] Lansdowne Avenue that was struck by one round. It could not be determined if this round was independent or associated with another impact.

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<sup>24</sup> A review of BWV determined that following the OIS, the slide to Officer Hosea's handgun can be seen locked to the rear as he ejected an empty pistol magazine onto the center median.

<sup>25</sup> The RA request was made at 1851:30 hours.



## Post OIS and Arrest Tactics

In response to Officer Tovar's initial backup request, the following Hollenbeck and Central Patrol Division personnel were among those who arrived at this incident after the OIS:<sup>26</sup>

Name	Serial No.	Unit No.
Police Officer II Erik Amato	43559	
Police Officer II Daniel McClement	44065	
Police Officer III Jesus Campos	41519	
Police Officer II Jaime Fernandez	37825	
Police Officer II Luis Blanco	42648	
Police Officer II Mauro Garcia	42500	
Police Officer II Aaron Gruendyke	41669	
Police Officer II Antonio McNeely	41443	
Police Officer II Octavio Cervantes <sup>27</sup>	41522	
Sergeant I Jose Vazquez	30976	
Sergeant I David Lopez	39711	

Approximately three minutes after the OIS, Officers Amato and McClement arrived on scene and positioned their police vehicle approximately 25 feet south of Soltero. Officers Hosea and Tovar utilized the driver's side ballistic door of this vehicle as cover. Approximately one minute later, Officers Campos and Fernandez arrived and positioned their vehicle a few feet east of Officers Amato and McClement's vehicle. As additional officers continued to arrive, Officer Campos formulated an arrest team to approach and take Soltero into custody.

Sergeant Lopez arrived approximately five minutes after the OIS. He was the first supervisor on scene and began directing officers. Officer Campos briefed Sergeant Lopez on a plan to approach Soltero and take him into custody with an arrest team. Sergeant Lopez recognized the need to render medical aid to Soltero; however, he observed the handgun in Soltero's hand and was concerned he may shoot at officers.

Officer Campos advised Sergeant Lopez that a ballistic shield had been requested and he was assembling an arrest team with lethal, less-lethal, and handcuffing roles. Approximately 30 seconds after Sergeant Lopez's arrival, Officers Blanco and Garcia arrived with a ballistic shield and joined the arrest team. Sergeant Lopez then directed

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<sup>26</sup> Unless otherwise specified, the above personnel were in full police uniform and operating out of a marked police vehicle equipped with a DICVS. Additionally, each person was equipped with a BWV camera, ballistic vest, Department-approved handgun, TASER, OC spray, handcuffs, HRD, and a baton.

<sup>27</sup> Officer Cervantes did not have any physical contact with Soltero and his actions were captured on BWV, as such, he was not interviewed for this investigation.

the arrest team to assemble and approach Soltero from the right side (east) of Officers Campos and Fernandez' police vehicle.

Prior to the team's approach, Officer Campos assigned each officers' role and briefed his team that Officer McNeely would be responsible for preserving the gun as evidence and Officers Amato and Gruendyke would move Soltero away from the gun before handcuffing him.

Officer Campos assembled the following team:<sup>28</sup>

Name	Role
Officer Blanco	Ballistic shield
Officer Garcia	Designated Cover Officer (DCO)
Officer Amato	Handcuffing
Officer Gruendyke	Handcuffing
Officer McNeely	Secure handgun
Officer Cervantes	40mm Less-Lethal Launcher
Officer Campos	Team Leader

**Note:** Approximately two minutes after Sergeant Lopez's arrival, the arrest team began their approach led by Officer Campos. Sergeant Lopez remained with Officers Tovar and Hosea while he monitored the arrest team.

As the team approached, Officer Campos advised Officer Amato to control Soltero's hands and ordered Soltero not to move. Officer McNeilly momentarily placed his left foot on Soltero's handgun, as Officer Amato grabbed Soltero's arms and Officer Gruendyke grabbed Soltero's legs.<sup>29</sup> They then lifted him away from his handgun and placed him on the ground approximately 10 feet away. Soltero was handcuffed, searched, and placed into a right lateral recovery position.<sup>30</sup>

Officer McNeilly stood over and monitored Soltero's handgun to preserve it as evidence.

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<sup>28</sup> Officers Blanco, Garcia, and Amato unholstered their pistols during the incident due to Soltero's handgun being visible on the pavement near his hand.

<sup>29</sup> Officer McNeely indicated he momentarily placed his foot on Soltero's handgun to secure it and prevent Soltero from rearming himself.

<sup>30</sup> During the search, a box cutter, cellular phone, and additional miscellaneous items were removed from Soltero's clothing and placed on the ground next to him. The items were later booked as evidence by FSD FAU personnel.



**Image from Officer Amato's BWV showing Soltero  
being taken into custody and arrival of LACFD**

Approximately 47 seconds after Soltero was handcuffed, Los Angeles County Fire Department (LACFD) Squad 50, staffed by Firefighter Paramedics (FFPMs) Michael Bassler and Bryan Hubbard, arrived on scene, and treated Soltero [REDACTED].<sup>31</sup> At approximately 1913 hours, Care Ambulance 18 transported Soltero to University of Southern California Medical Center (USCMC) where Doctor Chase Westra treated him [REDACTED]. At 1942 hours, Doctor Westra pronounced Soltero deceased.

Force Investigation Division Detective II James Whang, Serial No. 39021, reviewed the documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators.

### **Scene Description**

The OIS occurred on the east side of Lansdowne Avenue north of Drucker Street. In this area, Lansdowne Avenue is a two-lane roadway that runs north and south with single and multi-unit dwellings on the east and west sides. A median separates the northbound and southbound traffic lanes. The median consisted of a metal sign, bushes, a cinderblock wall, and large trees. At the time of the OIS, the east and west curbs of Lansdowne Avenue were lined with parked vehicles.

### **Canvass For Witnesses**

On July 22, 2022, and July 26, 2022, FID canvassed the area of Lansdowne Avenue, between Eastern Avenue and Drucker Street, as well as Tim Avenue, for witnesses to

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<sup>31</sup> Los Angeles County Fire Department personnel responded to this incident due to the area being on the border of Los Angeles City and Los Angeles County jurisdictions.

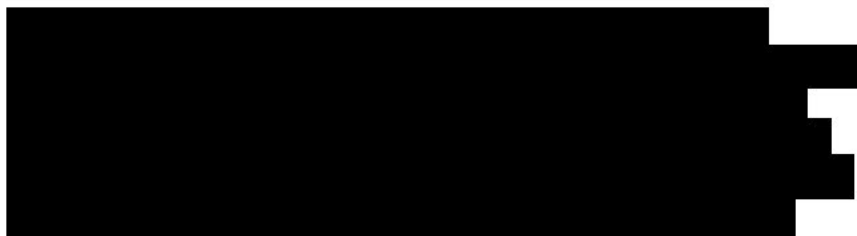


the OIS. Unless otherwise noted, the interviews of all sworn personnel and civilian witnesses were recorded, transcribed, and included with this report. Three civilian witnesses were identified as Heard Only Witnesses. The number of gunshots they heard ranged from seven to eighteen. Copies of their statement forms are in the FID casebook.

### **Suspect Information**



**Lino Soltero** was a male Hispanic, with black hair, brown eyes, and a date of birth of November 11, 1982. At the time of the incident, he was 5 feet 4 inches tall and weighed 150 pounds.



Force Investigative Division completed an Investigative Report for ADW on a Police Officer, under DR No. 2204-11304. The report listed Officer Hosea as the victim and Soltero as the suspect.

### **Injuries**

At approximately 1900 hours, Care Ambulance 18, accompanied by FFPMs Bassler and Hubbard, arrived on scene and treated Soltero [REDACTED]. At approximately 1913 hours, they transported Soltero to USCMC where Doctor Westra treated him for [REDACTED]. At 1942 hours, Doctor Westra declared Soltero deceased.

### **Evidence**

Forensic Science Division Firearms Analysis Unit Chief Forensic Chemist I Allison Manfreda, Serial No. N3179, along with Supervising Criminalist Eric Wahoske, Serial No. N2267, and Criminalists II Maria Gonzalez, Serial No. N6268, Matthew Saucedo, Serial No. N4688, and Kathe Canlas, Serial No. N5598, responded to this incident and conducted an examination of the OIS scene for ballistic impacts, trajectories, and projectiles. As a result of their investigation, 88 items of evidence were collected and booked at FSD under DR No. 2104-11304.

Among the items collected were Soltero's 9mm semiautomatic handgun (Item No. 22), a handgun magazine (Item No. 23), ten live cartridges of various 9mm ammunition (Item Nos. 24-30), one 9mm DCC located inside the chamber of Soltero's handgun (Item No.

31), eighteen DCCs (Item Nos. 32-49) and four fired bullets from the ground (Item Nos. 50-53).

## **Coroner's Investigation**

### **Coroner's Response**

On July 26, 2022, at 1350 hours, FID investigators reported Soltero's death to the County of Los Angeles Department of Medical Examiner-Coroner. Soltero's death was subsequently assigned Coroner Case No. 2022-07771 (Investigator's Note No. 1).

On August 1, 2022, at 1000 hours, Soltero's remains were transported from USCMC to the Los Angeles County Forensic Science Center (FSC) by Forensic Attendant Gerardo Meza. Once at the FSC, Meza collected a hair and fingernail kit. The resulting evidence was booked, by Meza, at the FSC.

On November 17, 2022, FID responded to the Coroner's Evidence Unit and took custody of the coroner's kit, projectile kit, and blood stain card, generated for this case, in addition to the abovementioned kits. Detective Whang booked the items at Central Property Section.

### **Autopsy**

On August 3, 2022, Deputy Medical Examiner Martina Kennedy performed a post-mortem examination of Soltero's remains. Force Investigation Division and Los Angeles County District Attorney investigators were present during the examination. Doctor Kennedy's findings were documented in Autopsy Report No. 2022-07771.

**Note:** Force Investigation Division investigators noticed inaccuracies as to the location of the entry wound for gunshot number five and the exit wound for gunshot number seven. Doctor Kennedy was notified of this issue and completed an amended report.

Doctor Kennedy classified the manner of death as Homicide and ascribed the cause to multiple gunshot wounds. Doctor Kennedy identified eleven gunshot wounds and arbitrarily numbered them for ease of description, as indicated below.

**Gunshot Wound No. 1** entered Soltero's left upper chest. The bullet trajectory was upward and slightly front to back. A gray and copper-colored deformed projectile fragment was recovered from a surgical incision site on the left side of Soltero's chest.

**Gunshot Wound No. 2** entered Soltero's left upper flank and perforated his left lung. There was no exit wound. The bullet trajectory was from left to right, upward, and front to back. A gray and copper-colored deformed projectile was recovered from thoracic vertebrae 8-9. This gunshot was fatal.

**Gunshot Wound No. 3** entered Soltero's left mid flank, and there was no exit wound. The bullet trajectory was front to back and very slightly upward. There was no projectile recovered from the wound.

**Gunshot Wound No. 4** entered Soltero's left lower flank, and there was no exit wound. The bullet trajectory was front to back and very slightly upward. There was no projectile recovered from the wound.

**Gunshot Wound No. 5** entered Soltero's left buttock and exited on the right lower back. The bullet trajectory was from left to right and upward. There was no projectile recovered from the wound.

**Gunshot Wound No. 6** entered the crease between Soltero's left buttock and the left upper thigh, and there was no exit wound. The bullet trajectory was back to front, right to left, and upward. Gray and copper-colored deformed fragments were recovered from the ball and socket joint of the left hip.

**Gunshot Wound No. 7** entered the side of Soltero's left lower thigh and exited on the side of the left upper thigh. The bullet had an upward trajectory, slightly back to front and slightly left to right. There was no projectile recovered from the wound.

**Gunshot Wound No. 8** entered Soltero's rear left thigh and exited on the middle of the left thigh. The bullet trajectory was back to front, upward, and left to right. There was no projectile recovered from the wound.

**Gunshot Wound No. 9** entered the side of Soltero's left leg and exited at the rear of the left leg near the knee. The bullet trajectory was front to back, upward, and left to right. A gray and copper-colored deformed projectile fragment was recovered from the soft tissue along the wound track.

**Gunshot Wound No. 10** entered the side of Soltero's left lower leg and exited the rear of the left leg. The bullet trajectory was front to back, upward, and left to right. There was no projectile recovered from the wound.

**Gunshot Wound No. 11** entered the front of Soltero's right knee, and there was no exit wound. The bullet trajectory was front to back, left to right, and upward. A gray and copper-colored deformed projectile was recovered from the soft tissue of the right knee.

#### **Other Injuries:**

Doctor Kennedy identified a graze wound to the outside of the left hip. Additionally, there were various superficial abrasions to Soltero's forehead, nose, arms and legs.<sup>32</sup>

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<sup>32</sup> Doctor Kennedy recovered gray deformed projectile fragments from the left side of Soltero's jaw and from his right chest. No hemorrhaging or acute changes were present where the projectiles were collected.

## **Toxicology:**

On November 22, 2022, a Laboratory Analysis Summary Report was approved by the Los Angeles County Department of Medical Examiner-Coroner, Supervising Criminalist Sarah Buxton de Quintana. The analysis documented that alcohol was present in Soltero's blood at the time of his death.

## **Weapons**



**Photograph of Soltero's handgun, magazine, ammunition, and DCC**

**Soltero:** was armed with a Beretta, Model APX, 9mm, semiautomatic handgun. On August 24, 2022, Criminalist Saucedo finalized a Laboratory Report documenting the collection of Soltero's handgun. At the time it was recovered, the handgun was lying on its right side with the muzzle pointing southwest. The magazine was partially inserted but not locked into place. The slide was held partially rearward by a DCC lodged in between the ejection port and the barrel, which was due to a failure to eject, after having been fired. The lodged DCC was removed from the ejection port and ten cartridges were removed from the magazine.



**Photograph of Soltero's handgun with a DCC lodged between the ejection port and the barrel**

The Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Tracing Center conducted a firearms trace and determined that the handgun was initially purchased on June 19, 2020, in Orem, Utah.



Force Investigation Division determined the handgun was subsequently sold several times to multiple owners in Utah and was last sold on February 25, 2022, to [REDACTED]. Force Investigation Division investigators were unable to locate [REDACTED] at his last known addresses in Utah and Los Angeles.

On January 17, 2022, Criminalist Saucedo, finalized a Laboratory Report documenting the test firing of Soltero's handgun, which was determined to be functional. Representative images of test-fired cartridge cases were entered into the National Integrated Ballistic Information Network (NIBIN) database by FAU staff. Soltero's magazine was determined to be a large capacity magazine as described in Section 16740 of the California Penal Code. The magazine was capable of being fully inserted and locked into the magazine well of the handgun.<sup>33</sup>

Additionally, the report included a bullet comparison analysis which concluded that the five fired bullets recovered during the autopsy (Items 86A, 86B, 86C, 86D, 86E), were fired from Officer Hosea's firearm.

An additional fired bullet was recovered during the autopsy, Item 86G. The analysis determined that this bullet was not fired from Officer Hosea's firearm. Due to the tissue encapsulation and corrosion observed, the bullet was determined to have been inside Soltero's body prior to the OIS.

On August 22, 2022, Technical Investigation Division (TID) completed an Analyzed Evidence Report documenting the latent fingerprint analysis of Soltero's handgun, magazine, and ammunition. No latent prints were developed.

**Officer Hosea:** was equipped with his Department-issued Smith & Wesson, Model M&P 9, 9mm semiautomatic pistol.<sup>34</sup> According to Officer Hosea, at the time of the OIS, the pistol was loaded to capacity with one round in the firing chamber and 17 rounds in the magazine. The pistol was carried in a Department-approved holster.

On July 23, 2022, at approximately 0020 hours, FID conducted a post-incident examination of Officer Hosea's pistol. The pistol was loaded with 17 rounds of Department-approved, Speer LE Gold Dot G2 9mm ammunition. One round was in the firing chamber and 16 rounds were in the magazine. Officer Hosea possessed one additional magazine which was loaded to capacity with 17 rounds of the same Department-approved ammunition. One empty magazine was collected from the center median of Lansdowne Avenue just north of Drucker Street, where Officer Hosea conducted a reload of his pistol after the OIS. Eighteen discharged cartridge cases

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<sup>33</sup> On December 22, 2022, Criminalist Gonzalez finalized a Laboratory Report documenting the DNA collection of Soltero's handgun, magazine, and live cartridges. Several videos show Soltero holding the handgun, as such, DNA analysis was not requested. The swabs remain available for future analysis if requested.

<sup>34</sup> According to the Firearm Inventory Tracking System, this pistol was inspected by the Department Armory and authorized for deployment on September 13, 2017.



(Item Nos. 32-49) were collected near Officer Hosea's firing location at the scene of the OIS. The headstamp of the DCCs were labeled "*SPEER 19 9mm LUGER.*" This information was consistent with Officer Hosea having fired eighteen rounds during the OIS.

On September 1, 2022, Criminalist II Lawrence Iwaki, Serial No. N4687, finalized a Laboratory Report documenting the test firing of Officer Hosea's pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range.

## **Firearms Analysis**

On December 22, 2022, Criminalist Gonzalez finalized a Laboratory Report documenting the Bullet Path Analysis that was completed in conjunction with this case. Criminalist Gonzalez identified sixteen bullet pathways at the scene (A through P) as well as seventeen impacts.

**Pathway A (Including impact A)** is consistent with a bullet traveling from south to north, in an upward direction. No further direction could be determined due to the condition of the impact. It could not be determined if this pathway is independent or associated with another pathway due to the condition of the impacts and their relative locations to each other. Impact A is a perforating impact, located on the window of the southwest living room wall of [REDACTED] Heidleman Road.

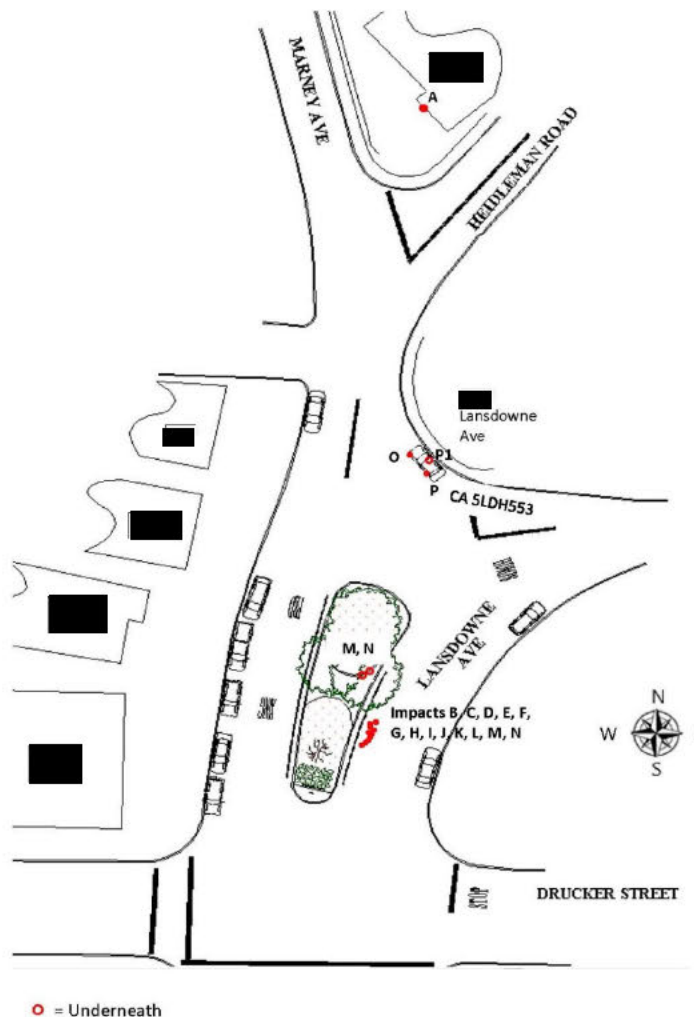
**Pathways B through D (Including impacts B through D)** are consistent with bullets traveling south to north, east to west, and in a downward direction. Impacts B through D are non-penetrating impacts, located on the ground on Lansdowne Avenue.

**Pathways E through L (Including impacts E through L)** are consistent with bullets traveling south to north and in a downward direction. No further direction could be determined due to the condition of the impacts. Impacts E through L are non-penetrating impacts, located on the ground on Lansdowne Avenue.

**Pathway M and N (Including impacts M and N)** are consistent with bullets traveling south to north and east to west. No further direction could be determined due to the condition of the impacts. Impacts M and N are non-penetrating impacts, located on the center island wall on Lansdowne Avenue.

**Pathway O and P (Including impacts O, P, and P1)** are consistent with bullets traveling south to north and in an upward direction. No further direction could be determined due to the condition of the impact. Pathway O and P are an upward deflection from one of the pathways E through L. It could not be determined which of these pathways it is associated with due to their relative locations to each other. In relation to the vehicle impacted, pathways O and P are consistent with bullets traveling back to front, left to right, and in an upward direction. Impact O is a perforating impact, located on the front left fender of the Toyota Corolla parked on Heidleman Road in front

of [REDACTED] Lansdowne Avenue.<sup>35</sup> Impact P was a perforating impact located on the rear left quarter window of the Toyota Corolla. Impact P1 was a penetrating impact, located on the front right headliner of the same vehicle.



**Bullet path diagram of the OIS**

## **Visual Documentation**

### **Digital In-Car Video System (DICVS)**

There were no DICVS recordings that captured the foot pursuit or the OIS. The DICVS recordings of officers who responded to this incident were archived in the Coban system and remain available for review. Officers Amato, McClement, Campos, and Fernandez's Shop Nos. 80601 and 81432 captured the arrest team's approach, the movement of Soltero by officers, and paramedics rendering aid to him.

<sup>35</sup> 2005 Gold Toyota Corolla, California License Plate No [REDACTED].

## Body Worn Video (BWV)

Force Investigation Division investigators identified 75 BWV and 28 photographs as being related to the incident. These digital files were tagged in Evidence.com under Identification No. 22072200003445 and remain available for review.<sup>36-37</sup>

## Outside Video

Force Investigation Division located the below listed videos, which were subsequently vaulted at TID Electronics under their respective Media Control Numbers.

Video Source	Footage Captured
<b>Media Control No. A774087</b>	Police vehicle approaches a dark SUV at Eastern Avenue and Whiteside Street. Officers conduct a U-turn and follow the vehicle. Foot pursuit of Soltero who is armed with a handgun. <sup>38</sup>
<b>Media Control No. A774088</b>	Initial foot pursuit of Soltero which shows Soltero armed with a handgun. <sup>39</sup>
<b>Cell phone footage from Witness Media Control No. A642070</b>	Officers Hosea and Tovar's position on the center median after the OIS, while waiting for additional resources to arrive. <sup>40</sup>

## Other Department Video

No other Department video was located.

## Social Media

Force Investigation Division monitored social media sites, from the date of the incident until the submission of this investigative report. No social media posts were found.

<sup>36</sup> The BWVs of the officers named in this report were reviewed for compliance with Department Manual Section 3/579.15. The investigation determined Officers Hosea and Tovar activated their BWVs, approximately five seconds and fourteen seconds, respectively, after they initiated their foot pursuit.

<sup>37</sup> Included in Evidence.com are BWV and photographs documenting the hit and run traffic collision investigation. Additional photographs were taken of the window that was struck at Heidleman Road and Soltero's clothing.

<sup>38</sup> The cameras were recording at 30 frames per second (fps) in 2560 x 1440 resolution. The system time was 51 minutes ahead of the actual time.

<sup>39</sup> The camera was recording at 15 fps in 1920 x 1080 resolution.

<sup>40</sup> The video was recorded from within Witness vehicle, which was south of Drucker Street on Lansdowne Avenue. recorded two videos which were nine and 14 seconds long. Neither video captured the foot pursuit or the OIS.



## Photographs

Technical Investigation Division took the below listed photographs:

Control No.	Description
0897038	Scene Photographs
0897039	360° Photographs
0897041	Officers and Soltero Photographs

## Notifications

On July 22, 2022, at 1914 hours, Hollenbeck Patrol Division Watch Commander, Lieutenant I Errin Burns Johnson, Serial No. 37523, notified the Department Operations Center of this incident. The details of the subsequent notifications are attached to this report.

## Communications

Audio recordings of the Hollenbeck Area Base Frequency, and digital copies of the computer-generated Incident Recall report associated with Incident No. 22072200003445, are on file at Communications Division.

## Justice System Integrity Division

This case will be presented to the Los Angeles County District Attorney's Justice System Integrity Division upon completion of the administrative review of this case.

## Investigator's Note

1. Between July 23 and July 26, 2022, FID investigators contacted the County of Los Angeles Department of Medical Examiner-Coroner several times to advise them that Soltero's death was a result of an OIS and requested a coroner's case number. During each contact, the Coroner's office advised FID investigators that they did not have a record of Soltero. On July 26, 2022, County of Los Angeles Department of Medical Examiner-Coroner Lieutenant Brian Kim, advised FID investigators that there was a breakdown of their standard response protocol to hospital deaths related to an OIS. The Coroner's office subsequently initiated their investigative procedures for Soltero's death and assigned a coroner's case number.

## **CHIEF OF POLICE REPORT<sup>41</sup>**

### **Chief of Police Findings**

**Tactics** – Administrative Disapproval, Officers Hosea and Tovar. Tactical Debrief, Officer Campos and Sergeant Lopez.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Hosea and Tovar.

**Lethal Use of Force** – Out of Policy, Administrative Disapproval, Officer Hosea.

### **Chief of Police Analysis<sup>42</sup>**

#### **Detention**

- Officers were in the area of Eastern Avenue and Whiteside Street when they observed a black Nissan Rogue with no license plates in front of a known “chop shop.” Officer Tovar also recognized the driver [REDACTED]. Suspecting that the vehicle may have been stolen, officers intended to investigate further. Before the officers could conduct a traffic stop, a previously unseen passenger (Soltero) exited the Rogue while holding a handgun and fled. Based on the totality of the circumstances, the officers had reasonable suspicion to detain Soltero.

#### **Tactics**

- *Department policy relative to a Tactical Debrief 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 by reviewing and analyzing Department-wide training, practices, policies and procedures.”*

*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.*

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<sup>41</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police’s report for this case.

<sup>42</sup> The analysis reflects the Chief’s recommendations as supported by the preponderance of the evidence established by the FID investigation.

## Tactical De-Escalation<sup>43</sup>

- *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.*

*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.*

*Tactical De-Escalation Techniques:*

*Planning;*

*Assessment;*

*Time;*

*Redeployment and/or Containment;*

*Other Resources; and,*

*Lines of Communication.*

**Planning and Assessment** – Officers Hosea and Tovar had been partners for approximately three years. At the beginning of their shifts, they discussed various topics, including contact and cover roles, tactical de-escalation, and foot pursuit tactics. Both during and after the OIS, Officer Tovar assessed the need for additional resources.

After the OIS, Officer Campos arrived and assumed responsibility for tactical planning. He formed a tactical team that included a Designated Cover Officer (DCO), a less-lethal officer, a shield operator, and an arrest team. Based on Officer Campos and Sergeant Lopez's assessment of the situation, they created a plan to approach Soltero and take him into custody without further incident. Based on his assessment, Sergeant Lopez directed the team to approach Soltero from the east due to the tactical advantage it provided the officers.

**Time and Redeployment/ Containment** – After Soltero exited the Rogue, Officers Hosea and Tovar pursued him on foot, maintaining an approximate distance of 50 to 75 feet. When Soltero turned onto Lansdowne and fell, Officers Hosea and Tovar were approximately 20 feet and 15 feet away from Soltero, respectively. At the time of the OIS, the officers were unable to use available cover. After the OIS, the officers redeployed to the center median of the street, which had a metal sign and a bush, which they used as concealment. When the first unit arrived at the scene, Officers Hosea and Tovar redeployed behind the responding police vehicle's driver-side ballistic door panel.

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<sup>43</sup> Los Angeles Police Department, Use of Force Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016.

**Other Resources and Lines of Communication** – Seeing that Soltero was armed with a gun, Officer Hosea advised Officer Tovar, “Gun, gun, gun!” The officers then exited their police vehicle and pursued Soltero on foot. As they did so, the officers repeatedly ordered him to drop the gun. Despite the officers’ orders, Soltero maintained possession of the gun. Additionally, Officer Tovar advised CD that officers needed backup units for a 415 man with a gun. Soltero’s subsequent actions limited the officers’ ability to de-escalate the situation before the OIS.

After the OIS, Officer Tovar advised CD that shots had been fired and that the officers needed help. Officer Tovar also advised CD that one suspect was down and that the gun was still in his hand. In response, CD repeated the officers’ location and requested that an air unit respond to the scene. Officer Tovar also requested that the Los Angeles County Sheriff’s Department respond, as the scene bordered the two jurisdictions. While awaiting additional resources, the officers ordered Soltero not to move. When additional LAPD units arrived, they helped establish containment. Using available resources, including a ballistic shield, officers apprehended Soltero without additional force.

The UOFRB (Use of Force Review Board) noted that when Officer Tovar requested backup units, he effectively placed himself and his partner Code Six; however, he did not advise CD that they were in foot pursuit. Although Officer Tovar broadcast his location, the transmission was not clear, and CD was unable to discern what he said, likely because he was running. The UOFRB noted that when CD asked the officers to repeat their location, they did not initially respond, and Officer Tovar’s next broadcast did not provide a cross street. The UOFRB also noted that the first clear broadcast regarding their location occurred after the OIS. While the UOFRB would have preferred that the officers had clearly communicated their location and activity, the UOFRB felt that this issue was best addressed during the tactical debrief. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

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

- **Debriefing Point No. 1: Foot Pursuit Concepts- Apprehension v. Containment**

***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.

***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.*<sup>44</sup>

Officers Hosea and Tovar observed Soltero exit the vehicle armed with a handgun. Officers Hosea and Tovar then pursued Soltero on foot in “*apprehension mode*.” According to Officers Hosea and Tovar, they were in apprehension mode due to “*families outside*” their residences and the possibility that Soltero could take a hostage.

While in foot pursuit of Soltero, Officers Hosea and Tovar used minimal cover. At the time of the OIS, both Officers Hosea and Tovar were without cover or concealment.

The UOFRB assessed Officers Hosea and Tovar’s tactics during the foot pursuit. The UOFRB noted that the Department’s tactical training states that officers generally should not pursue an armed suspect in apprehension mode. Based on the distance between Soltero and the officers, the UOFRB determined they were in apprehension mode while pursuing an armed suspect. The UOFRB did note that Officers Hosea and Tovar’s justification for pursuing Soltero in apprehension mode was due to families outside and the possibility that he could take a hostage. However, the UOFRB opined that their justification was insufficient as the reasoning was too general and there was no specific evidence or articulation that Soltero was planning to do so. Based on the totality of the circumstances, the UOFRB opined that the officers should have pursued Soltero in containment mode, using distance and available cover.

As part of their assessment, the UOFRB evaluated Officers Hosea and Tovar’s use of cover. While in foot pursuit of Soltero, Officers Hosea and Tovar used limited cover. As a result, they were without the benefit of cover for most of the foot pursuit as well as during the OIS. The UOFRB opined that by not using cover, the officers unnecessarily risked their safety, placed themselves at a significant tactical disadvantage, and limited their options to respond to Soltero’s actions.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred that the tactics employed by Officers Hosea and Tovar were a substantial deviation, without justification, from Department-approved tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

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<sup>44</sup> Los Angeles Police Department, Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013.



- **Debriefing Point No. 2: Foot Pursuit Concepts- Suspects Fleeing from a Vehicle**

*If a foot pursuit begins with a suspect fleeing from a vehicle, officers need to consider the possibility of additional suspects remaining in the vehicle. Therefore, officers should clear or cover the suspect vehicle before running past it unless other circumstances necessitate running past an uncleared vehicle.<sup>45</sup>*

After exiting the Rogue, Soltero fled while armed with a handgun. As Officers Hosea and Tovar pursued Soltero, they ran past the vehicle. At the time, both officers were cognizant that the vehicle was still occupied. According to Officer Tovar, he conducted a quick visual clearance of the vehicle and saw that the only occupant was the driver and that he could see her hands. Officer Tovar stated he felt comfortable running past the vehicle at that point. Officer Hosea did not clear the Rogue. Unbeknownst to Officer Hosea, Officer Tovar recognized this female as [REDACTED]. Officer Hosea stated his reasoning for running past the vehicle was because he wanted to apprehend Soltero who was fleeing with a handgun.

The UOFRB assessed Officer Hosea and Tovar's decision to run past the suspect vehicle. The UOFRB noted that officers need to consider the possibility of additional suspects remaining in the vehicle and the potential of an ambush. As such, the UOFRB was critical of the officers' decision to run past the Rogue, especially given Officer Tovar's knowledge of the female driver [REDACTED]. The UOFRB felt that the female driver presented a danger to the officers and that running past her and the vehicle without properly clearing or holding on them placed the officers at a significant tactical disadvantage and unnecessarily risked their safety. It was also noted that the speed at which the officers ran past the vehicle would have made it difficult to determine if additional suspects were inside the vehicle.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that the tactics employed by Officers Hosea and Tovar were a substantial deviation, without justification, from Department-approved tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

- **Lines of Communication** – See Tactical De-Escalation, above.
- **Fire Discipline/Fire Control** – The FID investigation revealed that Officer Hosea discharged 18 rounds in 3.26 seconds. As officers are responsible for every round

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<sup>45</sup> Los Angeles Police Department, Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013.

they discharge, they must balance speed with accuracy. As this is a worthy topic, the Chief directed that it be discussed during the Tactical Debrief.

- **Running with a Firearm** – While in foot pursuit, Officers Hosea and Tovar ran with their service pistols in their right hand. Alternatively, they could have kept their service pistols holstered as they ran, reducing the risk of an unintentional discharge. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Non-Conflicting Simultaneous Commands** – During the foot pursuit, Officers Hosea and Tovar gave simultaneous non-conflicting commands to Soltero. Alternatively, one officer should have been designated as the contact officer to avoid the potential for confusion and to allow the other officer to focus on additional tasks. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Tactical Language** – While in foot pursuit, Officer Tovar told Soltero, “Drop the gun! We’re gonna shoot you. Drop the gun!” Whether intended as a warning or a ruse, it was unlikely to cause Soltero to stop and drop the gun and could have escalated the incident. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Securing Police Vehicle** – When Officers Hosea and Tovar went in foot pursuit of Soltero, Officer Tovar exited the police vehicle and left the keys in the ignition. Officers are reminded that the security of police vehicles is an important component of officer safety as there are tools and weapons in police vehicles that could be accessed by unauthorized persons. To enhance future performance, the Chief directed this to be a topic during the Tactical Debrief.

## Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives, and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers, and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness, shall initiate Command and Control and develop a plan of*

*action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*

*Incident Commander (IC) – In accordance with Department Policy the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources, and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

Officer Campos arrived at the scene at 1855:20 hours. He met with Officers Hosea and Tovar and began to form a tactical team. At 1856:17 hours, Sergeant Lopez was the first supervisor to arrive at the scene. At 1856:24 hours, Officer Campos directed Officer Tovar to request a ballistic shield. Approximately 20 seconds later, Officer Campos advised Sergeant Lopez that he was putting together an arrest team and a plan to approach Soltero and take him into custody.

At 1857:30 hours, Officer Campos delegated roles to the team, including a ballistic shield, DCO, less-lethal options, and handcuffing officers. Officer Campos communicated to the team his tactical plan to approach Soltero and apprehend him. Sergeant Lopez directed that the arrest team to approach Soltero from the right side of Officers Campos and Fernandez' police vehicle.

At 1857:38 hours, Sergeant Lopez removed Officers Hosea and Tovar from their tactical position and began to monitor them. Simultaneously, he monitored the arrest team's approach. At 1900:42 hours, Sergeant Vasquez directed Officers Hosea and Tovar to turn off their BWV.

At 1903:15 hours, Lieutenant J. Mares, Serial No. 31233, arrived at the scene and declared himself as the Incident Commander (IC). Approximately five minutes later, Lieutenant Mares established a command post at Drucker Street and Marney Avenue.

At 1910 hours, Sergeant Lopez obtained Officer Tovar's Public Safety Statement (PSS); Sergeant Vasquez obtained Officer Hosea's PSS.

The Department Operations Center was notified of the OIS at 1914 hours by Lieutenant E. Burns Johnson, Serial No. 37523, Hollenbeck Patrol Division.

The UOFRB noted that Officer Campos effectively slowed the incident down and displayed active leadership throughout the incident. The UOFRB also noted that as the sole supervisor at the scene, Sergeant Lopez effectively delegated tasks to Officer Campos, allowing him to simultaneously monitor the tactical situation and assume administrative roles as the IC.

The UOFRB determined, and the Chief concurred that the overall actions of Officer Campos, Sergeants Lopez and Vasquez, and Lieutenant Mares were consistent with Department training and the Chief's expectations of supervisors during a critical incident.

### **Tactical Debrief**

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that the actions of Officers Hosea and Tovar were a substantial deviation, without justification, from Department-approved tactical training. The UOFRB also determined, and the Chief concurred, that the actions of Officer Campos and Sergeant Lopez did not deviate from department-approved tactical training.

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

Therefore, the Chief directed Officers Hosea, Tovar and Campos, and Sergeant Lopez to attend a Tactical Debrief and that the identified topics be discussed.

### **General Training Update (GTU)**

- On August 2, 2022, Officers Hosea and Tovar attended a General Training Update (GTU); all mandatory topics were covered. Additional SIPs will receive the GTU during the Tactical Debrief.

### **Drawing/Exhibiting**

- *Department policy relative to drawing and exhibiting a firearm is: "Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms."*

*During a special meeting on September 29, 1977, the UOFRB of Police Commissioners adopted the following as a valid interpretation of this Section:*

*“Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. 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. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

- **Officer Hosea**

After following the Rogue into the parking lot, Officer Hosea observed Soltero exit the passenger side of the vehicle armed with a handgun. Officer Hosea then exited the police vehicle, unholstered his service pistol, and pursued Soltero on foot. According to Officer Hosea, he believed Soltero was a gang member, and that situation could escalate to the use of deadly force.

Officer Hosea recalled the following:

*OFFICER HOSEA: “I drew and exhibited my firearm because I observed the suspect armed with a firearm as well in his right hand. I reasonably believed that the situation could have escalated to a use of deadly force due to his actions of looking back and - -”*

*DETECTIVE WHANG: “Did you believe the suspect was a gang member?”*

*OFFICER HOSEA: “Yes, sir.”<sup>46</sup>*

- **Officer Tovar**

After following the Rogue into the parking lot, Officer Tovar observed Soltero exit the passenger side of the vehicle, armed with a handgun. Officer Tovar exited the driver’s side of the police vehicle, unholstered his service pistol, and went in foot pursuit of Soltero. According to Officer Tovar, he observed Soltero running with a handgun and believed deadly force could be justified.

Officer Tovar recalled, *“Because I knew that this - - the situation could arise to deadly force based on the suspect’s actions - - based on him having a - - a gun - - running with a gun as well.”<sup>47</sup>*

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<sup>46</sup> Officer Hosea’s Transcripts, Page 18, Lines 17-24.

<sup>47</sup> Officer Tovar’s Transcripts, Page 26, Line 24 through Page 27, Line 2.

The UOFRB assessed Officers Hosea and Tovar's drawing and exhibiting of their service pistols. The UOFRB noted that Soltero exited the Rogue while holding a handgun. While Soltero could have left the gun in the vehicle, he chose to take it with him when he fled. The UOFRB also noted that he refused to comply with the officers' commands and repeatedly looked back toward the officers while running with a handgun. Based on Soltero's actions, the UOFRB felt that it was reasonable for the officers to believe that the situation may escalate to deadly force.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Hosea and Tovar would reasonably believe there was a substantial risk that the situation may have escalated to the point where deadly force may have been justified.

Therefore, the Chief found Officers Hosea and Tovar's Drawing/Exhibiting to be In-Policy, No Further Action.

### **Policy on the Use of Force<sup>48</sup>**

- **Use of De-Escalation Techniques**

*It is the policy of this Department that, whenever feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.*

- **Verbal Warnings**

*Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.*

- **Proportionality**

*Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.*

- **Rendering Aid**

*After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses,*

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<sup>48</sup> LAPD Manual, Volume 1, Section 556.10.

*subjects, suspects, persons in custody, subjects of a use of force and fellow officers: To the extent of the officer's training and experience in first aid/CPR/AED; and, To the level of equipment available to an officer at the time assistance is needed.*

- **Requirement to Intercede When Excessive Force is Observed**

*An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.*

- **Factors Used to Determine Objective Reasonableness**

*Pursuit to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;*
- *The environmental factors and/or other exigent circumstances; and,*
- *Whether a person is a member of a vulnerable population.*

- **Use of Force – Deadly**

*It is the policy of this Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for the following reasons: To defend against an imminent threat of death or serious bodily injury to the officer or to*

*another person; or To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.*

*In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent reasonable under the circumstances.*

*Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*

- **The Department's Evaluation of Deadly Force**

*The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.*

## **Lethal Use of Force**

- **Background** - The FID investigation determined that the background was the paved roadway, a center median with a cinderblock wall, an unoccupied vehicle, and a single-family residence.
- **Officer Hosea** - Smith & Wesson Model M&P9, .9mm semi-automatic pistol, 18 rounds in a northerly direction from an increasing distance of 20 to 30 feet.

According to Officer Hosea, while in foot pursuit of Soltero, he observed him lay down and take a prone position. Soltero then raised the barrel of his handgun toward Officer Hosea while looking directly at him. Fearing for his life, Officer Hosea aimed his pistol at Soltero's center mass and began firing his pistol while stepping back. According to Officer Hosea, he assessed throughout the OIS and observed Soltero continue to raise his handgun toward him. Officer Hosea indicated that he stopped firing when he observed Soltero's actions "*starting to change*" and the gun starting to lower. Although he observed that Soltero's gun remained in his hand, Officer Hosea believed his rounds had been effective, and there was no need to fire additional rounds.

Officer Hosea recalled, "*So while he was approaching Lansdowne, I - I noticed him - I believe that he was like taking a prone position somewhat, because he started laying down on the floor. I believed he was tired but he started laying down on the*



*floor. I thought this was going to be - - you know, this might lead to an officer-involved shooting. When he was laying down on the floor, he, with his right hand, he pointed the firearm towards me. I saw his face, his eyes looking at me. And, I mean, I saw the barrel pointing at me. You know? And, you know, I was - - I was in fear for my life. I - - I - - I thought he was going to shoot me right there. I - - I began to fire towards the suspect. At which time, I mean, I was firing my rounds towards him, he continued to make eye contact with me. He continued to raise his firearm towards me.”<sup>49</sup>*

*“I - - at that point, I don’t even think my rounds were hitting, honestly. I don’t know if I was even hitting my target to stop the threat. I continued firing. At which point, he started to lower his weapon. And that’s when I sought cover. And once I was behind cover, the gun was right there in his hand still. I - - that’s when I told my partner, “Get over here. Let’s get cover.”<sup>50</sup>*

*OFFICER HOSEA: “I believe the suspect - - my - - my shots that (UNINTELLIGIBLE) shooting at the suspect were not hitting. I didn’t think any of them were going - - were stopping the threat at all. I continued to fire. I continued to observe the suspect raise his - - his arm with his firearm inside of it, or with his firearm inside the hand towards me, his eyes still up on me.”*

*DETECTIVE WHANG: “Now, you said his actions did not change during your assessments up until the third round. For the fourth round and onward, were there any changes in the suspect’s actions or movement?”*

*OFFICER HOSEA: “They continued - - continued to raise it up towards me. There was no - - no change in anything that the suspect did.”<sup>51</sup>*

*DETECTIVE WHANG: “And how did you feel throughout that entire phase?”*

*OFFICER HOSEA: “I felt helpless. I felt like I was going to get shot. I thought I was going to die.”*

*DETECTIVE WHANG: “And if you could describe to me, was it one continuous volley of fire or were there multiple volleys of fire?”*

*OFFICER HOSEA: “I guess there was about one continuous.”<sup>52</sup>*

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<sup>49</sup> Officer Hosea’s Transcript, Page 9, Lines 10-25.

<sup>50</sup> Officer Hosea’s Transcript, Pages 9-10.

<sup>51</sup> Officer Hosea’s Transcript, Page 25, Line 17 through Page 26, Line 5.

<sup>52</sup> Officer Hosea’s Transcripts, Page 26, Lines 9-17.

The UOFRB assessed Officer Hosea's use of lethal force. The UOFRB noted that when Soltero fled from the Rogue, he chose to take the gun instead of leaving it in the vehicle. The UOFRB also noted that he refused to comply with the officers' commands and repeatedly looked back toward the officers while running with the gun in his hand.

The UOFRB noted that when Soltero fell to the ground, Officer Hosea observed him take what he believed was a prone position, make eye contact, and point his handgun at him (Officer Hosea). Believing that Soltero was going to shoot him, Officer Hosea fired at Soltero. According to Officer Hosea, as he discharged his rounds, he observed that Soltero continued to make eye contact and continued to raise his firearm toward him. The UOFRB noted that as Officer Hosea discharged his rounds, BWV footage appeared to depict Soltero raising his gun. Based on his observations, Officer Hosea did not know if his rounds were striking Soltero, as he did not see Soltero's behavior change. In response, Officer Hosea continued to fire. Based on the available evidence, the UOFRB opined that Soltero posed an imminent deadly threat and that Officer Hosea's use of lethal force was objectively reasonable and proportional.

While the UOFRB agreed that Officer Hosea's use of lethal force was objectively reasonable and proportional, they disagreed as to whether it was necessary. As it pertains to the UOFRB Minority, although they concurred that Officer Hosea's tactics substantially and unjustifiably deviated from Department-approved tactical training, they disagreed with the impact his tactics had on the outcome of the incident. The Minority believed that even if Officer Hosea had employed better tactics, such as allowing more distance from Soltero and using available cover, his tactics did not precipitate the incident and that the OIS would still have occurred when Soltero pointed his firearm at Officer Hosea. As such, the Minority opined that it was Soltero's actions and not Officer Hosea's tactics that created the necessity for Officer Hosea to use lethal force.

The UOFRB Majority disagreed with the Minority. As discussed in Debriefing Point No. 1, the Majority noted that Officer Hosea pursued Soltero, an armed suspect, in apprehension mode. The Majority opined that rather than pursuing Soltero in apprehension mode, he should have used other available resources and techniques, specifically distance and cover. The Majority noted that by going in apprehension mode of an armed suspect, Officer Hosea reduced the distance and cover available to him, thereby limiting his options and the time he had to react to Soltero's actions. The Majority opined that the tactics employed by Officer Hosea placed him in a position where his only option was to use lethal force. As such, the Majority determined that Officer Hosea's use of lethal force was not necessary.

In the Chief's assessment of this incident, the Chief noted that Officers Hosea and Tovar were engaged in an extended foot pursuit of a man they knew to be armed with a firearm. During the time they attempted to apprehend the suspect, they should have sought to create some distance, utilized available cover, and

summoned additional resources, in accordance with the Department's training on foot pursuit concepts. Instead, they chose to close the distance on the suspect, placing themselves in a tactically disadvantageous position. While the Chief understood their articulation that they were concerned for the residents of the area and feared a possible hostage situation, he did not find this to be a compelling justification, given that the suspect gave no indication he was desirous of finding and taking a hostage. Additionally, a review of the available video from the neighborhood seems to show it was relatively quiet and void of pedestrian activity. The decision to continue to pursue the suspect in apprehension mode resulted in the officers being in a vulnerable position, without the benefit of cover, when the suspect fell, rearmed himself, and apparently discharged his firearm at one of the officers. In immediate self-defense upon being confronted by the suspect pointing a gun at him, Officer Hosea had no alternative but to use deadly force.

In the Chief's review of the available BWV, the officers' statements, and the physical evidence, it is unclear when the suspect discharged his firearm and whether he continued to present an imminent deadly threat necessitating the firing of all eighteen rounds and Officer Hosea's weapon going out of battery. The Department expects officers to exercise fire control and fire discipline and to continuously evaluate the need for deadly force. As indicated above, fire discipline and fire control will be a topic of discussion during the Tactical Debrief. Overall, in considering Officer Hosea's tactical decisions that placed him in a position where he had no choice but to use deadly force and his lack of fire control, the Chief concluded that Officer Hosea's use of lethal force was not necessary.

Based on the totality of the circumstances, the UOFRB Majority determined, and the Chief concurred, that an officer with similar training and experience as Officer Hosea, in the same situation, would not reasonably believe that the use of lethal force was necessary.

Therefore, the Chief found Officer Hosea's Use of Lethal Force to be Out of Policy, Administrative Disapproval.

### **Medical Treatment/Rendering Aid**

- The OIS occurred at approximately 1851 hours. Approximately 28 seconds later, Officer Tovar requested that a rescue ambulance (RA) stage near the scene. At approximately 1859 hours, officers apprehended Soltero and placed him in the recovery position. Officers then applied direct pressure to his injuries. At 1859:38 hours, Officer Campos advised CD that it was safe for LACFD to enter the scene. Approximately 20 seconds later, Care Ambulance 18, accompanied by Firefighter Paramedics (FFPM) Bassler and Hubbard, arrived on the scene and treated Soltero for multiple gunshot wounds (GSW) to his torso and legs. Soltero was ultimately transported to Los Angeles County-USC Medical Center where he was treated for his injuries and pronounced deceased by Doctor Westra at approximately 1942 hours. Doctor Kennedy, Los Angeles County Coroner's Office, subsequently

determined that Soltero's death was caused by a GSW to the left upper flank, which perforated his left lung.

### Requirement to Intercede

- During their review of this incident, the UOFRB noted that Officer Hosea discharged all 18 of his rounds in 3.26 seconds. As stated above, the UOFRB also noted that as Officer Hosea discharged his rounds, BWV footage appeared to depict Soltero raising his gun. Based on their review of this incident, the UOFRB determined, and the Chief concurred, that the force used would not have appeared to be clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and that Officer Tovar did not deviate from his duty to intercede.

### Additional/Equipment<sup>53</sup>

- Situational Awareness** – Before encountering the Rouge, Officer Hosea's BWV footage depicted him using his personal phone rather than monitoring his surroundings. As this issue was addressed at the divisional level via Divisional Training with Office of Operations (OO) and Operations-Central Bureau (OCB) concurrence, the Chief deemed no further action to be necessary.
- Required Equipment** – Officer Tovar did not have his Hobble Restraint Device on his person. As this issue was addressed at the divisional level via Divisional Training with OO and OCB concurrence, the Chief deemed no further action necessary.

DICVS			
Sworn Employee	Issue		
Officer Hosea	Failure to Activate		
Officer Tovar	Failure to Activate		

BWV			
Sworn Employee	Issue	Inspection Date	Results
Officer Hosea	Late Activation	05/03/2023	100%
Officer Tovar	Late Activation	05/03/2023	100%

### Audio/Video Recordings

- Digital In-Car Video System (DICVS)** – According to the FID investigation, there were no DICVS recordings that captured the foot pursuit or the OIS. Two DICVS videos captured the arrest team's approach, the movement of Soltero by officers,

<sup>53</sup> In determining the disposition for the deviation from Department policy, a review of the severity of the discrepancy in concert with prior discrepancies was taken into consideration.

and paramedics rendering aid to him. The videos have been archived in Coban and remain available for review.

- **Body Worn Video (BWV)** – According to the FID investigation, FID investigators identified 75 BWVs as being related to this incident. The BWVs were tagged in Evidence.com under Identification No. 22072200003445 and remain available for review.
- **Outside Video** – According to the FID investigation, footage of the incident was captured on numerous security cameras in the area.
- **Social Media** – Personnel assigned to FID's Cyber Unit monitored social sites from the date of the incident until the submission of this investigative report. There were no social media postings identified regarding this incident.
- **Photographs** – According to the FID investigation, the photographs associated with this incident are documented under control numbers 0897038, 0897039, and 0897041 and stored in the Training Evaluation and Management System II database and the FID Case Book.

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## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- The OIG concurs with the Chief's analysis.

#### **Tactical De-escalation**

- The OIG concurs with the Chief's analysis.

#### **Requirement to Intercede**

- The OIG concurs with the Chief's analysis.

#### **BWV and DICVS Policy Compliance**

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2- MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
43216	Officer C. Hosea	No	Yes	Yes	No	No
43029	Officer C. Tovar	No	Yes	Yes	No	No
41519	Officer J. Campos	Yes	Yes	Yes	N/A	N/A
39711	Sergeant D. Lopez	Yes	Yes	Yes	N/A	N/A

### **Inspector General Recommendations**

#### **Tactics**

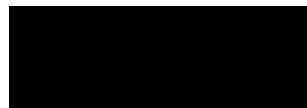
- The OIG concurs with the Chief's findings.

## **Drawing/Exhibiting**

- The OIG concurs with the Chief's findings.

## **Lethal Use of Force**

- The OIG concurs with the Chief's findings.
- In its analysis of Officer Hosea's use of force, the OIG noted that Officer Hosea's failure to follow Department tactical training regarding foot pursuits of armed suspects limited his tactical options and left him unduly exposed when the suspect pointed a firearm at him. As such, although it was objectively reasonable for Officer Hosea to believe that the suspect presented an imminent threat of death or serious bodily injury at the time the OIS occurred, his deficient tactical decision-making substantially contributed to the tactical disadvantage at which he found himself. The Department's Use of Force policy establishes that evaluation of the necessity of a use of deadly force includes consideration of the totality of the circumstances, which includes the officer's conduct leading up to the use of deadly force.<sup>54</sup> Accordingly, the OIG concurs with the Chief's conclusion that the use of deadly force in this case was not necessary.



DJANGO SIBLEY  
Assistant Inspector General

MARK P. SMITH  
Inspector General

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<sup>54</sup> The Department's Use of Force policy defines "Necessary" as follows: "In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given." "Totality of the Circumstances" is defined as, "All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force."