

**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
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INTRADEPARTMENTAL CORRESPONDENCE

27226
11-1-23

October 16, 2023
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TO: Chief of Police

FROM: Police Officer III Aaron Green, Serial No. 36890

SUBJECT: MINORITY OPINION-OFFICER INVOLVED SHOOTING
FID NO. 003-23

On October 11, 2023, a Use of Force Review Board (UOFRB) was convened to evaluate and render a recommended finding for Force Investigation Division (FID) No. 003-23. The deliberation resulted in a minority opinion for the recommended tactics findings for Officer Bracamontes, Serial No. 40514 and Officer Guerrero, Serial No. 41997. The Use of Force Review Board was comprised of the following members:

Chair: Assistant Chief Choi, Serial No. 32350
Office of Operations: Assistant Chief Marino, Serial No. 27226
Bureau: Deputy Chief Oreb, Serial No. 25109
Training Bureau: Deputy Chief Reina, Serial No. 34490
Peer Member: Officer Green, Serial No. 36890
Peer Member: Sergeant Chellew, Serial No. 37991

This minority opinion respectfully offers the rationale for a dissenting opinion with regards to the Tactics findings for Officer Bracamontes, Serial No. 40514 and Officer Guerrero, Serial No. 41997.

ANALYSIS

The primary dissention with the Use of Force Review Board came from a difference of opinion as to whether Officer Bracamontes and Officer Guerrero should receive findings of administrative disapproval due to the officers not treating this incident as a barricaded suspect.

In this incident, Officer Bracamontes and Officer Guerrero responded to a radio call of a male who threw a knife at a passing vehicle. The officers located a potential suspect; however, he entered an abandoned residence, and they did not attempt to detain him after it was determined the potential victim was no longer at scene. Approximately 45 minutes later, in response to a second radio call, officers returned to the area when the same suspect was reportedly throwing metal tools

at passing vehicles while armed with a knife. Officers met with a victim who reported the suspect had vandalized [REDACTED] vehicle and threatened [REDACTED] with a knife. The suspect had fled to the same abandoned residence where the officers later located him on a second-floor landing. The officers repeatedly asked the suspect to come down and meet with them. When the suspect entered the residence, the officers went up to the landing. Seconds after officers opened the exterior door to the residence, the suspect opened an interior door and stepped toward the officers armed with a makeshift stabbing weapon, resulting in two officers firing their duty pistols and one firing a 40mm less-lethal launcher. The suspect was struck by gunfire and transported by the Los Angeles Fire Department (LAFD) to Los Angeles General Medical Center (LA General) where he was pronounced deceased.

When the officers arrive at the rear yard, they observe the suspect on the landing at the top of a staircase holding a chain and a metal pipe. Sergeant Asawesna, Serial No. 31152 was at scene and was providing supervisory oversight. Sergeant Asawesna told the officers that if the suspect were to enter the residence, they would go in after him. A review of BWV determined that approximately 15 seconds before the suspect entered the building, Sergeant Asawesna told Officer Bracamontes and Guerrero, "Okay, if he goes inside there, we're gonna go after him."

Approximately 4 minutes after officers began communicating with the suspect, he entered a doorway into the building, and closed the door.

Officer Bracamontes and two additional officers at scene believed that the suspect dropped the pipe and chain prior to entering the building. Officer Guerrero was unsure if the suspect dropped the chain on the landing or took it into the building with him.

Officer Bracamontes said, "So I didn't see it was like a barricaded suspect, you know, because he was unarmed and he - he just went inside an unlocked door." (pg. 16, lines 7-9) Officer Bracamontes said, "It appeared that he disarmed himself. So he wasn't - it wasn't like a barricaded suspect situation." (pg. 57, lines 24-25) Officer Bracamontes said, "Hey, Sarge. We're gonna go up. Okay? And he says, "All right. Let's go." (pg. 60, lines 12-14)

Officer Guerrero said, "So we had everything we needed. Um, and our sergeant gives the go-ahead to go up." (pg. 15, lines 5-7)

Both Officer Bracamontes and Officer Guerrero said that they believed the suspects [REDACTED] was also inside the residence and that the suspect may be a danger to the [REDACTED] The officers

based this on a statement from a citizen who indicated that the suspect and [REDACTED] lived at the location.

Based on the above review, the minority opinion respectfully submits the following factors:

1. Patrol officers respond to numerous radio calls and the comments indicated in the call are often not accurate regarding a suspect's actions, the presence of weapons and other various details. Citizen or victims that call 911 are often in fear and their articulation of the incident to an Emergency Broadcast Operated are often vague, exaggerated or limited based on their viewpoint.

2. Upon arrival to a radio call, officers routinely meet with the person reporting or victim and attempt to obtain more detailed information about what occurred. While this can help clarify radio call comments, the incident still requires officers to investigate further to determine what occurred. Officers will rely more on their observations or the observations of another officer at scene.

3. When Officer Bracamontes and Officer Guerrero observed the suspect during this incident, they did not see the suspect armed with a knife or any other edged weapon. The suspect was only seen holding a chain and a pipe, which they believed the suspect dropped, prior to entering the residence.

4. When a tenured supervisor responds to an incident, they generally are considered by officers to be the incident commander and will follow the orders given by that supervisor. Unless a supervisor were to order an officer to do something illegal or unethical, officers would follow those directions or orders or face possible consequences for insubordination.

5. Training Bulletin regarding Barricaded Suspects / Subjects dated December 2019 states on page 2, "Once the IC believes the incident meets the criteria for a barricaded suspect, the IC shall immediately contact Metropolitan Division Watch Commander (WC) to request SWAT."

The Training Bulletin regarding barricaded suspects / subjects indicates that one of the criteria for a barricaded suspect is that the suspect is probably armed. This was the one criteria in the training bulletin that was discussed during the UOFRB regarding this incident where there was a difference of opinion.


While arguments could be made both ways as to the suspect being "probably armed" during this incident, the minority opinion was that the officers did not reasonably believe that the suspect was armed when he entered the residence and that this did not meet the criteria for a barricaded suspect. Additionally, it

would be up to the Incident Commander to determine and declare a barricaded suspect, not the officers involved in the tactical incident.

Officers are expected to follow the lawful orders and directions of a field supervisor. It is my opinion that an unless a supervisor were to give an order or direction that was unlawful, unethical, immoral or obviously a clear violation of Department policy, a reasonable officer will carry out those orders and rarely challenge the decision being made by a supervisor during a tactical incident.

I respectfully ask for your consideration in this manner that Officer Bracamontes and Officer Guerrero's actions were a substantial deviation with justification and tactics findings be recommended "Tactical Debrief".

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Police Officer III Aaron Green, Serial No. 36890
Peer Member, Use of Force Review Board