



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Report on the Investigation into the Death of Luis Herrera on September 17, 2022

Los Angeles County AB 1506

September 2024

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INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND – AB 1506

Pursuant to California Assembly Bill 1506 (“AB 1506”), the California Department of Justice (“the Department” or “DOJ”) is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California have been handled primarily by local law enforcement agencies and the state’s 58 district attorneys.

AB 1506, signed into law on September 30, 2020, and effective July 1, 2021, provides the California Department of Justice with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. The DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, the DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as discovered by the investigation;
- An analysis of those facts in light of applicable law.
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses and family members of the decedent. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as readability of this report, the witnesses and key locations will be indexed as follows:

- Witness 1 (“W-1”), father of the decedent.
- Witness 2 (“W-2”), mother of the decedent.
- Witness 3 (“W-3”), a witness present across the street from the OIS scene.
- Location 1 (“L-1”), the scene of the OIS
- Location 2 (“L-2”), the location of W-3

INTRODUCTION

On September 17, 2022, at approximately 1:21 PM, Los Angeles Police Department (LAPD) Officers Luis Navarrete and Gabriel Perez responded to two calls for service at a residence in Los Angeles. The calls, both made by Luis Herrera, reported that a domestic violence incident had occurred at the Herrera family’s residence. Mr. Herrera said that the gate to the residence would be left open for responding officers. When the officers arrived at the residence, they entered the front gate and walked towards the front porch. Mr. Herrera opened the front screen door with what appeared to be an AR-15 assault rifle, which he pointed at the officers. The officers retreated and took cover around the east corner of the residence while issuing multiple commands for Mr. Herrera to “drop the gun.” Mr. Herrera exited the residence and moved into the front yard where he pointed the rifle at the officers. Officer Navarrete fired at Mr. Herrera, who fell to the ground still clutching the rifle in his right hand. When backup officers arrived and rolled Mr. Herrera over to handcuff him, they found what appeared to be a Glock semi-automatic pistol under his body. It was later determined that the AR-15 assault rifle was an airsoft gun, and the Glock semi-automatic pistol was replica gun that could fire only BBs.

The California Department of Justice (DOJ) investigated and reviewed the Officer-Involved Shooting (OIS) pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 [2019-2020 Reg. Sess.]). This report is the final step in the DOJ’s review of the fatal OIS of Luis Herrera and is limited solely to determining whether criminal charges should be brought against the involved officers and offering possible policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Upon thorough examination, and as discussed in detail below, we conclude that there is insufficient evidence to prove that Officer Navarrete committed a crime. The review does not encompass or comment on any potential administrative or civil actions.

CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, reader discretion is advised, especially for young children and sensitive individuals.

SUMMARY OF INCIDENT¹

On September 17, 2022, at 12:31 PM, LAPD 911 operators received a call from Luis Herrera. Mr. Herrera stated that he needed police assistance due to domestic violence at his residence. He gave the location address (L-1) and said, "My dad is drunk, and he started beating on my mom and I tried to get involved and now he attacked me." He said, "We need the police to deal with him." He said the location was a house and "the gate's open by the way." The 911 operator said that they would send police officers to the location.

At 12:34 PM, LAPD Communications broadcast a call for battery domestic violence at L-1 and said to monitor for additional information.

At 12:35 PM, Los Angeles Police Officers Gabriel Perez and Luis Navarrete were assigned to the call.

At 1:11 PM, Mr. Herrera placed a second 911 call, stating that he was "all bloody" because of his father, and that he had left the front gate open for the officers.

At 1:12 PM, Communications Division then reached out to Officers Navarrete and Perez and informed the officers that the reporting party had "added an altercation with his father."

At 1:16 PM, the officers advised dispatch that they were en route. They arrived at the scene at 1:19 PM and parked their patrol car facing east in front of the residence located next to L-1.

At 1:20:02 PM and again at 1:20:32 PM, the officers asked dispatch to contact the reporting party and have them step outside. Police Officers Perez and Navarrete then got out of their marked LAPD patrol vehicle and walked to L-1 where they found the front black metal gate open.

Dispatch attempted to call Mr. Herrera, but only reached voicemail. Dispatch made an entry to the computer aided dispatch system at 1:20:50 PM², that a call had been attempted but "Voicemail only did not leave message due to nature of crime."

Police Officers Perez and Navarrete then got out of their marked LAPD patrol vehicle and walked to L-1 where they found the front black metal gate open.

At 1:21:11 PM, Officers Perez and Navarrete walked through the open front gate with Officer Perez in the lead.

At 1:21:16 PM, as the officers were about to walk up the stairs to the porch area, the black metal security screen door at the front of the house opened, and Mr. Herrera exited the residence holding what appeared to be an AR-15 style rifle, with his right hand holding the pistol grip of the rifle and his left hand holding the forward pistol grip area. The rifle was later determined to be an airsoft rifle.

¹ This report generally includes information about facts and circumstances leading up to the OIS, even if some of the information was unknown to the officers, in order to explain and give context to the entire incident.

² There is a discrepancy between the times reported on the officers' BWV and the dispatch logs



Still photograph from Officer Navarrete's BWW. AR-15 airsoft rifle is circled in red.

At 1:21:17 PM, both officers drew their handguns and quickly repositioned themselves to their left and around the northeast corner of L-1 to gain cover.

At 1:21:20 PM, Officer Navarrete gave Luis Herrera verbal commands to "put it down." He repeated this command no less than six times. Officer Navarrete told Officer Perez to "put out the help call."

At 1:21:21 PM, Mr. Herrera ignored the officer's commands and walked from the porch, still holding the rifle. He held the rifle with both hands and pointed it in the officers' direction.



Still photograph from Officer Navarrete's BWV. Mr. Herrera's AR-15 airsoft rifle is circled in red.

At 1:21:22 PM, Officer Navarrete continued to give Mr. Herrera commands to "put it down." He fired two rounds from his handgun at Mr. Herrera. He moved further away from Mr. Herrera, backing along the east wall of L-1. The shots had no apparent effect on Mr. Herrera, who continued to advance towards the officers by moving to the center of the patio area where he had a direct view of the officers while holding his rifle raised in a shooting position. Once he reached the center of the patio area, Mr. Herrera crouched, still pointing the rifle, which remained raised in a shooting position, at the officers.



Still photograph from Officer Navarrete's BWV. Mr. Herrera's AR-15 airsoft rifle is circled in red.



Still photograph taken from L-1's surveillance video. Mr. Herrera's AR-15 airsoft rifle is circled in red.³

³ Note that the time stamp on L-1's surveillance video is three hours later than that in the BWV.



Still photograph taken from L-1's security camera showing Mr. Herrera crouching in a shooting stance with his AR-15 airsoft rifle pointed towards the LAPD officers. The AR-15 and Glock replica pistol are circled in red. This was Mr. Herrera's position when the final volley of three shots was fired by Officer Navarrete.

At 1:21:23 PM, Officer Navarrete fired in rapid succession three more volleys of two rounds each at Luis Herrera. The total time span for the six shots was approximately three seconds. Officer Perez was behind Officer Navarrete and did not have a clear shot. At one point he moved to Officer Navarrete's right and raised his handgun to a shooting position. His handgun did not fire, and no bullet was discharged.

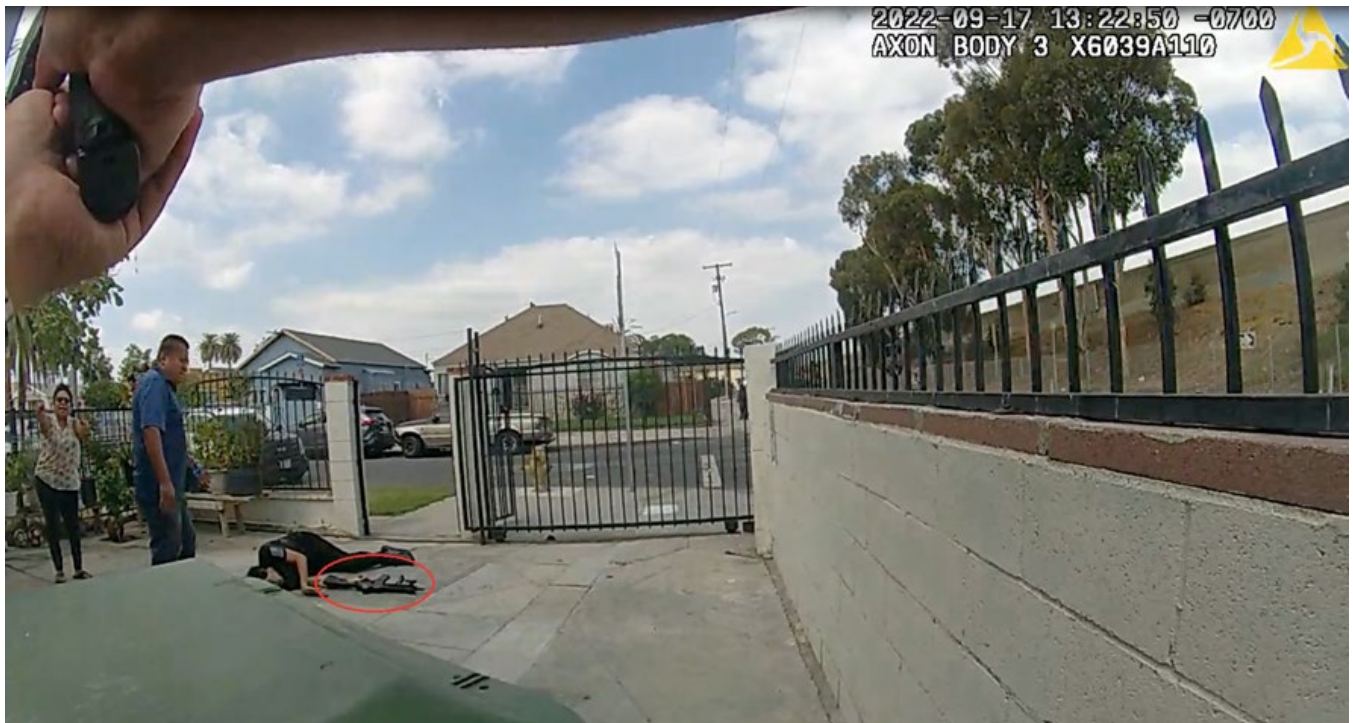
At 1:21:27 PM, Mr. Herrera fell to the ground and Officer Navarrete stopped firing. He shouted to Mr. Herrera, "Let go of the gun, let go of the gun."



Mr. Herrera after falling to the ground. He is still holding the rifle.

At 1:21:39 PM, Officer Perez radioed in, “18A17 shots fired; Officer needs help.” Thereafter the officers continued to hold Mr. Herrera at gunpoint and gave him verbal commands to “let go of the gun.” Mr. Herrera was still holding the pistol grip of the rifle in his right hand.

At 1:22:50 PM, W-1 and W-2 approached Mr. Herrera. Officer Navarrete ordered them to get away in Spanish and continued to point his handgun at Mr. Herrera.



Still photograph from Officer Navarrete's BMWV. Mr. Herrera is holding the AR-15 airsoft rifle in his right hand (circled in red).

At 1:24 PM, additional LAPD units began arriving at the scene. The responding officers did not initially approach the residence but took cover behind the open doors of a patrol car.



Home security video showing officers taking cover behind their patrol car doors.

Officers Navarrete and Perez continued to point their handguns at Mr. Herrera until additional officers arrived. Officer Navarrete shouted to responding officers, “You have us covered?” He and Officer Perez then backed away from Mr. Herrera, exiting the yard of L-1 through a side gate.

At 1:27 PM, LAPD Officers Angelica Ramirez and Johnnie Johnson approached Mr. Herrera in order to place handcuffs on him. Mr. Herrera still held the AR-15 airsoft rifle’s pistol grip in his right hand. Officer Ramirez pushed the rifle from his hand, rolled him onto his stomach, and handcuffed him. Officer Johnson kicked the rifle further away from Mr. Herrera and assisted Officer Ramirez in handcuffing him.



Still photograph from Officer Ramirez’s BWV. Mr. Herrera’s AR-15 airsoft rifle is still held in his right hand (circled in red).

At approximately 1:28 PM, Mr. Herrera was rolled over and a Glock replica handgun (a BB gun) was found under his body. Officer Johnson then searched Mr. Herrera and turned him on his right side.



Still photograph from Officer Ramirez’s BWV showing Mr. Herrera’s replica Glock handgun.

At 1:30 PM, Los Angeles City Fire Department paramedics Adam Harris and Thaddeaus Farmon arrived on scene and examined Mr. Herrera. They found that he was not breathing and had no pulse. He did not respond to external stimuli. They noted that he had numerous gunshot wounds to his chest and abdomen. Paramedic Farmon pronounced Mr. Herrera dead at 1:33 PM.

INVESTIGATION

DOJ Response

On September 17, 2022, at approximately 3:15 PM, the DOJ Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) received notification of an OIS in the Southeast area of Los Angeles. The incident involved the LAPD – Southeast Patrol Division and was determined to be a qualifying event within Government Code section 12525.3. (For more information on the DOJ’s practices and procedures, see <https://oag.ca.gov/ois-incidents>). CaPSIT promptly responded to the incident scene to initiate a criminal investigation on behalf of the DOJ. A Deputy Attorney General (DAG) from the Attorney General’s Special Prosecutions Section also responded. When CaPSIT agents arrived, the incident location was being guarded by LAPD personnel, with the entire surrounding area blocked off with crime scene tape to preserve evidence.

The DOJ team observed the location of key items of evidence, paying particular attention to the area where the shooting had taken place. LAPD Forensics Division (“LAPD Crime Lab”) then arrived to collect evidence and document findings. The DOJ Bureau of Forensic Services (BFS) also responded to

the scene to monitor the processing of the incident scene and the collection of evidence by LAPD Crime Lab personnel.

After walking the incident scene and reviewing evidence, CaPSIT and the LAPD Force Investigation Division (FID) conducted a joint briefing with both agencies to provide an overview of the incident so that investigators had the same information before further steps were taken. After the briefing, CaPSIT special agents were assigned investigative tasks.

The DOJ team and LAPD detectives later reviewed body worn camera footage and surveillance video from L-1 that captured the OIS.

The DOJ investigation into the death of Luis Herrera was comprehensive, thorough, objective, and independent. Over the course of the investigation, DOJ, LAPD, DOJ BFS, and LAPD Crime Lab expended hundreds of hours gathering, reviewing, and analyzing all relevant evidence.

Evidence Reviewed

- The incident scene
- Dispatch records and logs of the incident
- 911 audio recordings
- Body worn camera footage from the officers who were involved in the incident
- L-1 security video
- Interviews of all the civilian witnesses associated with this incident
- Dispatch logs of responding support personnel from LAFD firefighters/emergency medical personnel
- Report of autopsy of Mr. Herrera by Medical Examiner-Coroner, County of Los Angeles
- LAPD Property Report
- LAPD Forensic Services Division reports
- Department of Justice Forensic Sciences Division reports
- LAPD Use of Force policies
- Photographs of incident scene and officers

Scene Description

L-1 is a single-story, single-family residence, located on the northeast corner of the intersection of West 102nd Street and South Grand Avenue in Los Angeles County.



OIS overview map; L-1 is outlined in red.



OIS overview map (zoomed) showing approximate locations of LAPD officers and Mr. Herrera at the time of the OIS.

Evidence Recovery

On September 17th, 2022, at approximately 5:00 PM, CA DOJ Bureau of Forensic Services (BFS), Criminalists G. Williams, R. Magliano, and C. Eyerly responded to the OIS scene to oversee the LAPD Criminalists who were processing the OIS scene.

At approximately 8:00 PM, the LAPD Firearms Analysis Unit (FAU) inspected the AR-15 style replica rifle and Glock replica handgun and determined that the AR-15 was an airsoft rifle, and the Glock handgun was a Pellet/BB handgun. These items were collected as evidence by LAPD criminalists and are further detailed below.

In addition to the two replica firearms, the following evidence was collected at the OIS scene by LAPD criminalists and documented in a LAPD Property Report:

- Item #8: Magazine removed from AR-15 airsoft rifle
- Item #9: Magazine removed from Glock licensed Pellet/BB handgun
- Items #10-17: Eight discharged nine-millimeter Luger cartridge casings (LAPD issued ammunition)
- Item #18 Fired bullet projectile recovered from impact placard B

In addition to the physical evidence that was collected at the scene, two fired bullet projectile impacts were documented by LAPD Criminalists. Bullet projectile impact evidence placard A was a grazing impact to the northeast corner of the residence at the OIS scene. Bullet projectile impact evidence placard B was a penetrating impact to the post for a basketball hoop in the front yard of the residence at the OIS scene.

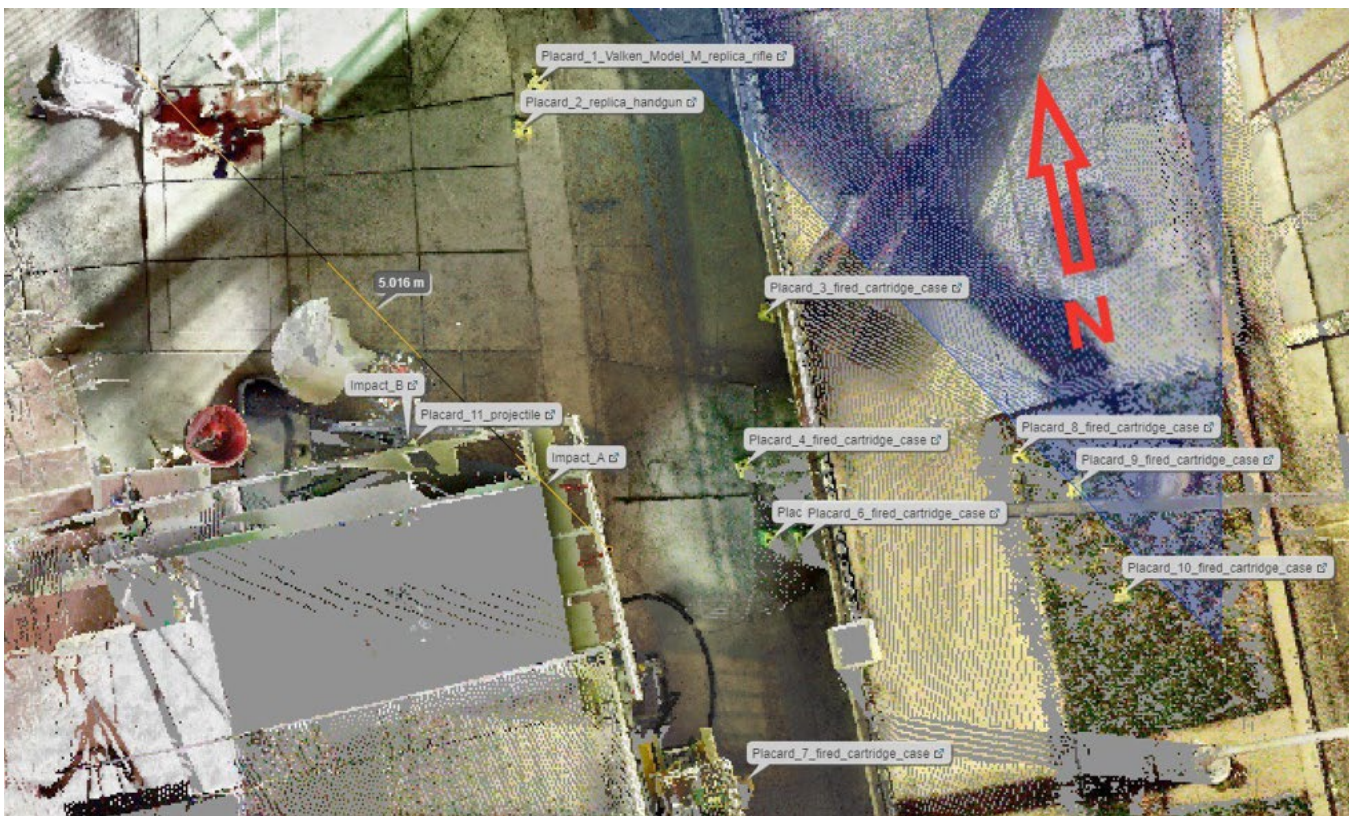


Bullet projectile impact (placards A and B).

On February 2, 2023, LAPD’s Forensic Science Division (FSD) Criminalists A. Lilio and F. Biraimah, completed a bullet path analysis report which documented the bullet projectile strikes and general direction of bullet projectile travel.

On the night of the OIS, at approximately 9:50 PM, LAPD personnel executed a search warrant at L-1 to search for additional weapons and other evidence. LAPD personnel found an airsoft styled rifle, an airsoft style handgun, a gun scope, and two ammunition magazines in Mr. Herrera’s bedroom. LAPD collected these items as evidence and documented them on an LAPD Property Report.

BFS criminalists from DOJ performed a FARO 3D scan of the OIS scene and generated a Field Investigation Report and a Physical Evidence Examination Report. The FARO 3D processing software has the ability to determine distance. In this instance, the approximate distance between Officer Navarrete and Mr. Herrera (shown below by the black and yellow line) was five (5) meters, or 16.4 feet at the conclusion of the OIS.



FARO 3D overview scene map showing the location of all evidence and impact placards.

Recovered Weapons

The following two weapons were in Mr. Herrera’s possession during the OIS incident:

1. Valken Model M, six-millimeter, electric AR-15 replica airsoft style rifle. Attached to the airsoft rifle were an Ohhlion brand optic sight labeled “for law enforcement/military use,” a visible laser aiming module labeled “armed forces laser sight module,” a forward pistol grip/bipod assembly, and an airsoft magazine inserted into the magazine well.

2. Glock Model 19 replica handgun, 4.5 millimeter caliber pellet/BB. The Glock replica handgun was marked “Officially Licensed Product of GLOCK” on the frame. It had an empty “6MM” magazine inserted into the magazine well.



Photograph of the AR-15 styled airsoft rifle and Glock licensed BB handgun.

The AR-15 styled airsoft rifle (including magazine) and the Glock licensed Pellet/BB handgun (including magazine) were examined for fingerprints, but no latent prints were found.

On February 15, 2023, LAPD, FSD, Criminalist A. Perez completed a test fire report for the AR-15 styled airsoft rifle to determine if the AR-15 styled airsoft rifle could discharge six-millimeter steel BBs instead of the plastic BBs it was designed to discharge. Criminalist A. Perez made the following findings in a report dated February 15, 2023: “The above listed rifle was test fired in semi-automatic mode using the above listed magazine with a laboratory battery and 6mm steel BB’s and functioned intermittently. This was due to the varying size of the 6mm BBs.” The smaller BBs fit through the barrel properly while the slightly oversized BBs jammed upon barrel entry.

Body-Worn Camera (BWC) and Surveillance Video Recordings

Both Officer Navarrete’s and Officer Perez’s BWC were activated prior to the OIS and the BWV recordings have been reviewed and are summarized above. Officer Navarrete’s BWC was activated at 1:18:50 PM while he and Officer Perez were still in their patrol car. There is no sound on the recording until the officers have arrived at L-1 at 1:20:50 PM. Officer Perez’s BWC was activated at 1:18:49 PM.

There is no sound until 1:50:49 PM when the officers have arrived at L-1. As the officers approach L-1, Officer Navarrete approaches the front gate. Officer Perez says, "Let me check the other side real quick." He walks on the sidewalk to the side of L-1 and states, "Looks like it's half a block down." He returns to Officer Navarrete's position outside the front gate of L-1 and says, "Let me do a door knock," and the officers enter through the front gate and approach the front door.

The security video from L-1 was obtained, reviewed, and summarized above.

Communications

A copy of the LAPD Communications Division printout and recordings for the LAPD incident generated during this series of events was recovered and submitted as evidence.

LAPD Officers' Firearms Analysis and Round Count

On September 17, 2022, at 6:50 PM, DOJ Agent D. Foster and LAPD Force Investigation Division (FID) Detectives Ubaldo Zesati and Allison Garcia conducted an examination of Officers Navarrete and Perez's uniforms and firearms. Both officers were in full LAPD uniform. The officer processing was conducted within the LAPD's mobile command center, which was located near the OIS scene.

Officer Navarrete's duty weapon was a nine-millimeter semi-automatic pistol. The pistol contained one round in the chamber and nine rounds in the magazine, which had a capacity of 17 rounds. When loaded, an additional round had been added to the magazine after a round had been chambered, so that the weapon had 18 rounds. Thus, there were eight missing/fired rounds.

Officer Navarrete's duty firearm was examined on October 24, 2022, by LAPD, FSD Criminalist K. Hafeli (Serial #N4216). Testing showed that it was functional, and the trigger pull value was within LAPD Armory's established acceptable range for the firearm.

Officer Perez's duty weapon was a nine-millimeter semi-automatic pistol. The pistol contained one round in the chamber, and 17 rounds loaded in the magazine (its full capacity). Thus, there were zero missing/fired rounds.

Interviews of Involved Officers

The LAPD officers involved in the incident were sequestered and declined to provide voluntary statements. Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.) Officers Perez and Navarrete declined to give voluntary statements.

Public employees, including police officers, may be compelled by an employer to answer questions for administrative purposes, but the use of such statements in criminal proceedings is prohibited. (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827-828, citing *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77-79, *Garrity v. State of New Jersey* (1967) 385 U.S. 493, 500.) Accordingly, no compelled statements were considered as part of this investigation.

Interviews of Civilian Witnesses

As a part of the Officer-Involved Shooting investigation, Special Agents with the California Department of Justice, Division of Law Enforcement, Bureau of Investigations, in conjunction with LAPD FID Detectives, conducted multiple canvasses for witnesses to the incident. The canvasses resulted in the discovery of several witnesses who were identified and interviewed. All interviews conducted by investigators and detectives were digitally recorded.

The following statements are summaries of their interviews, which describe the incident from the point of view of the witnesses. Please note that the interviews contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of this incident as they are currently understood.

Statement of W-1

On September 17, 2022, at 4:24 PM. LAPD FID Detectives Mercado and Cruz interviewed W-1, Mr. Herrera's father.

W-1 and Mr. Herrera argued because Mr. Herrera hit his dog a lot. W-1 told Mr. Herrera not to hit the dog, or W-1 would call the police. On the day of the incident, Mr. Herrera hit his dog, and they argued. Mr. Herrera came at W-1 and hit him, and W-1 defended himself. Mr. Herrera told his mother (W-2) that he was going to call the police. W-1 and his wife (W-2) went to the back of the house and were fixing tools. Mr. Herrera was very angry, and they did not want to be inside the house with him. When W-2 told W-1 that Mr. Herrera had called the police. W-1 responded, "Why is he going to call? He's the one to blame. He hit the dog." According to W-1, Mr. Herrera "was looking at the (security) cameras before the police came."

When W-1 heard six gunshots, he ran outside. Both police officers had weapons in their hands and a police officer was still shooting at Luis.³ W-1 said, "Don't shoot him. That's a toy."⁴ The officer kept shooting and aimed the gun at W-1, so he ran inside the house. He looked out to see if his son was still alive, but Luis was already on the ground and was hugging the weapon. W-1 said, "You can see in the cameras how the police officers knock, and he comes out with the weapon, and they run to the back, and that's when you hear the gunshots. They hit him . . . There's a (home security) video."⁴

W-1 also said that he did not see the shooting when it occurred but saw it when he viewed his home security video. On the video he saw the officers arrive and walk towards the front door. Then they took off running. Luis came out with the weapon. Both officers moved back to the corner of the house, took cover, and shot. When W-1 went outside, both officers had their guns drawn. They had already fired the gunshots. The officers told W-1 to go back, and W-1 said, "Hey, don't shoot me. Don't shoot him (Luis) anymore. It's a toy." W-1 went back inside the house. "I came out again and

³ Officer Perez's BWV shows W-1 exiting W-1 from the side door at 1:21:40 PM, after the shooting has ceased. Mr. Herrera is still clutching the AR-15 rifle, and Officer Navarrete continues to shout at him to put the gun down. Officer Perez tells W-1 "That's my son." Officer Perez tells him to go back into the house. Officer Navarrete's BWV shows that at 3:22:29 PM, after the shooting has stopped but while Mr. Herrera is still clutching the AR-15 rifle, W-2 comes out of the front door and is crying loudly. While her words are indistinct, it appears that she said, "my son, my son." At 1:22:48 PM, W-1 and W-2 approach Mr. Perez. Officer Navarrete tells them to go back in the house. Mr. Herrera is still holding the AR-15 rifle at this time.

⁴ At another point in the interview, W-1 said he told officers, "Don't shoot because it's fake." Neither of the statements W-1 said he made to the officers can be heard on their BWV.

⁴ W-1 provided a copy of the home security video to LAPD personnel.

I kicked the weapon. It was a fake one.” Luis was hugging it with both arms. The officers waited for others to arrive before approaching Luis. Luis didn’t let go of the weapon until another officer arrived and took it from him. Luis was already dead when they turned him over and handcuffed him. The firemen arrived after five or ten minutes. They checked him and left.

W-1 stated that Mr. Herrera bought the weapons, but they were inexpensive air guns. They shoot “pellets” and “lead bullets.” Mr. Herrera had two guns during the incident and there was another in the house. One looked like an AR-15 rifle. W-1 had previously told Mr. Herrera, “The police can attack you if you take it out one day...I told him, ‘Those weapons, if the police came one day, do not go outside with it because they’re going to shoot you. They’re going to think it’s real.’”

Statement of W-2

On September 17, 2022, at 5:23 PM, LAPD FID Detectives Mercado and Cruz interviewed W-2, Mr. Herrera’s mother.

On the morning of the incident, at about 10:30 AM, W-2 got up to make breakfast. Her son, Mr. Herrera, went outside and saw that their dog had given birth to puppies. He became angry because he did not want the dog pregnant again, and got into an argument with his father, W-1. W-2 and W-1 told Mr. Herrera that the dog would not get pregnant, and that the veterinarian would only perform surgery after her milk dried.

W-2 told Luis to try to calm down, not to argue, and to respect his father and mother, but he was “arguing arrogantly.” Mr. Herrera said he was going to call the police. W-2 overheard the call with police and heard Mr. Herrera say that W-1 had hit him. W-2 told her husband that Mr. Herrera was very disrespectful and asked, “Can you believe the police are going to come?”

W-1 and W-2 went to the back of the house to do house chores, and for W-1 to clean some tools. W-2 believed that the police would arrive at the back of the house, because the house “goes all the way around back,” where there is another entrance. W-1 and W-2 stayed there doing chores, while Mr. Herrera was in the front of the house. They never imagined that the police would come to the front of the house rather than the back.

W-2 next recalled hearing 6 or 7 gunshots. She got scared, ran to the front of the house, and saw her son lying on the ground outside. She asked what happened and told the officers to leave her son alone. The officers said that Mr. Herrera had threatened them, but she “did not see anything.” She only heard gunshots and ran from the back of the house. W-2 remembered seeing a rifle next to her son. She understood from her other son that Luis bought the pellet gun at a Big 5 store, but that it was empty and had no pellets. She said that it was a mistake for him to have come out with it.

W-2 tried to take Mr. Herrera to see a psychologist some time ago because he would sometimes get angry for no reason. Mr. Herrera refused, saying, “I’m not crazy.” According to W-2, “Sometimes he was like bipolar. Sometimes he would get angry, and then he would hug his dad and me, too, and I would tell him, ‘Son, you’re not well. Do you do drugs or what?’” Luis “hardly engaged” with W-1 and W-2, did not have friends, and “never went out.” When Luis was 18, “He would say that he wasn’t going to live to be a certain age.”

Statement of W-3

On September 19, 2022, at 9:11 AM, W-3 was interviewed by LAPD Detectives Jose Olmedo and Michael Arteaga, both assigned to the Force Investigation Division (FID). DOJ DLE Special Agent Michael Wyatt was also present. W-3 resided directly across the street from L-1 and saw a portion of the OIS.

W-3 had lived in the house directly north of L-1 for four years and knew his neighbors. Prior to the OIS incident, he had never seen the police at L-1. Just before the OIS, he was on his living room couch with a clear view of L-1 across the street. His front door was open, and the screen door was closed.

W-3 saw the patrol car pull up. The officers parked on the street, one house west of L-1. The gate at L-1 was open when the officers arrived, the officers checked the perimeter of the house. The gate was open. The officers went in and were approaching the house when Mr. Herrera came running out of the screen door. W-3 first noticed Mr. Herrera's rifle. The stock was on his waist and the rifle was pointed at the officers. "It looked like an AR-15, like a real rifle." The officers took cover on the east side of the residence. When W-3 saw the rifle, he pushed his son to the floor and got on the floor himself because he was afraid he would get shot. Mr. Herrera was holding the rifle, pointing the rifle at the officers, when W-3 got down and heard shots.

W-3 got up after the shooting stopped and went outside. He saw Mr. Herrera on the ground and the officers were around the side of the house. Mr. Herrera's parents came outside, and the officers told them to get back in the house. When all the officers arrived, they put Mr. Herrera in handcuffs. The rifle was right next to him. The paramedics showed up right away.

According to W-3, both officers told Mr. Herrera multiple times to put the rifle down. The officers were scared, and W-3 thought Mr. Herrera was going to shoot. There was no time for the officers to use less lethal force. What they did was reasonable. W-3 estimated that 10 seconds elapsed from when Mr. Herrera came out, to when the officers shot. W-3 recorded the aftermath of the OIS, when Mr. Herrera was on the ground, but he did not record the shooting.

Coroner's Investigation

Mr. Herrera was a Hispanic male born on September 19, 2002. He was 19 years old at the time of his death.

On September 20, 2022, Deputy Medical Examiner-Coroner Dr. Michael Harrell, M.D. conducted an autopsy on Mr. Herrera's body. Dr. Harrell determined that the cause of death was multiple gunshot wounds. He found that seven wound tracks involving the torso converged and caused lethal injury. The decedent also had two gunshot wound tracks involving his left and right arms. He also had one gunshot wound that was likely a re-entry wound.

A toxicology report was prepared on January 3, 2023. Mr. Herrera's blood tested positive for cannabinoids (marijuana).

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Cal. Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Cal. Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation, that would support a conviction of first-degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *People v. Hernandez, supra*, 183 Cal.App.4th at p. 1332.) Malice is express when there is an “intent to kill.” (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.4th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes a person from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moyer* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary’s attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal. App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 et. seq. set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code, § 197 [listing circumstances where homicide committed by “any person” is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary”: (1) “to defend against an imminent threat of death or serious bodily injury to the officer or to another person”; or (2) to apprehend a fleeing person who has committed a felony “that threatened or resulted in death or serious bodily injury,” and the officer “reasonably believes that the person will cause death or serious bodily injury” if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force “only when necessary in defense of human life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine 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 to an objectively reasonable officer.” (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

A threat of death or serious bodily injury is “imminent” when, based on the “totality of the circumstances,” a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal. App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent

conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant's guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 ["A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt," quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant's burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384; see *People v. Breverman* (1998) 19 Cal.4th 142, 156 [when defendant claims self-defense or defense of others, or there is substantial evidence supportive of defense, the jury will be instructed that prosecutor bears the burden of disproving this defense beyond a reasonable doubt].) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.

LEGAL ANALYSIS

The DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Herrera. This review and analysis is based on the totality of evidence provided to the DOJ in this matter, including witness statements, forensic evidence, coroner's report, autopsy photographs, BWC footage, security camera video, police recordings and police reports.

Because a prosecuting agency must affirmatively prove beyond a reasonable doubt that Officer Navarrete did not act in lawful defense of himself or others, this is the primary issue in determining whether his actions are subject to criminal prosecution.⁵

A detailed analysis of the evidence surrounding the conduct of the officers demonstrates that a prosecuting agency could not prove that they were objectively unreasonable in determining that lethal force was necessary to protect themselves or others, or that they did not actually hold this view. Accordingly, the examined evidence does not support the contention that the shooting of Mr. Herrera violated any criminal law.

Before arriving at L-1, the LAPD Communications dispatcher informed Officers Navarrete and Perez that they were responding to a domestic violence call involving a battery and an altercation with the caller's father, and that the front gate would be left open. The use or presence of a gun was never reported. The officers arrived and proceeded in a cautious manner, parking next door to L-1, and walking through the open gate toward the front porch area with their guns holstered. At that point, the officers had no reason to believe that they would be suddenly threatened.

The officers' subsequent actions support the conclusion that they believed Mr. Herrera possessed a real firearm when he unexpectedly exited the front door, holding what appeared to be an assault rifle. Mr. Herrera pointed the rifle at the officers as he initially moved toward them. Out of apparent concern for their immediate safety, and to create distance and seek cover, the officers retreated to a position behind the corner of the house and repeatedly ordered Mr. Herrera to "drop the gun," which he failed to do.

The officers also drew their own service weapons and called for help, broadcasting that the suspect (Mr. Herrera) was armed with an assault rifle. Mr. Herrera continued to point the rifle at officers and deliberately moved to a position that exposed the officers to potential gunfire, causing them to discharge their weapons. Responding units did not approach Mr. Herrera but instead took cover behind the doors of their patrol cars. The officers continued to direct Mr. Herrera to let go of the gun after he fell.

The evidence further shows that the actions and the use of lethal force by Officer Navarrete was not objectively unreasonable, based on the totality of the circumstances and the imminent threat posed by Mr. Herrera, who appeared to have the present ability, opportunity, and intent to cause death or great bodily injury. When Mr. Herrera exited his residence, he was brandishing what appeared to be an

⁵ Officer Perez did not fire any shots, and it does not appear that Officer Perez attempted to do so. In any event, the analysis of Officer Navarrete's liability for homicide would apply equally to any conceivable charges against Officer Perez.

AR-15 assault rifle at the officers.⁶ He then changed direction and advanced directly at the officers, holding the rifle in a firing stance. W-3, who saw Mr. Herrera advance on the officers, believed Mr. Herrera was wielding a real rifle; he and his family dropped to the ground because he feared they might be shot.

Officers Navarrete and Perez attempted to de-escalate, issuing verbal commands to Mr. Herrera to drop his firearm. Mr. Herrera, however, did not heed their commands. The officers also moved away from Mr. Herrera in an apparent attempt to create distance and obtain cover around the corner of the house. In response, Mr. Herrera moved laterally on the driveway in a threatening manner, exposing the officers to potential harm as he continued to point the rifle at them. This presented an apparent emergency that precluded the officers' use of less than lethal weapons or the deployment of a K-9 unit.

Officer Navarrete then fired his handgun twice as he positioned himself at the side of the house. Approximately four seconds later, Mr. Herrera had moved to the middle of the patio area and did not seem to be affected by the first two shots. Mr. Herrera knelt in a firing position. Officer Navarrete then fired six shots (three volleys of two shots each) in rapid succession, presumably based on the belief that he needed to stop Mr. Herrera from shooting his firearm and potentially killing or injuring the officers. Officer Navarrete stopped firing when Mr. Herrera fell to the ground and appeared to pose no further threat. Officer Navarrete and Perez advised other officers approaching to assist to take cover as Mr. Herrera still clutched the AR-15 rifle. They also told Mr. Herrera's parents, W-1 and W-2 to go back in the house as Mr. Herrera still held the rifle in his arms.

While W-1 stated that the officers were still shooting when he came out of his house, the officers' BWV shows that he came out of the side entrance to his home after the shooting had stopped. The statements he claimed that he made about the rifle being "a fake" are not audible on the officers' BWV recordings. Based on the evidence, a reasonable officer in the same situation would have likely reacted in the same way. Given the totality of the circumstances, it cannot be disproved that the involved officers justifiably used deadly force to defend against what they believed to be an imminent threat of death from Mr. Herrera.

CONCLUSION

The totality of evidence does not show, beyond a reasonable doubt, that Officers Navarrete acted without the intent to defend himself and others from what he reasonably believed to be imminent death or serious bodily injury. Therefore, there is insufficient evidence to support a criminal prosecution of the officers. As such, no further action will be taken in this case.

⁶ W-1 stated in his interview that he previously told Luis Herrera not to take his air guns outside, including one that looked like an AR-15 because police could mistake them for real guns.



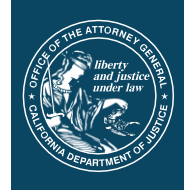
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Los Angeles Police Department Related to the Officer-Involved Shooting of Luis Herrera on September 17, 2022

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

September 2024



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section (PPS) conducts a supplemental review of the information obtained through the criminal investigation, which may include a review of policies concerning body-worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly available policies of the agency employing the officers who are subject to the criminal investigation. PPS uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response. PPS’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

As background, two Los Angeles Police Department (LAPD) officers responded to an ongoing domestic violence incident on September 17, 2022, at approximately 1:20 p.m. As the officers approached the front door of the residence, 19-year-old Luis Herrera came out and aimed at the officers with what appeared to be an assault rifle. Officer Navarrete fired his duty pistol and killed Mr. Herrera. It was later discovered that Mr. Herrera was holding a replica assault rifle.

PPS evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), PPS advises LAPD to review and implement one recommendation in dispatcher training on handling domestic violence calls in three specific areas outlined below:

LAPD DISPATCHER TRAINING ON HANDLING DOMESTIC VIOLENCE CALLS

A review of the Computer Aided Dispatch (CAD) log and 911 audio recordings show Mr. Herrera made two 911 calls reporting domestic violence between his parents and that he was also in an altercation with his father. The two dispatchers who interviewed Mr. Herrera were LAPD employed emergency board operators. The first 911 call was received at 12:31 p.m. and ended abruptly after Mr. Herrera provided a callback number. The first dispatcher coded the incident as a Priority II call but did not obtain information regarding the details of the incident, the location of the suspect or victim, any injuries, or access to weapons by anyone in the house.

In the second 911 call received at 1:11 p.m., Mr. Herrera stated that he was “all bloody” because of his father and reported the ongoing domestic violence. The dispatcher in the second call noted in the incident detail comments that the incident was “escalating,” but did not obtain further information on details of the altercation, the location of the suspect, welfare of the involved parties, or inquire as to

whether any weapons were present as required by the LAPD Communications Division Manual 2015 edition (Communications Manual, Vol. 3, 208). The dispatcher did not re-code the call, and the call remained a Priority II call even though there was specific information provided to upgrade the code (Communications Manual, Vol. 3, 302). Although the officers were dispatched after the first 911 call, forty minutes had elapsed between the first and second 911 calls reporting domestic violence before the officers arrived on scene at approximately 1:20 p.m.

Dispatchers Shall Conduct a Diligent Interview of Callers Reporting Domestic Violence.

According to the Communications Manual and the LAPD's updated training guidelines¹ for Emergency Board Operators, dispatchers "shall conduct a diligent interview of the party reporting to ascertain if any violations of the law have occurred. Specific questions should be asked to determine the location of the suspect, location of weapons, if any, a history of violence, and whether or not the victim sustained injuries." (Communications Manual, Vol. 3, 244.01.) "It is vital during the interview process that operators obtain ALL information necessary for the responding officers. This reduces unnecessary requests for further information." (Communications Manual, Vol. 3, 207.03) The dispatchers in the first and second 911 calls did not ask Mr. Herrera questions that would have disclosed pertinent information that affects officer safety.

Dispatchers Shall Ensure Priority I Coding for Calls Reporting Threatened, Imminent or Ongoing Domestic Violence.

According to the Communications Manual and LAPD's updated training guidelines for Emergency Board Operators, "Calls reporting threatened, imminent, or ongoing domestic violence, and any protection order or restraining order in violation shall be Code Three." This is consistent with Penal Code Section 13702, which states in relevant part:

Every law enforcement agency in this state shall develop, adopt and implement written policies and standards for dispatchers' response to domestic violence calls. These policies shall reflect that calls reporting threatened, imminent or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Section 136.2 and restraining orders, shall be ranked among the highest priority calls. (Emphasis added.)

Priority I, or Code Three calls are used to indicate emergency calls that may be the result of a life-threatening situation, or a crime of violence in progress, and shall be dispatched within three minutes from the time the call was originally received. This includes "calls of reported, threatened, imminent, or ongoing domestic violence, and any protection order or restraining order in violation shall be Code Three." (Communications Manual, Vol. 3, 330.05.01.) Priority II or Code Two is used to indicate 911 calls of an urgent nature, but not life threatening, and shall be dispatched within fifteen minutes from the time the call was originally received. (Communications Manual, Vol. 3, 101.02 & 246.)

Even if the dispatcher initially coded the first 911 call as Priority II or Code Two, the CAD comments describe the second 911 call as "escalating" into an altercation, and Mr. Herrera's reported injuries warranted upgrading the second 911 call to Priority I or Code Three. (Communications Manual, Vol. 3, 302, "Specific Guidelines for Upgrading Calls.") Mr. Herrera relayed specific and important information

¹ Domestic Violence Training for Emergency Board Operators (Communications Division, Training Unit, Updated April 2023.)

during the second 911 call: (1) he called earlier to report domestic violence being perpetrated on himself and his mother, (2) he was now “all bloody”; and (3) he stated that the gate to the residence was left open. According to the LAPD Communications Manual, this information should have been sufficient for the dispatcher to elevate the coding of the second 911 call from Priority II to Priority I and necessitated further inquiry as to the presence and location of weapons and the suspect, to provide the officers with more detailed information of the situation to which they are responding. (Communications Manual, Vol. 3, 207.03, “Interview Process” and LAPD Dispatcher/Officer Safety Awareness Training.)

Dispatchers Shall Remain on the Line with Callers Reporting Domestic Violence to Provide Critical Updates to Responding Officers.

LAPD policy requires that dispatchers shall remain on the line when the reporting person is reporting a Priority I life-threatening call in order to provide critical updates to the responding officers regarding the welfare of the involved parties, and possible weapons during any ongoing crime of domestic violence. (Communications Manual, Vol. 3, 244.01.) Current LAPD Emergency Board Operator training and policy states “Domestic violence calls may be called back to obtain pertinent information. Callbacks shall not be made to ascertain if police response is still needed.” (Communications Manual, Vol. 3, 330.05.1.01, and 244.01.) After Mr. Herrera’s first 911 call reporting domestic violence abruptly ended, there was no follow-up or callback by the dispatcher to ascertain the welfare of the involved parties or ascertain the location of the suspect and victims at the residence. It is critical that dispatchers provide responding officers with as much information as possible before they arrive on the scene for overall officer safety.

PPS recommends LAPD conducts periodic dispatcher refresher training on handling domestic violence calls in three distinct areas outlined in the Communications Manual, Volume 3: (1) diligent interviewing of callers reporting domestic violence, and to call back if calls are disconnected where pertinent information was not obtained (Vol. 3, 207.03), (2) ensure Priority I coding of calls reporting threatened, imminent, and ongoing crime of violence (Vol. 3, 330.05.01.); and (3) remain on the line with the reporting party for Priority I calls to provide critical updates to responding officers, unless it compromises the safety and welfare of the reporting party. (Vol. 3, 244.01.)