

**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.**

INTRADEPARTMENTAL CORRESPONDENCE

December 20, 2023
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 010-23

Honorable Members:

The following is my review, analysis and findings for an Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 010-23. On December 4, 2023, this case was presented to the Use of Force Review Board (UOFRB) and the findings were unanimous. I have carefully weighed the recommendation of the UOFRB and considered the case in its entirety. My recommended findings are outlined below and I hereby submit my findings per Police Commission policy.

SUMMARY¹

On Wednesday, February 22, 2023, [REDACTED] were inside their residence located at [REDACTED]. At approximately 1945 hours, their [REDACTED] advised them their vehicle was being vandalized by a [REDACTED] female. According to [REDACTED] exited [REDACTED] residence and observed a female, later identified as M. Cardenas, walking away from [REDACTED] Jeep Cherokee which had damage to the driver's door. [REDACTED] confronted Cardenas and she produced a handgun from her coat, pointing it at [REDACTED]. Cardenas fled the location north on Silver Lake Boulevard toward Bellevue Avenue, still armed with the handgun. [REDACTED] called 911 as [REDACTED] followed Cardenas.

At approximately 1954 hours, Communications Division (CD) broadcast an "ADW [Assault with a Deadly Weapon] suspect there now" radio call on Rampart frequency. Officers P. Williams, Serial No. 40932, and H. Pang, Serial No. 42411, Rampart Patrol Division, advised they were responded Code Three to the radio call from Rampart Station. The following Rampart Patrol Division personnel also responded: Officers M. Salazar, Serial No. 39782, J. McBride, Serial No. 44671, R. Pham, Serial No. 43581, P. Moseby, Serial No. 44995, J. Arriaga, Serial No. 41096, E. Flores, Serial No. 45110, G. Barona Ramirez, Serial No. 42485, and E. Urquia, Serial No. 42420, and Sergeants M. Solis, Serial No. 32316 and A. Avila, Serial No. 36879.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

As the units responded, CD broadcast additional calls over Rampart frequency and updated Cardenas' location as she moved south on Silver Lake Boulevard toward Temple Street, still armed with a handgun. Believing that Cardenas was headed toward a [REDACTED] encampment under the Temple Street overpass, Officers Salazar and McBride drove to that location to intercept her, concerned about the possibility of an armed standoff.

As Officers McBride and Salazar drove north on Silver Lake Boulevard toward the Temple Street overpass, they utilized the vehicle's spotlights to scan the area for Cardenas. After the officers drove north of the overpass, they observed Cardenas running south on Silver Lake Boulevard, along the east sidewalk, in their direction. Officer Salazar stopped the vehicle as Cardenas rapidly closed the distance to them and deployed the police vehicle in a position of advantage to maintain cover to give commands to the suspect. Cardenas continued running in the direction of the officers, eventually passing them. As Cardenas continued along the sidewalk, Officers McBride and Salazar observed her holding a handgun in her right hand.

Note: The investigation later determined the firearm to be a replica revolver capable of firing metal pellets.

Officers Salazar and McBride exited their police vehicle, unholstered their service pistols and proceeded to give commands to put her hands up. Cardenas continued running south, away from the officers. Due to their vehicle positioning and Cardenas' movement, Officer Salazar was concerned that Cardenas was going to begin shooting at Officer McBride, who he believed had little to no cover. Officer Salazar noticed Cardenas had a blank stare on her face and was not responding to his commands. As Cardenas continued to move south along the sidewalk, Officer Salazar redeployed to the rear of his vehicle when he observed Cardenas running toward another police vehicle arriving at scene (later determined to be Officers Moseby and Pham). Officer Salazar shouted to them that Cardenas was armed with a handgun to warn them.

Officers Moseby and Pham arrived as Cardenas ran past Officers Salazar and McBride. Officer Pham positioned the police vehicle to prevent Cardenas from gaining access to the tents under the overpass. Officer Moseby observed Cardenas holding a handgun, unholstered his service pistol and exited the police vehicle.

At approximately 1958 hours, Cardenas turned to her right, extended her right arm and pointed the pistol in Officers McBride and Salazar's direction. As a result, an OIS occurred in which Officers Salazar, McBride and Moseby discharged their service pistols at Cardenas.

Sergeant Solis arrived at scene, positioning his police vehicle behind Officers Pham and Moseby's vehicle. As Sergeant Solis came to a stop, the OIS occurred. Sergeant Solis exited his vehicle and moved to a position near Officer Pham on the driver side of his vehicle. Sergeant Solis observed Cardenas lying on the ground and observed the handgun on the ground approximately 10 or 15 feet away from her.

Approximately one minute after the OIS, Officers Pang, Williams, Arriaga and Flores arrived and took a position on the driver side of Officers Moseby and Pham's vehicle. Sergeant Solis

directed Officer Pham to form a team of officers to take Cardenas into custody. Officers Salazar, McBride and Pang were designated cover officers (DCO), Officer Pham was designated less lethal with a 40 millimeter (mm) less lethal launcher (LLL) and Officers Williams and Moseby were designated as the arrest team. Approximately 90 seconds after the OIS, the team of officers approached Cardenas and she was taken into custody without further incident. Cardenas was moved onto her left side in a recovery position [REDACTED] by Officer Pham, who assessed Cardenas and observed gunshot wounds to her right leg.

Officers Williams and Pang continued to monitor Cardenas and assessed her for injuries, including checking her body for additional gunshot wounds. Officer Pang observed Cardenas' chest moving up and down, heard her making some groaning noise and observed her nose flaring in and out. Pang determined that Cardenas was breathing, and he and his partner continued to assess Cardenas while she was in the recovery position.

At approximately 2005 hours, Sergeant Alfaro, Serial No. 38481, Rampart Patrol Division, arrived on scene and identified himself as the Incident Commander (IC). Approximately four minutes later, Sergeant Solis observed Cardenas to be non-responsive to Officers and he directed them to perform a reflex test to which she did not respond. Sergeants Solis and Alfaro directed Officer Williams to check Cardenas' vital signs and to conduct Cardiopulmonary Resuscitation (CPR). Officer Williams rolled Cardenas onto her back [REDACTED] After doing [REDACTED] Officer Williams assessed Cardenas and was able to locate a pulse. Officer Williams discontinued [REDACTED] as Los Angeles Fire Department (LAFD) Engine 20 personnel arrived at scene and took over medical treatment. While conducting their assessment, LAFD personnel discovered Cardenas had an additional gunshot wound to her right arm. At approximately 2016 hours, LAFD Rescue Ambulance (RA) 20 transported Cardenas to Los Angeles County (LAC) University of Southern California Medical Center (USCMC)². Cardenas was pronounced deceased by Doctor Noah Yee at LAC USCMC at approximately 2045 hours.

FINDINGS

Tactics – Tactical Debrief, Officers Salazar, McBride, Moseby and Pham.

Drawing/Exhibiting – In Policy, No Further Action, Officers Salazar, McBride, Moseby and Pham.

Lethal Use of Force – In Policy, No Further Action, Officer Salazar, McBride, Moseby and Pham.

² Los Angeles County USCMC was renamed to Los Angeles General Medical Center in May 2023.

ANALYSIS³

Detention

Officers responded to a radio call of an ADW suspect there now. As they arrived, officers observed the suspect, Cardenas, running in their direction holding a handgun in her right hand. Officers attempted to detain Cardenas by giving her verbal commands. Cardenas failed to comply with the officers' commands, turned towards officers and pointed a handgun in their direction resulting in an OIS. Based on the totality of the circumstances, the officers had reasonable suspicion to detain Cardenas.

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 be improved. The intent of a Tactical Debrief is to enhance future performance by reviewing and analyzing Department-wide training, practices, policies and procedures. The Tactical Debrief analysis shall not focus on, or document findings, recommendations, or analysis of individual employees or the incident."

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.

Tactical De-Escalation⁴

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.

³ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the FID investigation.

⁴ Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016.

Tactical De-Escalation Techniques: Planning, Assessment, Time, Redeployment and/or Containment, Other Resources, and Lines of Communication.

Planning – The day of the incident was the first time Officers Salazar and McBride worked together. They advised they had discussions regarding tactics including, contact and cover roles, and how to handle radio calls. While en route to the call, Officer McBride read the comments of the call to Officer Salazar. Officer Salazar reminded Officer McBride they were equipped with a 40mm LLL and TASERs, and advised Officer McBride to give the suspect clear commands. Officer Salazar believed Cardenas was headed toward a [REDACTED] encampment under the Temple Street overpass. Officer Salazar was concerned with a possible armed standoff with Cardenas and his plan was to intercept her before she made it to that area.

Officers Pham and Moseby had worked together on approximately ten occasions and had regular discussions regarding contact and cover, de-escalation, pursuits and deadly force situations. Moseby read the comments of the call to Pham and the officers discussed what they would do if they encountered the suspect.

Assessment – As Officers Salazar and McBride arrived, they observed Cardenas running with a handgun in her right hand. Although they observed Cardenas running with her arms moving back forth in a running motion, the officers assessed those actions were not an immediate threat to them at that point. Officer Salazar noticed Cardenas had a blank stare on her face and she did not respond to commands to get her hands up. Based on his training and experience, Officer Salazar believed that Cardenas was under the influence of narcotics.

Time, Redeployment and/or Containment – As Officers Salazar and McBride arrived at scene, they observed Cardenas running with a handgun in her right hand. They stopped their police vehicle to maintain distance from Cardenas, exited their police vehicle and used the ballistic doors as cover. As Cardenas continued to run toward them, Officer Salazar redeployed to utilize the engine block of the police vehicle as cover. As Cardenas ran past the officers, Officer McBride lost the cover provided by the vehicle door. Officer Salazar redeployed from the front of the police vehicle to the rear, in an effort to assist Officer McBride, recognizing that she may no longer have sufficient cover. As Officers Pham and Moseby arrived on scene, they observed Cardenas running with a handgun, so they exited their police vehicle and used their vehicle doors as cover.

Other Resources – While responding to the call, Officer Pang requested an airship, but they were unable to respond due to weather. Officer Pang also requested further information from the person reporting (PR) to get updated information about Cardenas. After the OIS, Officers Salazar broadcast a help call, leading to the response of additional resources. Officer Salazar, as well as Sergeant Solis, requested the response of LAFD personnel to provide medical attention to Cardenas.

Lines of Communication – As Officers Salazar and McBride arrived on scene, they observed Cardenas running toward them with a handgun in her hand. Officers Salazar and McBride exited their police vehicle and attempted to detain her by directing her to put her hands up. As Officer

Salazar redeployed to the rear of his vehicle, he communicated to Officers Pham and Moseby that Cardenas was armed with a handgun.

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

Debriefing Point No. 1 Cover

Cover is defined as an object or structure that will stop the opponent's bullets. Officers should attempt to move to and use available cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding area can be used as cover and what type of cover is required to stop specific rounds (Basic Firearms Manual, Los Angeles Police Department, March 2021).

There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department Training Bulletin, Weapons Other Than Firearms, Volume XLVI, Issue 3, October 2017).

As the police vehicle came to a stop, Officer McBride exited and stood behind the passenger door, using the door as cover as she gave commands to Cardenas. Cardenas continued south and ran by Officer McBride's door, causing Officer McBride to lose cover. Officer McBride simultaneously moved along the passenger side of the police vehicle, in an attempt to redeploy to an additional position of cover. When Cardenas turned to her right, extended her arm and pointed the handgun in McBride and Salazar's direction, the OIS occurred. For approximately one minute, Officer McBride maintained her position along the passenger side of the vehicle until Officer Salazar instructed her to redeploy to the other side of their vehicle.

Officer Salazar exited the police vehicle and initially took a position behind the vehicle's engine block. As Cardenas continued to move south along the sidewalk, Officer Salazar redeployed to the rear of his vehicle, recognizing that Cardenas' movement left Officer McBride in a position with little to no cover. Officer Salazar was concerned that Cardenas could begin shooting at Officer McBride and he wanted to assist her and engage Cardenas if necessary. As Officer Salazar reached the rear of the vehicle, he observed Cardenas had continued running south. Officer Salazar stated he ran past the rear portion of his vehicle because of his intent to reach Officer McBride and assist her. When Officer Salazar observed Cardenas turn to her right and point the handgun in his and Officer McBride's direction, he discharged his service pistol at Cardenas. Officer Salazar stood in the roadway while firing and simultaneously redeployed back toward his vehicle as the OIS occurred with the intention of getting behind cover.

The UOFRB noted that upon locating Cardenas, Officers Salazar deployed the police vehicle at a reasonable distance from Cardenas and positioned the vehicle facing toward her. The Board noted the officers exited their vehicle and took a position of cover behind the vehicle doors and engine block as they issued commands to Cardenas. The Board noted it was Cardenas' actions that caused Officer McBride to be in a position without cover at the time she discharged her pistol.

The Board also noted that Officer Salazar was positioned on the driver side of the police vehicle and had initially used the vehicle's engine block as cover. As Cardenas ran south, he redeployed to the rear the vehicle in an attempt to engage Cardenas, believing she had put Officer McBride in a position without cover and was possibly going to engage her. Although the Board would have preferred Officer Salazar had used the rear of the police vehicle as cover, the Board determined, based on his intent to aid Officer McBride, that Officer Salazar actions were not a substantial deviation.

Based on the totality of the circumstances, the UOFRB determined, and I concur, Officers Salazar and McBride's lack of cover during the OIS was not a substantial deviation from Department-approved tactical training. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Code Six

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call. (Los Angeles Police Department Manual, Volume 4, Section 120.40).

In this case, Officers Moseby and Pham failed to place themselves Code Six on the incident. While responding to the radio call, Officer Pham wanted to keep the police radio frequency clear as pertinent information was constantly being broadcasted. Prior to Officers Pham and Moseby's arrival, Officers Salazar and McBride had broadcast they were Code Six. As Officers Moseby and Pham approached the area in their vehicle, they observed Cardenas running toward their direction holding a handgun and away from Officers Salazar and McBride. Officer Moseby did not find it feasible at the time to show his unit Code Six due to the immediate threat presented by Cardenas. After the OIS, Officer Pham attempted to broadcast they were Code Six; however, Sergeant Solis advised he would handle communications and directed them to stay off of the radio. Shortly after Cardenas was taken into custody, Officers Pham and Moseby were separated and monitored by Sergeant Solis.

During their assessment, the UOFRB noted the purpose of the Code Six policy is for officers to advise CD of their location and the nature of their activity, should the incident necessitate the response of additional personnel. Although the Board would have preferred Officers Pham and Moseby advise CD they were at scene, the Board noted other officers were already Code Six, and that Officers Pham and Moseby were immediately encountered by Cardenas who was pointing a handgun at Officers McBride and Salazar as they arrived. The Board further noted

that following the OIS, Officer Salazar broadcast a help call and Sergeant Solis directed officers to stay off of the radio and he would handle communications. Considering the totality of the circumstances, the Board opined, it was necessary for the officers to defend themselves and their partners from an imminent deadly threat. Additionally, other officers knew of Officers Pham and Moseby's location and were able to provide assistance as needed.

Based on the totality of the circumstances, the UOFRB determined, and I concur, Officers Pham and Moseby's failure to broadcast their Code Six location prior to initiating contact with Cardenas was a substantial deviation, with justification, from Department-approved tactical training. To enhance future performance, I will direct this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Profanity – As Officer Salazar exited the vehicle, he stood behind the vehicle engine block and pointed his pistol toward Cardenas. Officer Salazar shouted, “Hey get your fucking hands up. Hands up.” Officer Salazar advised he used profanity toward Cardenas in an attempt to de-escalate the situation and change Cardenas' mindset. To enhance future performance, I will direct that this be a topic of discussion 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).

Sergeant Solis arrived as the OIS was taking place and stated he heard the shots but did not observe any of the officers fire their service pistols. Sergeant Solis exited his vehicle and moved to a position near Officer Pham on the driver's side of the police vehicle. Sergeant Solis assumed command and control and advised officers on scene he would be responsible for communications. Sergeant Solis directed Officer Pham to form an arrest team to take Cardenas into custody. As the arrest team took Cardenas into custody and [REDACTED] to her, Sergeant Solis directed officers on scene to monitor Cardenas' condition and later directed officers to conduct CPR on Cardenas. After Cardenas was taken into custody, Sergeant Solis initiated the separation and monitoring of Officers McBride, Salazar, Moseby and Pham and ordered them not to speak to each other regarding the incident. Additionally, Sergeant Solis directed officers to establish inner and outer crime scenes, directed the canvassing for witnesses and possibly injured citizens, established a Command Post (CP) and requested the response of additional supervisors.

Sergeant Avila arrived at scene and was directed by Sergeant Solis to obtain a Public Safety Statement (PSS) from Officers Moseby, McBride, Salazar and Pham. After the officers provided their PSS, they were separated and individually monitored by additional arriving supervisors. Sergeant Alfaro responded to the incident and was briefed by Sergeant Solis before assuming the role of IC. Sergeant Alfaro made notifications to the Department Operations Center (DOC) of the OIS.

The overall actions of Sergeants Solis, Avila, and Alfaro were consistent with Department training and my expectations of supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, the actions of Officers Salazar and McBride were not a substantial deviation from Department-approved tactical training and the actions Officers Moseby and Pham were a substantial deviation, with justification, from Department-approved tactical training.

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

Therefore, I will direct Officers Salazar, McBride, Moseby and Pham to attend a Tactical Debrief and the specific identified topics be discussed.

General Training Update (GTU)

Officers Salazar, McBride, Moseby and Pham attended a General Training Update (GTU) on March 2, 2023.

Drawing/Exhibiting⁵

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 Board 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 Salazar

According to Officer Salazar, he observed Cardenas running toward him with a handgun in her right hand. Officer Salazar exited his police vehicle and unholstered his service pistol because he believed the situation could escalate to the use of lethal force.

Officer Salazar recalled,

I unholstered my pistol as soon as I got out of -- out of the -- out of our shop and got cover behind our -- my -- my driver door.

Because she had -- she had a handgun, and I -- I -- I knew this incident was gonna possibly arise to somewhere where I had to, you know, use my handgun.

So I -- I'm -- I'm drawing and exhibit -- I'm drawing out my handgun, trying to see if she was gonna be begin shooting at us, while she's still in front of our -- our shop.⁶

⁵ LAPD Department Manual, Volume No. 1, Section 556.80.

⁶ Officer Salazar, Page 49, Lines 18-20, 22-24, Page 17, Lines 9-12.

Officer McBride

According to Officer McBride, she observed Cardenas running toward them while holding a handgun. Officer McBride exited her police vehicle and unholstered her service pistol because she believed the situation could escalate to the use of deadly force.

Officer McBride recalled,

She was running in what seemed like a running motion with her gun kind of moving up and down, but not pointed at me, running down towards south of Silver Lake. But that's when I told my partner, "Gun," so he would be aware of it, as well. And that's when I get out of the vehicle with my firearm drawn.

OFFICER MCBRIDE: Yes. I unholstered my pistol because I believed it was reasonable to draw out my firearm. I -- she had a firearm, herself. So I wanted to go ahead and match it -- the use of force, proportionally.

MR. WINSLOW: Was it -- was it likely that the situation could rise --

OFFICER MCBRIDE: Escalate. Yes, it could.

MR. WINSLOW: -- to deadly force?

OFFICER MCBRIDE: Yes.⁷

Officer Moseby

According to Officer Moseby, he observed a female running toward him and his partner, who matched the description of the ADW suspect pointing a handgun at a passerby. Officer Moseby unholstered his service pistol because the suspect was armed and led him to believe the situation could escalate to the use of deadly force.

Officer Moseby recalled,

As I see the suspect running toward me, I unholster my firearm and I reach toward the door handle to open the door thinking that if she closes the distance, she's armed and dangerous with a firearm and she can -- and she can use the firearm on me and my partner.⁸

Officer Pham

According to Officer Pham, he observed Cardenas armed with a handgun as he and Officer Moseby approached the scene in their police vehicle. Officer Pham drew his service pistol when he exited his vehicle. Believing that it was a deadly force situation, Officer Pham unholstered his service pistol.

⁷ Officer McBride, Page 12. Lines 5-10; Page 21. Lines 13-21.

⁸ Officer Moseby, Page 61-62, Lines 25-4.

Officer Pham recalled,

As I'm getting out of the car, I drew and exhibited my firearm, due to the suspect being armed with a gun which could escalate to a deadly force situation where me or my partners could have been killed or suffered serious bodily injury. As I was getting out of my car, I heard the primary unit yelling that, "She has a gun," which I had observed.⁹

The UOFRB assessed Officers Salazar, McBride, Moseby and Pham's drawing and exhibiting of their service pistols. The Board noted the officers responded to a radio call involving a woman pointing a handgun at a passerby. Arriving at the scene, Officers Salazar, McBride, Moseby and Pham observed Cardenas running with a handgun in her right hand.

Based on the totality of the circumstances, the UOFRB determined, and I concur, an officer with similar training and experience as Officers Salazar, McBride, Moseby and Pham would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Salazar, McBride, Moseby and Pham's Drawing/Exhibiting to be In Policy, No Further Action.

Policy on the Use of Force¹⁰

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.

⁹ Officer Pham, Page 7, Lines 19-25.

¹⁰ Los Angeles Police Department Manual, Volume 1, Section 556.10.

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, 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

*Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the 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 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 either of 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.

Note: *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 California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Lethal Use of Force

Officer Salazar – Glock, Model 17, .9 mm caliber, five rounds fired from an approximate distance of 41 feet.

Background – The investigation determined the background was a concrete overpass and an unoccupied camping tent to the south.

According to Officer Salazar, he observed Cardenas holding a “big revolver” in her right hand as she ran south on the sidewalk. Officer Salazar stated Cardenas ran past them at a full sprint and that both officers recognized Cardenas was holding a handgun. Officer Salazar stated he felt afraid and believed there was a chance Cardenas was going to shoot at them as she ran toward them. After exiting the police vehicle, Officer Salazar deployed behind the vehicle engine block for cover and pointed his service pistol toward Cardenas. Officer Salazar directed Cardenas to put her hands up while observing she had a blank stare on her face and she did not respond to commands. Due to their vehicle's positioning and Cardenas' movement, Officer Salazar believed there was a chance Cardenas was going to begin shooting at Officer McBride, who he

perceived to have lost cover as Cardenas ran past her. As Cardenas continued to move along the sidewalk, Officer Salazar redeployed to the rear of his police vehicle when he observed Cardenas running toward another police vehicle arriving at scene (later determined to be Officers Moseby and Pham). Officer Salazar shouted to them that she had a handgun in an attempt to alert them of the threat Cardenas presented.

According to Officer Salazar, Cardenas turned to her right, extended her right arm and pointed the handgun in Officer McBride's and his direction. Officer Salazar observed Cardenas look in his direction as she took a one-handed shooting stance and pointed the handgun at him and Officer McBride. Officer Salazar stated he was in fear that he and his partner were going to be shot. Officer Salazar stood in the roadway, raised his service pistol with a two-hand grip and pointed it toward Cardenas. He aimed his pistol at Cardenas' center body mass and fired five times, assessing between each round. While firing, Officer Salazar simultaneously stepped backward toward his police vehicle. According to Officer Salazar, Cardenas was pointing the handgun in their direction as he fired each round. Officer Salazar stopped firing once Cardenas' handgun was no longer pointed in their direction and she fell to the ground.

Officer Salazar stated when Cardenas pointed her handgun at them, he believed the use of lethal force was his last resort as there was not enough time to verbalize or use any less-lethal force options at that point. Officer Salazar stated that Cardenas pointed the handgun toward them and he observed the handgun recoil as her hand and forearm moved upward as though she fired. Officer Salazar also heard additional gunfire and was unsure if Cardenas had fired at them. Officer Salazar stated he observed Cardenas' arm moving up and down in between the fourth and fifth round he fired.

Officer Salazar recalled,

I'm -- you know, I was scared. I -- I saw a handgun. You know? So, you know, here we are with a suspect that's running at us, not away from us. So who -- I wasn't sure too much what her mindset was, if she was just gonna come up on us and begin shooting, since she's running towards us. So I had very little time to position our car. I tried to position our car, as soon as I saw her, to, you know, open our -- our doors up on -- on her and have some form of cover...But she continued to close the distance, fast. She's in a full sprint, handgun in her right hand, running, pretty much, full -- full sprint. She -- I come out of the -- I come out of the vehicle. I get off, open the door, and I, you know, draw -- draw my handgun as I saw her -- her -- I saw a handgun in her -- in -- in her right hand. I took out my handgun, began giving her commands, telling her to put her hands up. And she was just in a full sprint like if she never acknowledged anything that we were saying to her. So that's when I got a little scared and -- you know, thinking, fuck, my partner's on the other side of -- of -- of our shop with little to no cover, just her door. So I -- I'm -- I'm drawing and exhibit -- I'm drawing out my handgun, trying to see if she was gonna be begin shooting at us, while she's still in front of our -- our shop. And as she's running past, I drop my muzzle and go to the -- the rear of

the car, thinking -- I'm thinking the worst. I'm thinking she's gonna begin shooting at my -- my partner that has little to no cover, like I said. So I came around the car. And I was ready to probably have to engage the suspect, if -- if that's what she was gonna do. But as soon -- as soon as I made it to the rear of the car, I seen her just continue in a full sprint, still handgun in her right hand. And I -- and I began to try to get cover to the rear of my car -- coming back. And that's when I saw the suspect start turning her -- first, her -- her upper torso and her head turned around towards us, and the handgun became -- began coming up towards my partner and I. So that's when I fired my first round.¹¹

OFFICER SALAZAR: So I fire five rounds towards the suspect. I had a good background in the back. It was a concrete wall of the freeway overpass. And I'm assessing after every shot. I'm -- She still has the handgun pointed at my partner and -- and myself. At some point it almost looks like she's taking a full shooting stance and has -- she's -- she was in a full sprint. And now she's turned directly at us, pointing the handgun at us. And at some point it almost seemed like -- like she could have -- like if the handgun had possibly recoiled. I wasn't sure if she had fired a round or not.

DETECTIVE MACCHIARELLA: Uh-huh.

OFFICER SALAZAR: So I -- I shot five rounds, you know, assessing after every shot. Handgun was still in our direction, muzzle pointed at us, the whole entire time. And as I shot, I assessed after every shot. And once I -- I saw the suspect start going down and the handgun come out of her right hand and onto the street, that's when I, you know, saw that, you know, we had stopped the threat of her possibly shooting back towards -- towards us.¹²

She was running southbound, not looking at us, you know, disregarded our commands. And that's when she ended up turning around. Her whole -- her head first, her -- then her torso -- and her hand coming up.¹³

It was a big, big revolver. It looked like the biggest gun in the world I've -- I've -- I've seen, right, as she's running past us. So she's running past us full -- full sprint. And we both clearly, at the same time, express, like, 'Wow, she has a handgun in her hand.'¹⁴

I truly believe it was my last resort. I don't think we were -- we never had any time to, you know, verbalize, let alone think about less lethal at that point. She gave us no option by pointing that -- a handgun at us.¹⁵

¹¹ Officer Salazar, Pages 16-18, Lines 20-3.

¹² Officer Salazar, Page 18, Lines 5-25

¹³ Officer Salazar, Pages 39-40, Lines 21-1

¹⁴ Officer Salazar, Page 33, Lines 10-15.

¹⁵ Officer Salazar's Statement, Page 89, Lines 4-8.

I mean, it's amazing how fast and how much things start going through your head. You know, I started thinking of my [REDACTED] Scared, obviously. You know, she -- am I just waiting for a bang to -- me to go down? I -- You know, all this is racing through my head. And, yeah, she's still pointing it -- pointing the handgun at me. So I took my last shot until I -- I know she was no longer a threat and the handgun was away from her right hand.¹⁶

I was scared. I was -- I thought today could be the last day that I'm here. I -- I was in fear of being shot. I was in more fear of my partner being shot, her being a probationary officer and -- and first day working with her. You know, I -- I don't know where her mindset was gonna be and if she was ready for that. But those were my fears.¹⁷

Officer McBride – Smith and Wesson, Model M&P9, .9 mm caliber, two rounds fired from an approximate distance of 43 feet.

Background – The investigation determined the background for both rounds was a concrete overpass and multiple camping tents.

According to Officer McBride, Cardenas was holding a revolver with a very long barrel which caused her to feel her “heart stop.” Officer McBride initially stood behind the passenger door providing her cover and pointed her service pistol toward Cardenas. According to Officer McBride, Cardenas continued south and ran by Officer McBride’s door, which she had been using as cover. Officer McBride shouted at Cardenas to put her hands up as she simultaneously moved in an attempt to regain cover. According to Officer McBride, she observed Cardenas stop, face her direction and point a handgun straight at her. Officer McBride observed Cardenas’ eyes directed at her and that Cardenas was in a fixed and posted up position with her feet planted on the ground like she was in a firing position. Officer McBride stated she could see Cardenas’ eyes had a “menace” look toward her and Officer McBride believed Cardenas intended to kill her. Officer McBride was waiting to hear that “pop” sound and see the muzzle flash from Cardenas’ handgun, causing Officer McBride to be in fear for her and her partner’s life. Officer McBride stated she observed Cardenas’ arm go up, as if her handgun had gone off, but Officer McBride did not recall hearing any sound. Officer McBride stated she aligned the sights of her service pistol on Cardenas’ chest and fired a “controlled pair” and assessed between the two rounds. After firing the second round, Officer McBride observed Cardenas drop her handgun and fall to the ground.

Officer McBride recalled,

Again, as she's passing me, I'm giving her commands to -- "Stop. Stop." And I'm trying to tell her slowly and concisely. But, also, I'm trying to, in a way, de-escalate the situation by giving her these verbal commands. However, she is not acknowledging me. And she is looking straight

¹⁶ Officer Salazar’s Statement, Pages 78-79, Lines 21-5.

¹⁷ Officer Salazar’s Statement, Pages 86-87, Lines 21-2.

forward. Again, the gun is not pointed towards me. It's just in an up or down motion. And she does not acknowledge me. So I go ahead, I get out. I give her approximately three to four commands in a sense of -- "Stop." And that's when, as she's about to go underneath the Temple overpass, she turns towards me with the gun pointed directly at me. And her eye is looking directly into mine. And I've never had that -- looking down the barrel of a gun. And I honestly thought I'm -- in a way, I was waiting for it -- to hear that pop and see the -- the muzzle flash. And in a way, I feared for my life. Because I've never experienced that. And again, looking down the barrel of a gun is something that no one should -- it's something -- something that no one should deal with. And that's when I feared for my life, as well as my partner's, who was nearby me. And I went ahead and I shot twice. And after my first one, I was assessing. She was still up in the air, the gun towards me. She did not fall. So I shot again. After the second shot, she did fall. And that's when I went at a low ready. Again, assessing, making sure that she -- that I was able to stop the threat, currently, at the time.¹⁸

OFFICER MCBRIDE: Yes. No. She -- as she turns around, it's -- simultaneously, she has the gun up as she's turning around. And again, it's pointed straight at me.

DETECTIVE MACCHIARELLA: Uh-huh.

OFFICER MCBRIDE: Her eyes are straight at me.

DETECTIVE MACCHIARELLA: Uh-huh.

OFFICER MCBRIDE: And she's in a fixed, posted up position. Planted her feet on the ground like she's in a firing position.¹⁹

I saw her arm go up, as if, possibly, something went off, but I didn't hear anything. But I did see her arm go in an upward motion, as if, possibly, the gun did go off.²⁰

I felt that, in that moment, my life could have stopped. I wouldn't see [REDACTED] again, [REDACTED]

[REDACTED]²¹

And again, because she pointed the firearm directly to me and, in a way, I could see her eyes just had this menace towards me, I had to do -- I had to do what I had to do and stop the threat for myself.²²

Officer Moseby – Smith and Wesson, Model M&P9, .9 mm caliber, four rounds fired from an approximate distance of 26 feet.

Background – The investigation determined the background was a concrete overpass and a landscaped hillside.

¹⁸ Officer McBride's Statement, Pages 12-13, Lines 11-13

¹⁹ Officer McBride's Statement, Page 32, Lines 6-14.

²⁰ Officer McBride's Statement, Page 42, Lines 8-11.

²¹ Officer McBride's Statement, Page 40, Lines 10-12.

²² Officer McBride's Statement, Page 13, Lines 16-20.

According to Officer Moseby, he observed Cardenas holding a “dark brown or black long barrel revolver” in her right hand and running in his direction, away from Officers McBride and Salazar. Officer Moseby stood behind the passenger door of his police vehicle and assumed a two-hand grip on his service pistol. Officer Moseby believed that if Cardenas closed the distance while armed with the handgun, she could use the handgun against him and his partner. Officer Moseby observed Cardenas raise the handgun and point it in the direction of Officers Salazar and McBride. After seeing Cardenas point her handgun in an “aggressive manner” toward Officer Salazar and McBride, Officer Moseby believed that if he did not shoot Cardenas to stop the threat, Cardenas was going to shoot his partners, himself and possibly seriously injure them or kill them. Officer Moseby aligned his sights and aimed his service pistol at Cardenas’ center mass and fired four times. Officer Moseby continuously assessed between each round fired. Officer Moseby stated he observed Cardenas pointing her handgun at Officers McBride and Salazar as he fired each round. Officer Moseby stopped firing when Cardenas dropped the handgun and fell to the ground.

Officer Moseby recalled,

So to describe her actions, she was running away toward me on the east curb southbound Silver Lake. At that point as I see her running toward me, I see a firearm in her right hand. She then raises that firearm and points it at other officers in the area. At that point I'm literally thinking that if I do not shoot her to stop the threat that this suspect is going to shoot my partners, myself, and possibly seriously injure us or kill us at that moment.²³

I fired the first round because she pointed the firearm that she was carrying toward my partner officers and at that moment I believe that she was going to shoot them which could seriously injure or kill them. It is my duty to protect my partners, protect myself and anybody else around from someone who poses a deadly threat.²⁴

PRESTON MOSEBY: So at that point, um, all I saw was the suspect pointing the gun towards officers. I fired that first round and the suspect was still standing. So I continued to fire until I saw the suspect fall.

DETECTIVE DIEGO: Okay. Now, you saw her still standing but what actions with that object she had cause you to fire a second round?

PRESTON MOSEBY: It was --

DETECTIVE DIEGO: Tell me --

PRESTON MOSEBY: -- she was still coming toward me in a -- in a fast-paced manner. She was running toward me. The gun was in her hand. I shot. At that point I shot again because she was still coming toward me.

²³ Officer Moseby’s Statement, Page 23, Lines 12-21.

²⁴ Officer Moseby’s Statement, Page 32, Lines 4-11.

DETECTIVE DIEGO: Okay. And what about that pistol when you fired your second one, where was that direction? I know you mentioned the first time it was up towards the officers pointing at the officers. The second time, where was that firearm pistol?

PRESTON MOSEBY: The second time it was immediate after the first time so it was still up in the direction that could still be used to fire toward the other officers.²⁵

PRESTON MOSEBY: After I fired that second round she was struck but she was it still standing.

DETECTIVE DIEGO: Okay.

PRESTON MOSEBY: With the firearm in her hand.

ATTORNEY WINSLOW: Was she standing or running?

PRESTON MOSEBY: She was running after the first shot. She was running after the second shot. When I fired the third shot, she was still up on her feet coming toward me in my direction with the firearm in her hand.

DETECTIVE DIEGO: And where was that firearm in her hand? What was going on with that firearm in her hand?

PRESTON MOSEBY: It was still on a direction, an upward direction pointed toward officers.²⁶

DETECTIVE DIEGO: Okay. After you fired that third shot, do you -- do you see -- are you seeing anything change? Can you describe to me what actions she's still doing?

PRESTON MOSEBY: Yes. Same -- same thing that I just mentioned before. After I fired the third shot I went onto my fourth shot. And the reason I went onto my fourth shot is because she was still coming toward me with the firearm posed in a -- in a deadly manner.

ATTORNEY WINSLOW: How -- how close was she at that point to you?

PRESTON MOSEBY: 10, 10, 15 feet. Close enough to close the distance within a matter of seconds and use that firearm on me and my partner.

DETECTIVE DIEGO: So the third -- the third time you fired your round she was within 10 feet now?

PRESTON MOSEBY: Yes.

DETECTIVE DIEGO: And when you fired your third round, um, you mentioned she -- she had closed that distance?

PRESTON MOSEBY: Yes.

DETECTIVE DIEGO: And that firearm is still in what direction?

PRESTON MOSEBY: After the third round the firearm is still pointed toward -- pointed toward officers after the third round.

DETECTIVE DIEGO: And what officers are those?

PRESTON MOSEBY: Officer Salazar and Officer McBride.²⁷

²⁵ Officer Moseby's Statement, Page 33, Lines 1-23.

²⁶ Officer Moseby's Statement, Pages 34-35, Lines 17-5.

²⁷ Officer Moseby's Statement, Pages 35-36, Lines 6-9.

*When I fired my fourth round, that is when I observed the suspect fall to the ground and the pistol -- the revolver fell out of her hand and onto the street.*²⁸

The UOFRB assessed Officers Salazar, McBride, and Moseby's use of lethal force. The Board noted the officers were responding to a radio call of an ADW suspect pointing a handgun at a passersby. The Board further noted that [REDACTED] remained on the phone line and provided updated locations and information to CD regarding Cardenas. The Board took into consideration that upon locating Cardenas, Officers Salazar, McBride and Moseby observed Cardenas running with a handgun in her right hand. The Board noted Officers Salazar and McBride stopped their vehicle, unholstered their service pistols and took cover behind their police vehicle doors. The Board opined Officers Salazar and McBride showed significant restraint and respect for human life by not using lethal force as Cardenas ran toward, then past them swinging her arms back and forth while holding a handgun. The Board noted none of the officers discharged a round at Cardenas until after she pointed her handgun at Officers Salazar and McBride. The Board also noted that all eleven rounds were discharged during the time Cardenas was in possession of her handgun and had it pointed in the direction of the officers. The Board noted all eleven rounds were discharged in under two seconds, leading the Board to believe Officers Salazar, McBride and Moseby observed the same imminent threat posed by Cardenas and that they stopped discharging their pistol at the time the imminent threat had ceased.

Based on the totality of the circumstances, the UOFRB determined, and I concur, an officer with similar training and experience as Officers Salazar, McBride and Moseby, in the same situation, would reasonably believe the use of lethal force was proportional, objectively reasonable and necessary.

Therefore, I find Officers Salazar, McBride, and Moseby's Use of Lethal Force to be In Policy, No Further Action.

Medical Treatment/Rendering Aid

Approximately thirty-one seconds after the OIS, Officer Salazar requested an RA for Cardenas. Cardenas was taken into custody within two minutes, placed into a recovery position and assessed for injuries by Officers Williams and Pang. Sergeant Solis broadcast a second request for an RA while Officer Pham [REDACTED] to Cardenas' right leg. At approximately 2005 hours, Officer Williams continued to assess Cardenas, who responded by shaking her head back and forth. Officer Pang advised Officer Williams that Cardenas was conscious. Officers had only identified gunshot wounds to Cardenas' right leg.

Sergeant Solis and Sergeant Alfaro directed Officer Williams to monitor Cardenas' vital signs, leading Officer Williams to [REDACTED]. After approximately 32 seconds of chest compressions, Officer Williams conducted an assessment of Cardenas and felt she had a pulse. Officer Williams discontinued [REDACTED] as LAFD personnel arrived and took over [REDACTED] for Cardenas. Officer Williams removed the handcuffs from Cardenas at the request of LAFD

²⁸ Officer Moseby's Statement, Pages 37-38, Lines 25-

personnel, who discovered an additional gunshot wound to Cardenas' right arm. Los Angeles Fire Department RA 20 arrived at scene at approximately 2016 hours and assisted in rendering aid before transporting Cardenas to LAC USMC by RA 20. At 2045 hours, Cardenas was pronounced deceased by Doctor Noah at LAC USMC.

Requirement to Intercede

Based on their review of this incident, the UOFRB determined, and I concur, that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and that the officers did not deviate from the requirement to intercede.

Additional/Equipment²⁹

Bloodborne Pathogens - Officer Pham did not don protective gloves before he [REDACTED] to Cardenas, which resulted with him making contact with and being exposed to Cardenas' blood. Officer Pham is reminded of the importance of donning protective equipment when feasible in order to prevent unnecessary exposure to bloodborne pathogens. As this issue was addressed at the divisional level via informal meeting, with Operations- Central Bureau (OCB) and Office of Operations (OO) concurrence, I deem no further action necessary.

Body Worn Video			
Sworn Employee	Issue	Inspection Date Range	
Officer Pham	Late Activation	11/12/23 – 12/11/23	
Officer Moseby	Late Activation	11/12/23 – 12/11/23	

Approved Ammunition – Officer Salazar's 3rd pistol magazine contained 16 rounds of Department approved ammunition and 1 round of outdated 9-millimeter Winchester ammunition. The currently approved ammunition is Speer LE. All personnel are to ensure each of their weapons and magazines are loaded with only the Department approved ammunition. As this issue was addressed at the divisional level via Comment Card with OCB and OO concurrence, I deem no further action necessary.

Audio/Video Recordings

Body Worn Video (BWV) – According to the FID investigation, FID investigators identified multiple BWV recordings related to this incident. The videos have been tagged in Evidence.com under FID Case No. F010-23.

²⁹ 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.

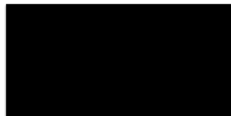
Digital In-Car Video System (DICVS) - According to the FID investigation, FID investigators identified four DICVS recordings related to this incident. The videos have been archived in COBAN and Evidence.com.

Other Department Video and Outside Video- None

Photographs – According to the FID investigation, the photographs associated with this incident are documented under control numbers D0562189, D0562190, D0904451 and D0905450.

Social Media - Force Investigation Division's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigative report. No relevant social media posts were found.

Respectfully,



MICHEL R. MOORE
Chief of Police