

CONFIDENTIAL REPORT

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FORCE INVESTIGATION DIVISION REPORT NUMBER

F042-17

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Force Investigation Division

F042-17

Officer-Involved Shooting

Force Investigation Division Investigators

Administrative Team

DII B. Arzate
Serial No. 34394
DIII P. Stone
Serial No. 27168

Criminal Team:

DII H. Gahry
Serial No. 31089
DII A. Espino
Serial No. 31892
DII L. Farias
Serial No. 33910
DII N. Pikor
Serial No. 35384

Date and Time of Incident: June 6, 2017 @ 2055 Hours

Location of Incident: [REDACTED] **North Wilmington Blvd, LA**

Area of Occurrence: **Harbor Division, RD 0514**

Suspect: **Rivera, Eric Thomas**

DR No. **17-05-11437**

Involved Officer(s): **P-III Arturo Urruita**
Serial No. 36065
Harbor Division

P-II Daniel Ramirez
Serial No. 40185
Harbor Division

Confidential

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

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Addenda

- Addendum No. 1 A-C Los Angeles Police Department Real-Time Analysis and Critical Response (RACR) Division Incident Notification Log, dated June 6, 2017.
- Addendum No. 2 A-M Los Angeles Police Department, Watch Commander’s Daily Reports and Sergeant’s Daily Reports, dated June 6, 2017.
- Addendum No. 3 A-N Los Angeles County Consolidated Criminal History System Report for Eric Rivera, CII No. ██████████, and Criminal Rap Sheet.
- Addendum No. 4 A-F Los Angeles Police Department, Investigative Reports, DR 17-05-11437 and 17-05-11438.
- Addendum No. 5 Los Angeles Police Department, Follow-Up Investigation Report, dated July 18, 2017.
- Addendum No. 6 Los Angeles Police Department, Death Investigation Report, DR No. 17-05-11628.
- Addendum No. 7 A-E Los Angeles Police Department, Property Reports for Item Nos. 1-31, DR No. 17-05-11427.

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Addendum No. 8	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Firearms-Evidence Collection, dated January 30, 2018.
Addendum No. 9 A-B	Los Angeles Police Department, Laboratory Report, Serology/DNA, dated October 31, 2017.
Addendum No. 10 A-E	County of Los Angeles, Department of Coroner Investigator's Narrative, Coroner Case Number 2017-04221, completed by Investigator [REDACTED]
Addendum No. 11 A-S	County of Los Angeles, Department of Medical Examiner-Coroner, Autopsy Report No. 2017-04221.
Addendum No. 12 A-B	Department of Medical Examiner-Coroner, County of Los Angeles, Forensic Science Laboratories, Laboratory Analysis Report for Coroner Case No. 2017-04221.
Addendum No. 13	Department of Medical Examiner-Coroner, County of Los Angeles, Forensic Science Laboratories, Gunshot Residue Report dated November 16, 2017.
Addendum No. 14	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Test Fire Firearm, for Officer Urrutia, dated November 1, 2017.
Addendum No. 15	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Test Fire Firearm, for Officer Ramirez, dated August 4, 2017.
Addendum No. 16 A-C	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Bullet Path Analysis, dated January 30, 2018.
Addendum No. 17 A-C	Los Angeles Police Department, Forensic Science Division, Laboratory Report, Bullet/Cartridge Case Comparison, dated January 31, 2018.
Addendum No. 18 A-L	State of California, Traffic Collision Report, DR No. 17-05-11336.
Addendum No. 19 A-P	Intradepartmental Correspondence, Vehicle Safety Inspection, dated July 15, 2017.
Addendum No. 20	Intradepartmental Correspondence, Assessment of Supervisor's Response to a Categorical Use of Force, FID No. F042-17, dated June 13, 2017.

**FORCE INVESTIGATION DIVISION REPORT
OF AN OFFICER-INVOLVED SHOOTING
F042-17**

The following report was prepared by Force Investigation Division (FID). The report does not include any information from the officers directly involved in the Categorical Use of Force incident. The report was drafted via statements of uninvolved personnel and independent witnesses in the case. The specific actions, tactics and statements of the involved officers will be addressed in the administrative report completed by FID.

Synopsis: Harbor Patrol Division uniformed police officers responded to a radio call of a man with a gun. As the officers drove near the area of the radio call they encountered a suspect they believed to be armed resulting in an Officer-Involved Shooting (OIS). The handgun was later determined to be a plastic toy gun.

INVESTIGATIVE SUMMARY

On Tuesday, June 6, 2017, at approximately 2020 hours, a woman identified as Witness [REDACTED] was at the [REDACTED] restaurant located at [REDACTED] when she observed a male Hispanic, later identified as Suspect Eric Thomas Rivera enter the restaurant.¹ According to [REDACTED] Rivera was holding a green plastic toy/water gun, was talking to himself and appeared to be angry. Rivera walked directly to the soda fountain machine, took ice from the dispenser and began throwing it around the restaurant. Rivera filled the water gun with both water and soda and proceeded to point and squirt the water gun throughout the restaurant. According to [REDACTED] she asked Rivera to leave the restaurant at which time he yelled, "You cannot kick me out, fuck you."² A short time later, Rivera exited the restaurant and walked south on Wilmington Boulevard. Witness [REDACTED] had no additional contact with Rivera.³

At approximately 2048 hours, a man identified as Witness [REDACTED] stated that he observed Rivera walking south on the west sidewalk of Wilmington Boulevard from Pacific Coast Highway at a brisk pace. [REDACTED] stated that Rivera appeared to be very angry and was talking to himself while holding a handgun in his right hand.⁴ Per [REDACTED] Rivera's finger was on the trigger and he was making no attempt to conceal the handgun. According to [REDACTED] it appeared that Rivera was intent on killing someone. [REDACTED] called 9-1-1 to report his observations.

At 2050:20 hours, Communications Division (CD) broadcast, "*Harbor Units, 415 man with a gun Wilmington Boulevard, Pacific Coast Highway, Wilmington Boulevard, Pacific Coast Highway. Suspect is walking on the sidewalk, male Hispanic, 30 years, black clothing, on foot*

¹ Eric Thomas Rivera, male Hispanic, 5 feet 6 inches tall, 135 pounds, with a date of birth of October 25, 1996. Rivera was wearing a black baseball hat, black t-shirt, blue jeans, white socks and black tennis shoes. Rivera's arrival time was estimated by Witness [REDACTED]

² Witness [REDACTED]'s transcribed statement, Page 5, Lines 21-22.

³ Witness [REDACTED] did not call 911 to report Rivera's actions.

⁴ Witness [REDACTED] was unable to provide a description of the handgun.

At 2050:42 hours, Harbor Patrol Division uniformed Police Officer II Andres Martinez, Serial No. 41620, driver, and Police Officer I Marc Sternin, Serial No. 42475, passenger, Unit 5A25, advised CD that they would handle the call and responded to the location Code-Three.⁶ Both officers activated their BWV.

Harbor Patrol Division uniformed Police Officer II Daniel Ramirez, Serial No. 40185, driver, and Police Officer III Arturo Urrutia, Serial No. 36065, passenger, Unit 5A24, heard the radio call and happened to be in the area.⁷ Officer Urrutia advised CD that they would back Unit 5A25, and responded to the call Code-Two.⁸ Both officers activated their BWV.

At 2052:30 hours, Officer Urrutia broadcast that they were Code-Six in the area. Immediately following Officer Urrutia's broadcast, Officer Sternin broadcast that they were also Code-Six in the area.

At 2052:38 hours, Harbor Patrol Division uniformed Sergeant I James Talmage, Serial No. 34671, assigned Unit 5L60, advised CD that he was enroute to the call and responded Code-Two.

Note: Unbeknownst to the officers, Rivera had a history [REDACTED] aggression toward law enforcement personnel. [REDACTED]

Officers Ramirez and Urrutia were traveling south on Wilmington Boulevard and Officers Martinez and Sternin were driving north on Wilmington Boulevard when they crossed paths.

⁶ Police Officer II Andres Martinez, 3 years, 2 months with the Department, 26 years of age, 5 feet 10 inches tall, 190 pounds. Police Officer I Marc Stern in, 1 year, 4 months with the Department, 46 years of age, 6 feet, 1 inch tall, 195 pounds. The officers were in Shop No. 88629, a marked black and white police vehicle equipped with Digital In-Car Video System (DICVS) and ballistic door panels. Officers Martinez and Stern in were each carrying Department-approved pistols, their TASER, canisters of Oleoresin Capsicum (OC) spray, two pairs of handcuffs each, their ASP, and Hobble Restraint Devices (HRD) on their person. Both Officers had their PR-24 as well as a bean bag shotgun stored within their police vehicle. Officers Martinez and Sternin had worked together multiple times prior to this incident. As captured by their Digital In-Car Video System (DICVS) and Body Worn Video (BWV) the officers discussed the comments of the radio call, designated that Officer Martinez would be lethal and Officer Sternin would be less lethal.

⁷ Police Officer II Daniel Ramirez, 8 years with the Department, 29 years of age, 6 feet 2 inches tall, 210 pounds. Police Officer III Arturo Urrutia, 15 years, 9 months with the Department, 40 years of age, 5 feet, 8 inches tall, 160 pounds. The officers were in Shop No. 89483, a marked black and white police vehicle equipped with DICVS and ballistic door panels. Officers Ramirez and Urrutia were each carrying Department-approved pistols, their TASER, canisters of OC spray and an ASP on their person. Officer Ramirez also carried two pairs of handcuffs and a HRD on his person while Officer Urrutia carried one pair of handcuffs and stored his HRD in the trunk of their police vehicle. Both Officers had their PR-24 as well as a bean bag shotgun stored within their police vehicle. This was the officers first day working together. During their shift, the officers discussed tactics including foot pursuits and apprehension mode vs containment mode. Officer Ramirez was the designated contact officer and Officer Urrutia was the cover officer.

⁸ The officers were near the intersection of Pacific Coast Highway and Wilmington Boulevard when they heard the radio call. They responded Code-Two due to their close proximity to the location.

The officers slowed their police vehicles as they passed each other and communicated that no activity had been observed.⁹

At 2053:23 hours, a surveillance camera [REDACTED] located at [REDACTED] North Wilmington Boulevard captured Rivera walking [REDACTED] on [REDACTED] Wilmington Boulevard. Rivera was holding an object which appeared to be a handgun in his right hand as depicted in the below photograph. The time stamp on the video indicates that it was recorded at 2053:23 hours.¹⁰



Still photograph depicting Rivera holding an object in his right hand

At 2053:28 hours, Officer Sternin requested CD to contact the person reporting (PR) and obtain an updated suspect location. Communications Division advised the officers that the suspect was last seen walking in the direction of Anaheim Boulevard, toward a Mexican Market. Officer Martinez was aware of a Mexican Market located at the intersection of Wilmington Boulevard and L Street and drove in that direction. Officer Ramirez was aware of two Mexican Markets located along Wilmington Boulevard; one at the intersection of I Street and one at L Street.

According to Officer Ramirez, he drove south on Wilmington Boulevard at a slow rate of speed. He estimated that he was driving approximately five to ten miles per hour and activated his ambers to alert other vehicles of his presence.¹¹ Both officers had their windows down and were looking for the PR, any possible suspect(s) and/or potential witnesses. As they proceeded south on Wilmington Boulevard, the officers observed Rivera walking south on the west sidewalk of Wilmington Boulevard in front of an apartment building located at [REDACTED] North Wilmington

⁹ The officers communicated through their open driver's side windows.

¹⁰ Investigators from Force Investigation Division determined that the time stamp on the surveillance video was accurate and matched the actual time. The video was booked under Technical Investigation Division (TID) File No. 710563.

¹¹ Ambers are flashing yellow lights that are visible on the rear portion of the police vehicle's light bar. They are generally used as hazard lights.

Boulevard.¹² The carport and walkways of the building were secured by a black wrought iron fence as depicted in the image below.¹³

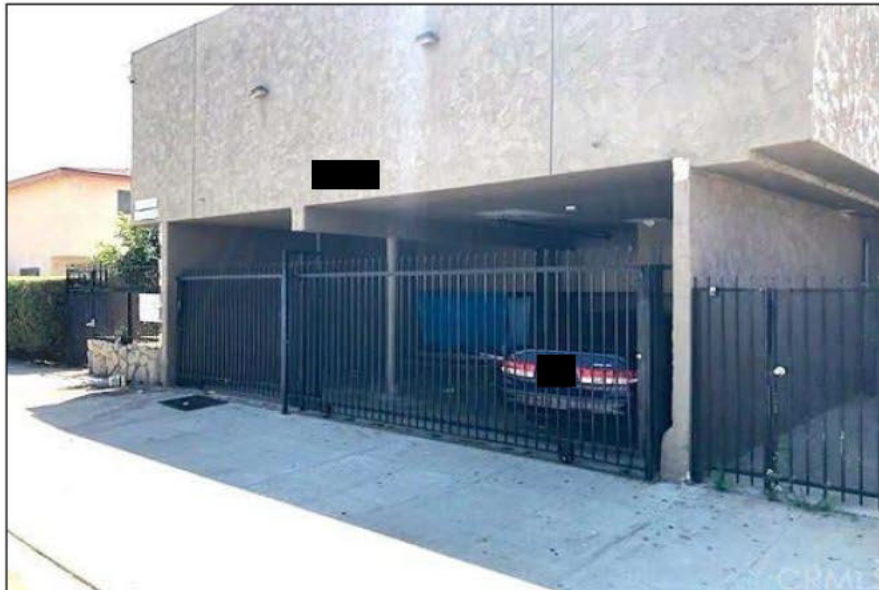


Image of [REDACTED] North Wilmington Boulevard

Officer Ramirez noted that Rivera matched the description of the suspect provided by CD. Both officers stated that Rivera was yelling but the words were unintelligible. Officer Ramirez stated, “*Maybe, to the right,*” referring to Rivera. According to Officer Urrutia, Rivera stopped, turned toward his left (counterclockwise) and faced the officers as they approached in their vehicle. Rivera looked in the officers’ direction and yelled, “*What’s up?*” followed by “*What the fuck?*” as captured on BWV. According to Officer Urrutia, “*I see this look in his eyes. He looks mad.*”¹⁴

Note: Officer Ramirez believed Rivera turned toward his right, in a clockwise direction.

According to Witness [REDACTED], Rivera stated, “*Leave me alone. Leave me alone.*” to the officers. [REDACTED] further stated that it was very dark outside and he was unable to see any of Rivera’s movements.

Officer Urrutia observed what he described as a light-colored semiautomatic pistol in Rivera’s right hand. According to Officer Urrutia, Rivera was holding the gun in a close contact position at waist level and was moving the gun from side to side (left to right). Officer Urrutia yelled, “*Oh shit partner, gun!*”

According to Officer Ramirez, he heard Officer Urrutia’s announcement and simultaneously observed Rivera holding what he described as a black semiautomatic handgun in his left hand.

¹² The front/east side of [REDACTED] North Wilmington Boulevard had a carport adjacent to the west sidewalk of Wilmington Boulevard that was equipped with artificial lighting.

¹³ The photograph of [REDACTED] North Wilmington Boulevard was obtained from the website www.realtor.com.

¹⁴ Officer Urrutia’s transcribed statement, Page 9, Lines 16-17.

Officer Ramirez observed Rivera raise the gun to a low-ready position, with the muzzle pointed in the officers direction. According to Officer Ramirez, he would not have enough time to exit the vehicle if Rivera began shooting at him. Therefore, Officer Ramirez unholstered his pistol with his right hand while seated in the vehicle, with intentions of firing through the windshield if necessary.

Note: Officer Urrutia described Rivera's gun as being a light-colored semiautomatic pistol and believed it was in Rivera's right hand. Analysis of the available video and witness statements could not clarify which hand the gun was in at the time of the OIS.

Using his left hand, Officer Ramirez quickly turned the steering wheel toward the right and stopped diagonally, with the front of their vehicle pointed in a southwestern direction. According to Officer Ramirez, he positioned the vehicle in this manner to provide cover for himself and his partner while they performed a felony stop on Rivera. Officer Ramirez stopped the vehicle and believed he placed it into park. Both officers exited the vehicle and took cover behind their respective vehicle doors.

Note: Officer Ramirez believed he used his right hand to place the vehicle into park, while holding his pistol in the same hand. Per Officer Ramirez's BWV, he did not place the vehicle into park and did not make any overt movements to do so.

According to Witness [REDACTED] the police vehicle slowed down, then reversed a short distance prior to the OIS.

Upon exiting the vehicle, Officer Ramirez utilized the driver's side door as cover, held his pistol in a two-hand shooting position, with the muzzle pointed at Rivera. Officer Ramirez ordered Rivera to drop the gun, but he (Rivera) did not comply with the command.¹⁵ According to Officer Ramirez, Rivera raised the gun a second time, with the muzzle pointed in a northeasterly direction toward him and his partner.

Simultaneously, Officer Urrutia utilized the passenger side door as cover and unholstered his pistol with his right hand. Officer Urrutia, while holding his pistol in a two-hand shooting position, pointed his pistol at Rivera and ordered him to drop the gun.¹⁶ Rivera did not comply with the command.¹⁷

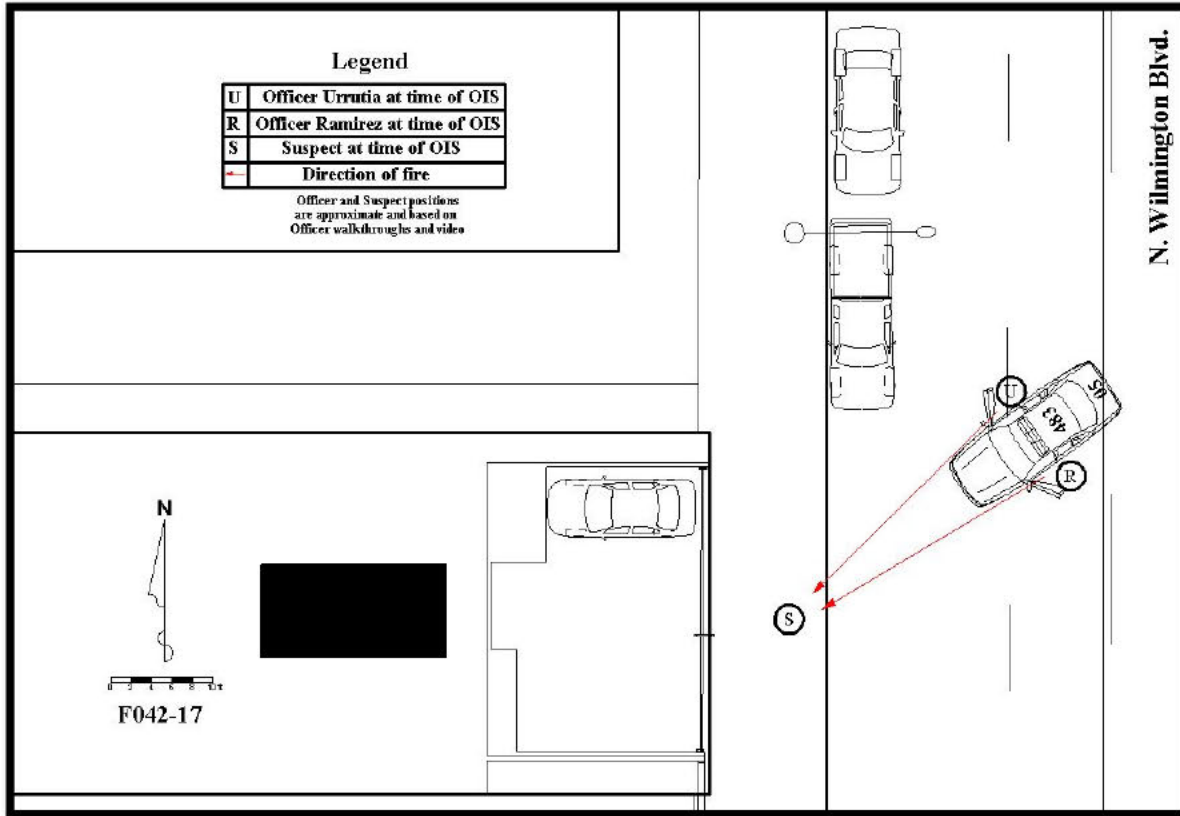
Officers Urrutia and Ramirez believed that Rivera was pointing a pistol at them and was intent on killing them. In defense of their lives, Officers Urrutia and Ramirez fired their pistols at Rivera. Officer Urrutia fired four rounds at Rivera in a southwestern direction from an approximate distance of 30 feet. Officer Ramirez fired seven rounds at Rivera also in a southwestern direction from an approximate distance of 29 feet. Rivera was struck by gunfire and immediately fell to the ground.

¹⁵ As captured by his BWV, Officer Ramirez yelled, "Hey, drop it" to Rivera (referring to the gun).

¹⁶ Officer Urrutia was also holding his flashlight in his left hand.

¹⁷ According to Witness [REDACTED] she heard an officer yell, "Put the gun down. Put the gun down."

The diagram below depicts the officers' approximate positions at the time of the OIS based on walk throughs, video and physical evidence.

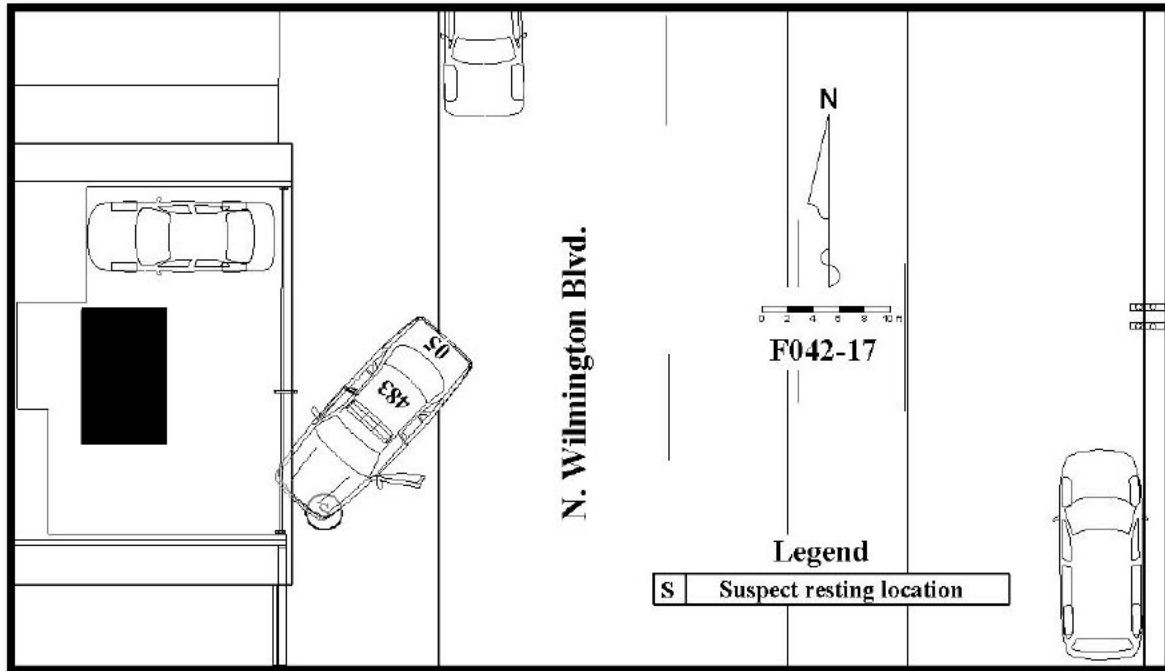


As determined by a review of the officers BWV, from the moment Officer Ramirez stated, “*Maybe, to the right*” to the sound of the first gunshot was approximately seven seconds. During that seven second time frame, the officers communicated their observations with one another, stopped and exited their vehicle, unholstered their pistols, and gave commands to Rivera (**Investigators’ Note No. 2**).

Note: According to Harbor Division Narcotic Enforcement Detail, plain clothes Detective III Jonathan Zamora, Serial No. 32510, Officer Ramirez advised him during the Public Safety Statement (PSS) that he (Officer Ramirez) fired at Rivera in an easterly direction and that Rivera possibly fired shots at him and Officer Urrutia in a westerly direction.

Immediately following the OIS, the officers noticed that their vehicle was rolling in a southwestern direction toward Rivera, who was lying on the sidewalk. Officer Ramirez holstered his pistol and attempted to step into the vehicle, as it was rolling, to apply the brakes. Officer Ramirez was unsuccessful and believes he may have inadvertently stepped on the brake pedal and accelerator simultaneously.

The police vehicle rolled up the driveway of [REDACTED] North Wilmington Boulevard and pushed Rivera's body in a southwestern direction before the front bumper collided with the wrought iron fence, as depicted in the diagram below. Not knowing Rivera's condition and if he was still armed, Officer Ramirez unholstered his pistol and backed away from the vehicle.



Simultaneously, and within seconds of the OIS, Officer Urrutia alerted Officer Ramirez that the vehicle was not in park. While walking alongside the passenger side of the vehicle as it rolled, Officer Urrutia tripped over the lip of the driveway. Officer Urrutia fell, striking his right elbow on the concrete.¹⁸ Officer Urrutia immediately stood up and broadcast a help call advising that shots were fired at [REDACTED] Wilmington Boulevard.¹⁹

Officers Martinez and Sternin were traveling east on L Street toward Wilmington Boulevard when they heard multiple shots fired.²⁰ Sergeant Talmage advised that he was in the area of Wilmington Boulevard and Anaheim Street when he too heard multiple gunshots.

At 2054:58 hours, Officer Martinez broadcast that shots were heard in the area of King and L Street.²¹

¹⁸ Officer Urrutia stated that the injury to his right elbow caused him extreme pain.

¹⁹ Officer Urrutia's broadcast was not heard on Harbor Frequency, but was captured on his BWV audio. It appears that his broadcast was stepped on by another unit.

²⁰ The sound of the gunshots was captured on Officer Sternin's BWV.

²¹ It appears that Officer Martinez made this broadcast as Officer Urrutia attempted to broadcast a help call. King Avenue was one street west of Wilmington Boulevard.

Officer Martinez turned south on Wilmington Boulevard from L Street and arrived at scene within seconds of the OIS. Upon arrival, Officer Martinez stated that he observed Officers Urrutia and Ramirez in the street with their guns drawn.²² Officer Martinez parked his police vehicle on Wilmington Boulevard northeast of Officers Ramirez and Urrutia's vehicle. Officers Martinez and Sternin exited their police vehicle and took cover behind their respective vehicle doors.

Officer Urrutia observed Officers Martinez and Sternin arrive at scene and directed Officer Ramirez to redeploy for cover behind their police vehicle. Officer Urrutia sought cover behind the passenger side door and Officer Ramirez took cover behind the driver's side door. Officer Urrutia immediately informed Officers Martinez and Sternin that Rivera was underneath his police vehicle. Officers Martinez and Sternin unholstered their pistols.

Officers Martinez and Sternin held their pistols in two-hand, low-ready positions with their fingers along the frame. Both officers had their muzzles pointed in a southwestern direction toward Officer Ramirez' police vehicle. The officers were unable to see Rivera from this location. Officer Sternin turned on the passenger side spotlight and illuminated the police vehicle/driveway area of [REDACTED] North Wilmington Boulevard.

At 2055:51 hours, Sergeant Talmage arrived at scene, parking his vehicle just south of the OIS scene, diagonally, with the front of his vehicle pointed in a northwesterly direction with the headlights illuminating Rivera. Sergeant Talmage unholstered his pistol, which he held in a two-hand, low ready position and sought cover on the north side of his vehicle. According to Sergeant Talmage, Rivera was not moving or making any sounds and appeared to be deceased.²³ Sergeant Talmage advised the officers that Rivera was down and requested a Rescue Ambulance (RA) for Rivera at approximately 2056 hours. Believing Rivera was no longer a threat, Sergeant Talmage holstered his pistol (**Investigators' Note No. 3**).

Note: According to Witness [REDACTED] he observed Rivera move while underneath the police vehicle (**Investigators' Note No. 4**).

Officer Urrutia advised Officer Sternin that he was injured and required an RA. When asked if he had been shot, Officer Urrutia stated that he was unsure what caused his injury. Officer Martinez requested a second RA for Officer Urrutia. Officer Urrutia took cover behind a police vehicle (Shop No. 89189) and awaited the arrival of the RA.²⁴

At approximately 2057 hours, after learning that Officer Urrutia was injured, Sergeant Talmage repeated the request for a second RA. Sergeant Talmage was aware that moving an injured person can cause additional injury or exasperate the existing injury. Therefore, Sergeant Talmage formulated a plan to establish an arrest team and approach Rivera once the ambulance

²² The DICVS for Officers Martinez and Sternin's vehicle, Shop No. 88629, depicts their arrival at the OIS scene. The video captured Officers Urrutia and Ramirez walking backward in a northeasterly direction in the southbound lanes of Wilmington Boulevard.

²³ Sergeant Talmage estimated that he was approximately 20 feet away from Rivera when he made the observation.

²⁴ Officer Urrutia did not have any visible injury.

arrived at scene. Sergeant Talmage was unaware that Officer Ramirez was involved in the OIS and as a result included him as part of the arrest team.²⁵

Note: Sergeant Talmage did not immediately identify Officer Ramirez as being one of the involved officers. A review of BWV depicts Sergeant Talmage being preoccupied with the on-going tactical situation from the moment he arrived at scene.

At approximately 2059 hours, as captured on DICVS and BWV, Harbor Patrol Division uniformed Sergeant I James Doull, Serial No. 35993, arrived at scene. Sergeant Doull immediately made contact with Officer Urrutia, who was injured and leaning against a police vehicle. Sergeant Doull advised Sergeant Talmage to handle the tactical portion of the incident and he would care for Officer Urrutia.

Note: The Sergeant's Daily Report, completed by Sergeant Doull, indicated that he responded to the incident at approximately 2130 hours, although his BWV captured his response at approximately 2055 hours.

At approximately 2105 hours, Harbor Patrol Division uniformed Watch Commander, Sergeant II Bradley Hearn, Serial No. 31170, responded to the scene and declared himself the Incident Commander. Upon arrival, Sergeant Hearn checked on Officer Urrutia and ensured that an RA was requested.

At approximately 2105 hours, LAFD Engine No. 49 arrived at scene. With LAFD standing by, Sergeant Talmage directed the arrest team to approach Rivera, at which time the officers determined that Rivera was not armed. Once it was safe for LAFD personnel to approach, Firefighter/Paramedic [REDACTED] rendered aid to Rivera and determined that he was dead at scene at approximately 2110 hours.²⁶

At approximately 2106 hours, RA No. 38, manned by Firefighter/Paramedics [REDACTED] and [REDACTED] arrived at scene and rendered aid to Officer Urrutia. He was ultimately transported to Harbor-UCLA Medical Center for further medical treatment. Sergeant Doull accompanied Officer Urrutia to the hospital. Sergeant Doull monitored Officer Urrutia, obtained a Public Safety Statement (PSS), and admonished him not to discuss the incident.

At approximately 2109 hours, Harbor Division uniformed Police Officer III Enrique Lopez, Serial No. 36989, identified Officer Ramirez as being one of the involved officers. Officer Lopez stayed with Officer Ramirez until he was relieved by Detective Zamora at approximately 2112 hours. Detective Zamora obtained a PSS individually from Officer Ramirez and admonished him not to discuss the incident (**Investigators' Note No. 5**).

²⁵ According to the BWV that was reviewed, Officer Ramirez did not discuss the incident with any officers prior to being separated by Officer Lopez.

²⁶ At 2106:41 hours, the DICVS for Officer Martinez's vehicle (Shop No. 88629) captured the arrest team approach Rivera. Due to Rivera's injuries, the officers did not search or handcuff Rivera at the scene. At 2107:20 hours, LAFD personnel approached Rivera.

At approximately 2110 hours, Sergeant Talmage advised Sergeant Hearn that there were two involved officers and multiple percipient officers. Sergeant Hearn requested additional supervisors to assist with the monitoring responsibilities.

At approximately 2135 hours, Real-Time Analysis and Critical Response (RACR) Division was notified of the Categorical Use of Force (**Addendum No. 1**).

At approximately 2155 hours, Commander Robert Lopez, Serial No. 22131, was the first representative from Force Investigation Division (FID) to arrive at scene.

At approximately 0351 hours, Forensic Science Division (FSD), Firearms Analysis Unit (FAU) Criminalists II [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] arrived at scene.

Force Investigation Division Detective II Brandy Arzate, Serial No. 34394, reviewed all documents and circumstances surrounding the separation, monitoring, and admonitions not to discuss the incident to the officers prior to being interviewed by FID investigators. The documentation reviewed indicated that all of the protocols were not followed (**Investigators' Note No. 6 and Addendum No. 2**).

SCENE DESCRIPTION

The OIS occurred in front of [REDACTED] North Wilmington Boulevard, in the City of Wilmington. Wilmington Boulevard was a north/south street and had two lanes available for southbound traffic and one lane for northbound traffic. Parking was available along the east and west curbs of Wilmington Boulevard. The surrounding residential area consisted of a mixture of single-family residences and multi-unit apartment buildings.

This incident occurred during the hours of darkness at approximately 2055 hours. Artificial lighting was provided by a street-light located on the west curb of Wilmington Boulevard north of the OIS scene, as well as lighting within the carport of [REDACTED] North Wilmington Boulevard. The weather was clear and dry.

On June 6, 2017, at approximately 2109 hours, Harbor Patrol Division personnel erected the homicide tent, as captured on DICVS (**Investigators' Note No. 7**).

CANVASS FOR WITNESSES

On June 6, 2017, Harbor Division and FID personnel conducted a canvass of the area for witnesses to the OIS.

On June 13, 2017, FID personnel conducted an additional canvass of the area. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in this report (**Investigators' Note No. 8**).

There were 46 witnesses who only heard shots. The number of gunshots heard by witnesses ranged from one to thirteen.²⁷

SUSPECT INFORMATION

Eric Thomas Rivera was a male Hispanic with black hair and brown eyes. At the time of the incident, he was five feet six inches tall, with a weight of 135 pounds and a date of birth of October 25, 1996. Rivera was identified by CII No. [REDACTED] and had an extensive criminal history dating back to September of 2013. Rivera had no known gang affiliation (**Addendum No. 3**).

Force Investigation Division Detective Arzate, [REDACTED]
[REDACTED]

Los Angeles Police Department Investigative Reports were completed for Brandishing a Replica Firearm against Officers Urrutia and Ramirez, naming Rivera as the suspect (**Addendum No. 4**).

A Los Angeles Police Department Follow-Up Investigation Report was completed with a case status of Cleared Other (**Addendum No. 5**).

INJURIES

At approximately 2059 hours, the LAFD received an alarm to respond to [REDACTED] North Wilmington Boulevard. At approximately 2105 hours, LAFD Engine No. 49, arrived at scene. Firefighter/Paramedic [REDACTED] rendered aid to Rivera and determined that he was dead at scene at approximately 2110 hours (**Addendum No. 6**).

At approximately 2106 hours, RA No. 38, manned by Firefighter/Paramedics [REDACTED] and [REDACTED] arrived at scene and rendered aid to Officer Urrutia for an injury to his right elbow.²⁸ Officer Urrutia was ultimately transported to Harbor-UCLA Medical Center for medical treatment. Sergeant Doull accompanied Officer Urrutia to the hospital.

EVIDENCE

On June 7, 2017, at approximately 0351 hours, Criminalists [REDACTED] and [REDACTED] responded to the scene and conducted an examination of the OIS scene for evidence, including but not limited to ballistic impacts, trajectories and projectiles. As a result of their examination, numerous items of evidence were recovered. Included in those items were seven .40 caliber cartridge casings (**Items 1-7**), four .45 caliber cartridge casings (**Items 8-11**), fired bullets and bullet fragments (**Items 12-17**), a baseball hat (**Item No. 18**), a shoe (**Item No. 19**), and a toy water gun (**Item No. 20**).

²⁷ The interviews of the Heard Only witnesses were documented on a Heard Only Witness Form for Civilians. These interviews were not recorded or transcribed.

²⁸ Officer Urrutia strained his right arm and sustained a contusion to his right elbow.

There were a total of 31 items of evidence booked in conjunction with this incident **(Addendum No. 7 and 8)**.

On August 1, 2017, Detective Arzate completed a Request for Serology/Deoxyribonucleic Acid (DNA) Analysis Report, Form No. 12.56.00. Detective Arzate requested that the plastic water gun be swabbed for potential DNA evidence. It was further requested that the swab collected from the plastic gun be compared to Rivera's blood card.

The laboratory report was completed on October 31, 2017, and revealed that the DNA profile obtained from the toy gun matched the DNA profile obtained from Rivera's blood sample. **(Addendum No. 9)**.

CORONER'S INVESTIGATION

Coroner's Response:

On June 6, 2017, at approximately 2340 hours, the Los Angeles County Department of Medical Examiner-Coroner's Office was notified regarding Rivera's body.

On June 7, 2017, at approximately 0801 hours, Coroner's Investigator [REDACTED] arrived at scene and conducted an investigation. Prior to transporting Rivera's body to the Los Angeles County Forensic Science Center (LACFSC), [REDACTED] collected a Gunshot Residue (GSR) kit and hair kit **(Addendum No. 10)**.

At approximately 0920 hours, Los Angeles Fire Department, Heavy Rescue No. 3, staffed by Firefighters [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] responded to the scene.²⁹ The Heavy Rescue Rig was used to lift Shop No. 89483, to enable personnel to recover Rivera's body and preserve any physical or forensic evidence.

At approximately 1140 hours, LACFSC Attendant [REDACTED] transported Rivera's remains to LACFSC.

Note: Page one of Investigator [REDACTED] Case Report identified Force Investigation Division, Detective II Nicholas Pikor, Serial No. 35384, as Detective Picor.

Autopsy:

On June 11, 2017, at approximately 1000 hours, Los Angeles County Department of Medical Examiner-Coroner Deputy Medical Examiner [REDACTED] performed a post-mortem examination of Rivera's remains. Force Investigation Division Detective III Peter Stone, Serial No. 27168, and Detective II Arturo Espino, Serial No. 31892, along with Los Angeles County District Attorney Investigator Sonia Florez, were present during the examination. Doctor [REDACTED] concluded Rivera's death was caused by gunshot wounds to the head, chest, and extremities.

²⁹ The Los Angeles Fire Department Heavy Rescue Rig is a specialized tow truck. It is used in a wide variety of situations including pulling crushed vehicles apart, righting overturned vehicles, and lifting heavy objects.

In addition, Doctor [REDACTED] obtained specimens from Rivera for toxicological analysis (**Addendum No. 11**).

Doctor [REDACTED] determined that Rivera sustained seven gunshot wounds. The wounds were arbitrarily numbered.

Gunshot Wound No. 1 entered the right side of the neck. The trajectory of the bullet was back to front, leftward at an upward angle. The projectile was recovered from the right superior posterior portion of Rivera's neck.

Note: During a subsequent conference with Doctor [REDACTED] he advised investigators from FID that Gunshot Wound No. 1 was an immediate fatal wound (**Investigators' Note No. 9**).

Gunshot Wound No. 2 entered the right side of the chest. The trajectory of the bullet was front to back, rightward and at a downward angle.

Gunshot Wound No. 3 entered the right hip. The trajectory of the bullet was front to back at a downward angle. The projectile was recovered from the right buttock.

Gunshot Wound No. 4 entered the right hip. The trajectory of the bullet was back to front, leftward and at a downward angle. The projectile was recovered from the right thigh.

Gunshot Wound No. 5 entered the left thigh. The trajectory of the bullet was back to front and rightward. Bullet fragments were recovered from the left thigh area.

Gunshot Wound No. 6 entered the right shin. The trajectory of the bullet was front to back. The projectile was recovered from the right shin area.

Gunshot Wound No. 7 was a graze wound to the left ankle. The trajectory of the bullet could not be established.

Rivera also sustained multiple abrasions to his face, torso and extremities as well as skin slippage to the posterior aspects of the thighs and left lower leg.

Note: Due to the fact that Doctor [REDACTED] did not document or render an opinion as to the severity of the abrasions he noted in his report, nor an opinion as to the cause of the skin slippage, FID investigators requested to meet with Doctor [REDACTED]

During the subsequent conference with Doctor [REDACTED] he advised that the abrasions to Rivera's face, torso and extremities were superficial injuries and did not cause his death.

Doctor [REDACTED] further stated that the skin slippage could have been caused from the heat emitting from the police vehicle and/or friction from the pavement. According to Doctor [REDACTED] there were no injuries indicating that the police vehicle rolled over Rivera's body.

Coroner's Test Results:

Toxicology:

On September 21, 2017, a Laboratory Analysis Summary Report was reviewed and approved by Doctor [REDACTED]. The analysis results documented Rivera tested positive for Amphetamine, Methamphetamine, and Marijuana (**Addendum No. 12**).

Gunshot Residue:

Investigator [REDACTED] completed a GSR kit on Rivera prior to transporting his remains. On November 16, 2017, Supervising Criminalist I [REDACTED] concluded her analysis of the GSR kit. The results determined that both of Rivera's hands contained particles of gunshot residue (**Addendum No. 13**).

CLOTHING ANALYSIS

There was no clothing analysis completed relative to this investigation.

WEAPONS



Eric Thomas Rivera was armed with a plastic toy water gun during this incident. The gun was green and black in color and contained water. The gun was recovered from the driveway of [REDACTED] North Wilmington Boulevard.

Officer Urrutia was armed with a Department approved .45 caliber Glock, Model 21, semiautomatic pistol. The pistol was carried in a black Department approved double retention holster. According to Officer Urrutia, at the time of the OIS, his pistol was loaded to capacity with 14 rounds of Federal Premium, Department-approved .45 caliber ammunition. Thirteen rounds were in the magazine and one round was in the chamber of the pistol.

On June 7, 2017 at approximately 0126 hours, Detective Espino conducted a post-incident examination of Officer Urrutia's pistol. He determined the pistol was loaded with one round in the chamber, and 9 rounds in the magazine. He also inspected two additional magazines that were carried in Officer Urrutia's magazine pouch. The magazines were each loaded with thirteen rounds of Federal Premium, Department-approved .45 caliber ammunition. The results of the magazine count were consistent with Officer Urrutia firing four rounds during the OIS.

On June 12, 2017, FSD, FAU Criminalist II [REDACTED] Serial No. [REDACTED], examined and test-fired Officer Urrutia's pistol. The pistol's measured trigger pull was within Department specifications (**Addendum No. 14**).

Detective Arzate verified that Officer Urrutia's .45 caliber Glock pistol was entered into the Firearm Inventory Tracking System on October 6, 2010.

Officer Ramirez was armed with a Department-issued .40 caliber Glock, Model 22, semiautomatic pistol. His pistol was carried in a black Department approved double-retention holster. According to Officer Ramirez, at the time of the OIS, his pistol was loaded to capacity with 16 rounds of Smith and Wesson Winchester Ranger, Department-approved .40 caliber ammunition. Fifteen rounds were in the magazine and one round was in the chamber of the pistol.

On June 7, 2017, at approximately 0151 hours, Detective Espino conducted a post-incident examination of Officer Ramirez' pistol. He determined the pistol was loaded with one round in the chamber, and eight rounds in the magazine. He also inspected two additional magazines that were carried in Officer Ramirez' magazine pouch. The magazines were each loaded with 15 rounds of Smith and Wesson Winchester Ranger, Department-approved .40 caliber ammunition. The results of the magazine count were consistent with Officer Ramirez firing seven rounds during the OIS.

On June 9 2017, FSD, FAU, Criminalist II [REDACTED] Serial No. [REDACTED] examined and test-fired Officer Ramirez' pistol. The pistol's measured trigger pull was within Department specifications (**Addendum No. 15**).

Detective Arzate verified that Officer Ramirez' .40 caliber Glock pistol was entered into the Firearm Inventory Tracking System on October 1, 2009.

FIREARMS ANALYSIS

On June 7, 2017, Criminalists [REDACTED] and [REDACTED] performed a bullet path analysis examination of the vicinity of [REDACTED] North Wilmington Boulevard pursuant to the OIS. The criminalists identified three impacts with two corresponding pathways. All three impacts were non-penetrating and located on the wrought iron fence in front of [REDACTED] North Wilmington Boulevard.

Pathway A (Impacts A and A1) were consistent with a bullet traveling from north to south, east to west, in a level direction.

Pathway B (Impact B) was consistent with a bullet traveling from north to south, east to west, in a downward direction (**Addendum No. 16**).

Eleven expended cartridge casings were recovered from the street in front of [REDACTED] North Wilmington Boulevard. It was determined that the cartridge casings recovered were fired from Officers Urrutia and Ramirez' pistols (**Addendum No. 17**).

VEHICLES

Los Angeles Police Department, Shop No. 89483, was a Ford Crown Victoria marked black and white police vehicle, registered to the City of Los Angeles. Immediately following the OIS, the police vehicle collided with a wrought iron fence causing visible damage to the front bumper.

At the time of the crime scene investigation, it was noted that the front driver's side door was fully opened. The police vehicle was at rest facing in a southwest direction on the sidewalk in front of [REDACTED] North Wilmington Boulevard. Emergency Operation Division (EOD), Multi-Disciplinary Collision Investigation Team (MCIT), Police Officer III Jahna Rinaldi, Serial No. 30575, responded to the scene and conducted a traffic collision investigation (**Addendum No. 18**).

The vehicle was photographed and processed at scene by FSD personnel. [REDACTED]

On July 5, 2017, the vehicle was inspected by Equipment Mechanic [REDACTED] Serial No. [REDACTED] Technical Investigation Division, Photographer III [REDACTED], Serial No. [REDACTED] took photographs and video of the inspection. During the inspection, no significant mechanical or equipment concerns were identified. The photographs are stored under D No. 0627626 and the video under D No. 0627627 (**Addendum No. 19**).

VISUAL DOCUMENTATION

Digital In-Car Video System (DICVS)

Twenty-nine police vehicles equipped with DICVS responded to this incident and the entirety of the videos were reviewed by FID investigators. The OIS was not captured by DICVS. The following is a synopsis of DICVS that had significant evidentiary relevance and value:

The DICVS for Officers Martinez and Sternin's vehicle, Shop No. 88629, was activated at approximately 2050:38 hours and depicts their arrival at the OIS scene. At 2055:07 hours, the video captured Officers Urrutia and Ramirez walking backward in a northeasterly direction in the street of Wilmington Boulevard. At 2106:41 hours, the DICVS captured the arrest team approach Rivera followed by LAFD personnel at 2107:20 hours.

Body Worn Video (BWV)

Twenty-six police officers activated their BWV during this incident and the entirety of the videos were reviewed by FID investigators. The following is a synopsis of BWV that had significant evidentiary relevance and value.

[REDACTED]

Officer Urrutia activated his BWV at approximately 2051 hours and Officer Ramirez at approximately 2052 hours. The BWV captured the response of Officers Ramirez and Urrutia as well as the OIS. However, the videos did not capture a clear and identifiable account of Rivera's actions, the position of his body, or a presence of an object in his hand or lack thereof.

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified via social media.

Other Department Video

On July 5, 2017, Photographer [REDACTED] took video during the mechanical inspection of Shop No. 89483. The video is stored under TID File No. 0627627.

Outside Video

Force Investigation Division investigators identified and obtained four surveillance videos [REDACTED] [REDACTED] With the exception of the video obtained from [REDACTED] North Wilmington Boulevard, the videos did not contain any evidentiary relevance. The videos were filed under the TID File Nos:

- 710563 – [REDACTED]
- 710564 – [REDACTED]
- 710565 – [REDACTED]
- 710566 – [REDACTED]
- 721256 – Post incident cellular telephone video recorded by Witness [REDACTED]

Surveillance cameras located at below locations were determined to be decoy cameras:

[REDACTED]

The [REDACTED] restaurant located at [REDACTED] was equipped with surveillance cameras. Detective Espino went to the restaurant with Police Surveillance Specialist I [REDACTED] Serial No. [REDACTED] Unfortunately, the video date and time was out of sequence and they were unable to locate the related surveillance video, despite their extensive search and review of the video system.

Photographs

Technical Investigation Division Photographers III [REDACTED] Serial No. [REDACTED] and [REDACTED] [REDACTED] Serial No. [REDACTED] responded to the scene. Photographs of the OIS scene and associated evidence are stored under Control Nos. 0627574, 0627575, 0627578, 0627650, and 0627626.

NOTIFICATIONS

On June 6, 2017, at approximately 2135 hours, Real-Time Analysis and Critical Response (RACR) Division was notified of the OIS and the details of the subsequent notifications are attached (**Addendum No. 1**).

PERSONNEL AT SCENE

Force Investigation Division Commander Robert Lopez, Serial No. 22131, was the first representative from FID to arrive at scene. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

COMMUNICATIONS

A copy of the CD Incident Recall printout relative to Incident No.170606005212, is on file at FID. A digital recording of Harbor Division's base frequency and 911 calls related to the same incident is stored at FID.

JUSTICE SYSTEM INTEGRITY DIVISION

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

INVESTIGATORS' NOTES

1. During the course of this investigation, investigators from Force Investigation Division became aware of additional police contacts involving Rivera in the months leading up to the OIS; including but not limited to the below encounters:

April 13, 2017 – A citizen reported to the Hermosa Police Department that Rivera threatened to shoot him and his family with an assault rifle because they refused to give him food. During the investigation, Rivera informed officers that he will eventually

Hermosa Beach Police Department, Report No. 17-864.

May 8, 2017 – Los Angeles Police Department (LAPD), Harbor Division, Police Officers II Alan Woodard, Serial No. 37419, and Mark Miraglia, Serial No. 36737, responded to a radio call of an Assault with a Deadly Weapon (ADW) in progress. As the officers arrived at scene, they observed Rivera, the possible victim of the ADW, standing behind a chain link fence at a park. Before the officers could establish any contact with Rivera, he ran toward the officers, yelled, "What's up bitch" and jumped onto the chain link fence. Rivera then used his hands to simulate a gun and pretended to shoot at the officers. The incident was captured on BWV.

Rivera ultimately ran away from the officers and went deeper into the park where he encountered security guards. One of the security guards, Victim [REDACTED] attempted to make contact with Rivera. Rivera told [REDACTED] "You wanna fight me, I'm going to fuck you up" and proceeded to punch [REDACTED] on the left side of his face. A battery investigation was completed and Rivera was [REDACTED] [REDACTED] was unable to be released for booking. With the approval of the Harbor Patrol Division Watch Commander, Sergeant II Bradley Hearn, Serial No. 31170, a battery report was completed and Rivera was released from custody. **LAPD Report No. 17-05-00858.**

June 2, 2017 - Four days prior to the OIS, Hermosa Beach Police Department investigated a petty theft incident involving Rivera. During the investigation, Rivera, although unarmed at the time of the incident, threatened to shoot and kill a police officer. Rivera then [REDACTED] where he was ultimately detained [REDACTED]

2. Force Investigation Division, Investigative Support Unit (ISU), Police Officer III Chant Salbazian, Serial No. 37208, analyzed the BWV of Officers Ramirez and Urrutia in an attempt to capture a clear image of Rivera at the time of the OIS. Due to the lighting conditions as well as the officers positions and movements, he was unable to improve the quality of the BWV.
3. During his interview, Sergeant Talmage referred to Harbor Patrol Division, uniformed Police Officer II Jonathan Chandler, Serial No. 38434, assisting him at the scene. Officer Chandler was not present at the time of the OIS and was not interviewed.
4. According to Witness [REDACTED] he recorded a portion of the incident with his cellular telephone, but erased the video prior to being interviewed.

Witness [REDACTED] stated that he recorded additional video using his friend [REDACTED]'s cellular telephone. On June 15, 2017, Force Investigation Division, Detective II Eduardo Gonzalez, Serial No. 34548, called and spoke with [REDACTED]. [REDACTED] advised Detective Gonzalez that she would check her phone to verify if there is any video on it. [REDACTED] requested Detective Gonzalez call her back in 30 minutes.

When Detective Gonzalez called back, [REDACTED] did not answer. Detective Gonzalez left a message on her voicemail. Detective Gonzalez attempted to contact [REDACTED] numerous times throughout the day with negative results. [REDACTED] never responded to the voicemail messages.

5. Officer Lopez did not witness the OIS and was not significantly involved. Therefore, he was not interviewed.

6. The investigation determined that supervisors at scene did not immediately identify Officer Ramirez as an involved officer. There was a delay of approximately 12 minutes.

Force Investigation Division, Lieutenant II James Antenucci, Serial No. 26784, informed Harbor Area Captain III Michael Oreb, Serial No. 25109, of the issue and was advised that he would address the issue at the divisional level as training.

7. During the deployment of the Crime Scene Canopy, cross-contamination procedures were not followed, as protective booties were not applied to the legs of the canopy prior to its deployment at this scene, which is delineated in the Deployment and Use of the Crime Scene Canopy, Operations Order No. 1, dated February 23, 2016.

Per the canopy log, it was last deployed on April 5, 2017, at an accidental death investigation. The comments of the log indicated that the canopy protocols were followed.

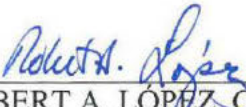
Lieutenant Antenucci informed Captain Oreb of the issue and was advised that he would address the issue at the divisional level as training.

8. Detective Arzate attempted to contact possible heard only witnesses [REDACTED] and [REDACTED] telephonically with negative results. Detective Arzate left messages for all the named individuals but received no responses.

9. On December 21, 2017, at approximately 1400 hours, Detectives Arzate and Stone met with Doctor [REDACTED] at the Los Angeles County Coroner's Office to discuss the case. During the meeting, Doctor [REDACTED] Detective Arzate and Detective Stone reviewed the Autopsy Report as well as the crime scene and Coroner photographs.

APPROVED:


JAMES ANTENUCCI, Lieutenant II
Investigative Section A
Force Investigation Division


ROBERT A. LOPEZ, Commander
Commanding Officer
Force Investigation Division

Date: 4/20/18