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WHO'S IN CHARGE?

*An eager cop rushes in and opens fire.
He kills the suspect. And an innocent child.*



For Police Issues by Julius (Jay) Wachtel. One cannot envision a more soul-crushing example of well-intentioned policing gone horribly wrong. On December 23, Daniel Elena Lopez, 24, a convicted felon under local supervision, [pushed his bicycle into a North Hollywood Burlington clothing store](#) where 14-year old Valentina Orellana-Peralta and her mother were selecting a dress for the girl's forthcoming quinceanera. Wielding a lock and chain, Lopez rampaged around the store, [prompting employees to call 9-1-1](#) and order customers to leave. Valentina and her mother apparently took cover in a dressing room. Within minutes a bullet fired by an officer pierced a wall and struck the youngster in the chest. She died in her mother's arms.



Let's begin by using LAPD's officer bodycam videos to describe what took place. (For the agency's full, 35-minute compilation release click [here](#). For our condensed, 8-minute version click [here](#).)

At the start of the 9-1-1 call, a Burlington employee reported that an intruder with a bike was assaulting people with a lock and chain. But another employee then mentioned – and confirmed when asked – that the man was armed and had fired a gun.

As it turns out, Lopez did *not* have a gun. During the early stages of his rampage, Lopez repeatedly swung the lock and chain, and its impact on walls and such may have sounded like gunfire. In any event, this incorrect, misleading and, one can imagine, highly disturbing information was passed on to responding officers.

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On arrival, a police supervisor spoke with a Burlington employee. The worker (his face is obscured in the video) said that the intruder had gone “pantless” (a store video shows Lopez stripping to his underwear) and was “smashing things around” with a bike lock. He said nothing about a gun, nor did the officer ask.



Burlington’s in-store cameras depict Lopez’s arrival. Chain and lock slung over his shoulder, he wheels in a bicycle, takes it up the escalator, then dumps it on the ground. Customers take notice of the oddball and give him a wide berth.



Lopez walks around, flinging the chain at objects and at people. He then goes back downstairs, discards his trousers and briefly exits the store.

Lopez quickly returns and rides the escalator back up to the sales floor. Employees had sought to evacuate the premises, but some customers apparently remained. Lopez spots one of the exceptions and attacks her with the chain. He then drags his victim through the aisles, pausing to inflict additional beatings.

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By then officers are already in the store. They begin closing in. But their formation is soon taken over by a latecomer, Officer Jones. His bodycam depicts him grabbing an AR-style rifle from a police car, bolting up the escalator, then imploring a moving column of cops to “slow down” so he can “take point with the rifle.” And he quickly does.



Officer Jones charges ahead. Unnerved by his aggressive tenor, a fellow cop yells at him to “slow it down.” But he doesn’t. And as Jones reaches the victim, who is lying on the ground, he’s beseeched to “hold up.” But he doesn’t.



Jones instantly swivels and fires three shots, mortally wounding Lopez, who is at the end of an aisle (see opening image). Alas, one of the bullets pierces the wall behind Lopez and fatally wounds the child.

[LAPD](#) and [media sources](#) have identified Jones as a regular patrol officer. His access to an assault-type rifle, though, indicates that he’s received specialized training. So he must know that their projectiles exhibit highly lethal properties at great range, readily

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penetrating walls and other obstacles and producing massive, lethal wound cavities nearly anywhere they strike. We've discussed these fearsome ballistics in prior posts (see, for example, "[Ban the Damned Things!](#)").

Of course, modern police handguns are also quite powerful. A misplaced pistol round might have pierced the wall and caused injury. What's concerning, though, is that officer Jones seemed determined throughout to respond quickly, and with force. Still, in a city where criminal gunplay is frequent, officers take unqualified admonitions such as "shooting just occurred" very much to heart. So if blame is to be assessed, some of it must fall on the shoulders of the Burlington staffer who incorrectly informed 9-1-1 that the intruder was armed and had fired a gun.

Yet other officers may not have shared Officer Jones' heightened degree of concern. Consider, for example, that the police supervisor mentioned above didn't ask the employee with whom he spoke about guns or gunfire. It's possible that other Burlington staffers had already told officers that they didn't see a gun or hear any shots. Jones, though, joined a formation that had already assembled and entered the store. His late arrival may have deprived him of critical information and led to an exaggerated view of the threat that Lopez actually posed.

That's conjecture. What isn't is that officer personality really, really counts. We've often written about [confirmation bias](#). If officer Jones was disposed to perceive the existence of threats and to act pre-emptively, this "bias" might have "confirmed" (in his mind) the severity of the circumstances that he faced. And if Jones was on the impulsive end of the continuum, so much the worse. "[Speed Kills](#)" and "[SWAT is a Verb](#)" describe episodes in which poorly-informed, late-arriving officers jump in and make needlessly lethal decisions. Yet officer Jones is an [Officer II](#), an ordinary, non-supervisory rank. So we're surprised that a supervisor didn't hold him back. And appalled that, given the weapon's characteristics, a cop would "take point" (officer Jones' words) indoors with an assault rifle.

As it turns out, LAPD's manual regulates rifle deployments. Here's an extract from [Vol. 4, pg. 2005, sec. 245.50](#) (UPR means "urban police rifle," SSA means shotgun slug ammunition):

The UPR and/or SSA shall only be deployed by a UPR or SSA certified officer upon approval from a supervisor. Each deployment shall be in accordance with Department policy, such as during a spontaneous field incident, and only when there is reason to believe a suspect is (*) Wearing protective body armor; or, (*) Armed with or has immediate access to a high-powered weapon which surpasses the capability of the weapons normally carried by field personnel; or, (*) Armed

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and situated in a distant or fortified location which affords the suspect(s) a tactically superior position, in which the deployment of a UPR or SSA reasonably appears necessary to neutralize the threat posed by the suspect(s).

While these rules convey LAPD's awareness of the "UPR's" lethality, they make no distinction as to where it *can* be used. One reason might be that only its projectiles can be relied on to defeat the protection offered by ballistic vests, should a suspect be wearing such a garment. Lopez, though, wasn't.

[We don't endorse](#) addressing every possible issue with a rule. But the ability of projectiles fired by AR-15 type rifles to travel great distances and pierce obstructions in their path merits strict regulation of their deployment, including the supervisory "pre-approval" that LAPD seemingly requires. Or does it? Here's the rest of that paragraph:

Exception: When a UPR or SSA certified officer encounters an immediate life threatening situation which meets the deployment criteria and sufficient time does not exist to obtain supervisory approval, he/she may deploy the UPR and SSA without prior supervisory approval.

We don't know whether officer Jones' decision to bring the rifle was pre-approved. Ignoring colleagues' objections, he rushed to the front of the line. Giving no warning, he wheeled and fired the instant Lopez came into view, as though positive that his quarry was armed.

But he wasn't. Officer Jones then learned that he had killed not one person but two. We can't begin to imagine the impact of that discovery on Jones or his colleagues, nor of the torment that Valentina's family and friends have endured. The alarm's gone off. A serious change in police rules and practices is in order. This is a wake-up call that must *not* be missed.