

Officer Involved Shooting of Tyreece Wofford
Los Angeles Police Department

Detective Michael Owens, #32795
Officer Saipele Tuialii, #38343

J.S.I.D. File #15-0403



JACKIE LACEY

District Attorney

Justice System Integrity Division

May 1, 2018

MEMORANDUM

TO: COMMANDER ALAN HAMILTON
Los Angeles Police Department
Force Investigation Division
100 West First Street, Suite 431
Los Angeles, California 90012

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Tyreece Wofford
J.S.I.D. File #15-0403
F.I.D. File #F065-15

DATE: May 1, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 6, 2015, non-fatal shooting of Tyreece Wofford by Los Angeles Police Department (LAPD) Detective Michael Owens and Officer Saipele Tuialii. It is our conclusion that Detective Owens and Officer Tuialii used reasonable force in self-defense and defense of others.

The District Attorney's Command Center was notified of this shooting on August 6, 2015, at approximately 3:21 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Damian Gutierrez.

The following analysis is based on reports, recorded interviews, videos and photographs submitted to this office by the LAPD's Force Investigation Division and the preliminary hearing testimony of Detective Owens and Officer Tuialii. The departmentally compelled statements of Detective Owens and Officer Tuialii were not considered in this analysis.

FACTUAL ANALYSIS

On August 6, 2015, at approximately 2:35 p.m., Tyreece Wofford and Sylvester Leverett ran together out of an alleyway to the corner of Central Avenue and 91st Street in the City of Los Angeles, where a Louisiana Fried Chicken was open for business. Wofford was armed with a handgun and Leverett was armed with an assault rifle. Surveillance video from the store captured Wofford running to the north side of the store and pointing his handgun toward the business, before putting his handgun into the pocket of his pants and walking to the front of the store.



Figure 1: Wofford ran to Louisiana Fried Chicken and pointed his gun toward the restaurant.

Wofford stood by while Leverett displayed his rifle to the occupants of a car while they were waiting for their food in the drive through lane. The car sped away, and Leverett fired at the car one time with his rifle.

While Leverett was shooting at the fleeing car, Wofford was menacing patrons of the store who were waiting for their orders. A man and woman left the store and Wofford followed. As the man attempted to walk away, Wofford charged after him, pointed his handgun, and shot at the man one time. The man fell into Central Avenue in front of the restaurant.¹



Figure 2: Wofford shot at a man who was at the restaurant. Wofford is circled in red and the victim in yellow.

¹ The man who fell into the street was not struck by Wofford's gunfire. He left the scene and was only later identified by detectives. One shell casing was found on the sidewalk where Wofford fired his weapon. That casing matched the weapon Wofford dropped at the scene of the subsequent officer involved shooting.

While this was happening, a group of LAPD officers were conducting unrelated surveillance in the 900 block of East 91st Street in the City of Los Angeles. The officers were split into three teams and were in three different unmarked, undercover, police vehicles. Officer Saipele Tuialii was driving a silver Nissan Altima and Detective Michael Owens and Officer Joshua Fluty were riding in the rear passenger seats of that vehicle, with Owens seated behind Tuialii on the driver's side.

Tuialii was driving the undercover car southbound on Central Avenue approaching 91st Street, when he observed Wofford standing on the corner and shooting at the man who fell into the street on Central Avenue. He immediately alerted his partners to what he saw, and watched as Wofford, still holding a handgun, ran westbound on 91st Street and into an alleyway. Tuialii drove into the alleyway, following Wofford.



Figure 3: After shooting at a man, Wofford ran west on 91st Street and into a northbound alley with a handgun in his right hand.



Figure 4: Officers in an undercover police car followed Wofford into the alley. Wofford is circled in red.

Wofford ran north in the alley and then turned west into an adjoining alley. When he got to the rear of ■ East 91st Street, he jumped over the fence which separated the property from the alley. However, once he got to the top of the fence and swung his legs over, his belt became caught and he was stuck on the fence with his torso above the top of the fence, and his legs hanging above the ground.



Figure 5: Officers reenacted the approximate locations of Owens (to the left) and Wofford (on the fence) at the time Owens shot.

Tuialii watched as Wofford hopped the fence and stopped the car immediately next to it.² As he was putting the car into park, he looked up and saw a gun pointed at his window. He yelled, “Gun!” and fired his duty weapon one time through the driver’s side window of the car. The window shattered but stayed in place and he was not able to see anything else. Tuialii heard a gunshot and thought Wofford was returning fire, so he ducked.

Owens, who because of his seating position in the back seat had a more limited view of what Wofford was doing, saw Wofford jump toward a fence just before he heard Tuialii yell, “Gun!” followed by the sound of a gunshot. He jumped out of the car and saw Wofford at the top of the

² Owens and Tuialii gave compelled statements to investigators. Those statements were not reviewed. Their description of the shooting is derived from their testimony at a preliminary hearing in the case of People v. Wofford, et al., case number TA137901. Wofford entered a guilty plea in exchange for a prison sentence of 14 years and 8 months. Leverett was charged and convicted of crimes unrelated to the officer involved shooting.

fence, looking at him, and holding a gun in his outstretched hand. In response, Owens fired three shots and Wofford dropped his gun.



Figure 6: Wofford admitted to carrying a Lorcin .380 caliber semiautomatic pistol which was recovered on the ground under him.

Wofford was struck three times by bullets fired by the officers. He suffered wounds to his right shoulder, his right knee and a grazing wound to his left flank. After Wofford was shot, officers realized his pants had gotten caught on the fence when he attempted to climb over it. Wofford's pants were cut off to release him from the fence, and he was transported to the hospital where he was treated for his wounds. He was released shortly thereafter, and booked into jail.

A Lorcin .380 caliber semiautomatic handgun was recovered from the ground near the fence where Wofford was caught. It was examined and found to be unloaded. A .380 caliber shell casing was located on the sidewalk where Wofford shot at the man outside the Louisiana Fried Chicken. That casing was examined and determined to have been fired from the recovered handgun.

There were no non-officer witnesses to the officer involved shooting; however, the resident of the property where the shooting occurred recorded a portion of the incident on his phone. The recording captured the voices of Wofford and an officer immediately after the shooting.³ Wofford can be heard saying, "I didn't do nothing!" and an officer responds, saying, "You pointed a fucking gun at me!" Wofford replied, "I didn't know who you was."

³ The resident was recording video, but was inside the home and did not capture any images of the event.

Wofford was interviewed after the shooting. He admitted to possessing a handgun but insisted it was in his pocket when he was shot. He also denied involvement in the shooting at 91st Street and Central Avenue.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 3470; *see also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. This is true even if there is no actual threat. Id.

In this case, LAPD officers watched as Wofford shot at a man on the street and then ran into a neighborhood with a gun in his hand. When they caught up with him, he was facing them from an elevated position and pointing a handgun in the officers' direction. Because a reasonable person would believe Wofford presented a deadly threat, the officers were justified in responding with deadly force. The fact that Wofford's handgun was unloaded when he pointed it at them is irrelevant, the officers had just seen him shoot at a man in the street and Wofford was brandishing it as if it were loaded. Because the officers shot at an armed man who had just attempted to murder someone in their presence and who pointed a handgun in their direction, the officers acted reasonably, and therefore lawfully.

CONCLUSION

We conclude that Detective Michael Owens and Officer Saipele Tuialli used lawful force in self-defense and in the defense of others when they shot Tyreece Wofford. We are closing our file and will take no further action in this matter.