

**INTRADEPARTMENTAL CORRESPONDENCE**

December 13, 2017  
3.2

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 004-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 004-17. A Use of Force Review Board (UOFRB) was convened on this matter on December 11, 2017. I have adopted the recommendations from the UOFRB for this incident, but not in their entirety as it relates to the Tactics finding for Officer [REDACTED], Serial No. [REDACTED]. I hereby submit my findings in accordance with Police Commission policy.

**SUMMARY**

On January 16, 2017, at approximately 0003 hours, Officers [REDACTED], Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Olympic Patrol Division, were in full uniform, driving a marked black and white police vehicle. The officers responded to a radio call of a male, later identified as R. Pioquinto, with mental illness, armed with a knife, at [REDACTED] South Kingsley Drive.

Based on the comments of the radio call, Officer [REDACTED] requested an additional unit to assist with the call. Due to the nature of the radio call, Communications Division (CD) also confirmed that Officers [REDACTED] and [REDACTED] were equipped with a beanbag shotgun.

Upon arrival, the officers advised CD that they were Code Six at the location and requested CD to have the Person Reporting step outside the residence to meet with them. [REDACTED] (mother of R. Pioquinto) then walked out of the residence and met with the officers on the sidewalk north of [REDACTED] residence.

**Note:** From this point forward R. Pioquinto will be referred to as Raul and [REDACTED] will be referred to as [REDACTED]

Sergeant [REDACTED] Serial No. [REDACTED] as well as Officers [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Olympic Patrol Division, arrived at scene and met with Officers [REDACTED] and [REDACTED] and [REDACTED] outside the residence.

[REDACTED]

Note: [REDACTED] primarily language was Spanish; however, [REDACTED] was able to communicate with Officers [REDACTED] and [REDACTED] in English. Sergeant [REDACTED] is a fluent Spanish speaker and spoke to [REDACTED] in both English and Spanish.

According to Officer [REDACTED] [REDACTED] advised them that her *son was inside the house with a knife and if he saw the police, he was going to kill [REDACTED] himself, or the police.* They formulated a tactical plan that consisted of Officer [REDACTED] as *point officer with lethal force option*, Officer [REDACTED] assigned as the *less-lethal force officer with the beanbag shotgun*, and Officers [REDACTED] and [REDACTED] as the designated *arrest team officers*.

According to Officer [REDACTED] advised them that [REDACTED] son had a *mental illness and carried a knife* with him. [REDACTED] also advised them that Raul was *threatening to harm himself or others* and was in his *bedroom* armed with a *knife*.

According to Sergeant [REDACTED] advised [REDACTED] that Raul was possibly armed with a knife and had a *history of mental illness*. [REDACTED] also told him that Raul had a previous *contact* with police and was taken to the *hospital*. Additionally, [REDACTED] said the he *could get aggressive at times*, but [REDACTED] did not appear to be *afraid for [REDACTED] life*.

According to Sergeant [REDACTED] after receiving the information [REDACTED] began *delegating duties* to the officers. [REDACTED] assigned Officer [REDACTED] as the *lethal force officer and contact officer to verbalize with Raul* [REDACTED] assigned Officer [REDACTED] as the *less-lethal force options with the beanbag shotgun* and designated Officers [REDACTED] and [REDACTED] as the *arrest team officers*.

According to Sergeant [REDACTED] [REDACTED] wanted to *confirm* if Raul was *armed and try to get him to comply with verbal commands to reach a peaceful resolution*. [REDACTED] also confirmed that Raul was the *only person inside the residence*. So, [REDACTED] directed the officers to enter the location (Debriefing Point No. 1).

Sergeant [REDACTED] followed the officers as they entered the residence. Upon entering, Officers [REDACTED] and [REDACTED] moved to the south portion of the living room area while Officers [REDACTED] and [REDACTED] held the dining room.

According to Officer [REDACTED] based on the information that Raul was *armed with a knife*, [REDACTED] drew [REDACTED] service pistol *prior to making entry* into the residence (Drawing & Exhibiting).

According to Officer [REDACTED] drew [REDACTED] service pistol and *held the dining room entryway* with Officer [REDACTED] because [REDACTED] believed the *suspect could possibly have access to the kitchen area* (Drawing & Exhibiting).

According to Officer [REDACTED] drew [REDACTED] service pistol to *hold the kitchen area* to ensure that Raul was *not going to come around the side* (Drawing & Exhibiting).

According to Officer [REDACTED] as they entered the residence, they initially *waited* in the foyer and attempted to make verbal *contact* with Raul. [REDACTED] and Officer [REDACTED] then observed a small hallway in the middle of the residence and a closed *bedroom door* just north of the hallway.

According to Officer [REDACTED] attempted to make verbal *contact* with Raul who was in his bedroom with the door closed and heard a lot of banging and screaming inside the room. Raul was also making statements such as, *fuck you, I'm not coming out, get out of my house, and I'm not going back*. He then relayed the information to Sergeant [REDACTED] (Debriefing Point No. 2).

Sergeant [REDACTED] then contacted [REDACTED] and verified that Raul did not have access to the rear of the residence. Sergeant [REDACTED] also requested an air unit, and an additional unit and supervisor to respond to the scene.

According to Sergeant [REDACTED] drew [REDACTED] service pistol to provide *temporary cover* for Officer [REDACTED] while Officer [REDACTED] cleared the *south bedroom* under [REDACTED] direction (Debriefing Point No. 1 and Drawing & Exhibiting).

Officer [REDACTED] cleared the south bedroom and then re-acquired [REDACTED] position in the living room next to the *door way* leading into the hallway to Raul's bedroom. Sergeant [REDACTED] went outside to talk with [REDACTED] and confirmed that Raul's only exit route would be through the hallway the officers had *secured* (Debriefing Point No. 2).

Officers [REDACTED] and [REDACTED] cleared the dining room and held the kitchen area to ensure Raul could not flank the officers. Officer [REDACTED] communicated to [REDACTED] partner that [REDACTED] was transitioning to less lethal, holstered [REDACTED] service pistol, and deployed [REDACTED] TASER. As the officers held the kitchen, Sergeant [REDACTED] advised them that Raul did not have access to the kitchen and directed them to check. Officer [REDACTED] cleared the kitchen as Officer [REDACTED] assisted [REDACTED] with [REDACTED] TASER (Debriefing Point No. 3).

Sergeant [REDACTED], Serial No. [REDACTED] as well as Officers [REDACTED] Serial No. [REDACTED], and [REDACTED] Serial No. [REDACTED] Olympic Patrol Division, arrived. Sergeant [REDACTED] briefed them on the situation and directed them to respond to the rear of the residence to see if they could get a visual inside of Raul's room. Sergeant [REDACTED] and the officers then responded to the rear of the house, but they were unable to look inside the room because the view through the window was obstructed.

Meanwhile, after clearing the kitchen, Officer [REDACTED] responded to Officers [REDACTED] and [REDACTED] position to assist. According to Officer [REDACTED] drew [REDACTED] service pistol a second time because the *individual* was possibly armed with a *knife* and the situation could *escalate to the use of deadly force* (Drawing & Exhibiting).

Officer [REDACTED] maintained [REDACTED] position as Officers [REDACTED] stepped into the hallway and assumed a position in the south bedroom closet. According to Officer [REDACTED] saw Officer [REDACTED] going to the south bedroom by [REDACTED] and followed [REDACTED] (Debriefing Point No. 1).

**Note:** Officer [REDACTED] BWV reflects Officer [REDACTED] asking for a trailer as [REDACTED] moved to the south bedroom closet.

Throughout the incident, Officer [REDACTED] continually verbalized with Raul to come out of the room without the knife so they could help him. Raul opened and shut the bedroom door several times, armed with a knife, as he communicated with Officer [REDACTED].

During this time, Raul threatened to kill himself, as well as threaten to kill his [REDACTED] and *use the butcher knife* on the officers. Officer [REDACTED] continued to verbalize with him in an attempt to establish a rapport and convince Raul to come out of the room without the knife so they can help him, but he refused to comply.

Sergeant [REDACTED] returned to the living room location and stood behind Officer [REDACTED] and was unaware that Officer [REDACTED] had moved to the south bedroom (Debriefing Point No. 1).

According to Officer [REDACTED] Raul opened the *door about six inches* and was *looking right at* him. Raul then took his *knife with a 12-inch blade, raised it above his head* and then *put his arm through* the doorway while stating, *he was going to throw the knife at him*.

According to Officer [REDACTED] held [REDACTED] position inside the doorway of a stand-up closet with Officer [REDACTED] to [REDACTED] right.

According to Officer [REDACTED] Raul then attempted to exit his room while holding the *knife in an overhead stabbing motion*. Based on Raul's actions, [REDACTED] believed that Raul was *going to come out and attack [REDACTED] with the knife*.

**Note:** The investigation revealed that Officer [REDACTED] had placed [REDACTED] finger on the trigger at this time (Additional Debriefing Topic – Basic Firearm Safety Rules).

According to Officer [REDACTED] observed Raul *come out* of the bedroom in an *aggressive and combative manner with both hands up and the knife in his right hand*. [REDACTED] then *fired one sock round* from [REDACTED] beanbag shotgun at his *abdomen* area (Less-Lethal Use of Force and Additional Debrief Topic – Use of Force Warning).

According to Officer [REDACTED] observed Raul *come out* of the bedroom with a *knife in his right hand and step into the hallway toward Officer [REDACTED] direction, while raising his hand with the knife*. [REDACTED] then *fired one round* from [REDACTED] service pistol at Raul to *prevent him from stabbing Officer [REDACTED]* (Lethal Use of Force).

After firing their weapons, Raul immediately retreated backwards into the bedroom and closed the door. Sergeant [REDACTED] then broadcast a Help Call advising CD that *shots had been fired* and requested additional supervisors and units to respond. Sergeant [REDACTED] also advised Sergeant [REDACTED] to establish a Command Post (CP) and requested a Rescue Ambulance (RA) to respond and standby at the CP in event Raul had been injured.

**Note:** The investigation revealed Sergeant [REDACTED] also requested Metropolitan Division, Special Weapons and Tactics (SWAT) personnel to respond at this time.

After the OIS, Officer [REDACTED] continued to communicate with Raul in an effort to get him to surrender. Shortly thereafter, Raul exited the bedroom unarmed and was taken into custody by the officers without further incident (Additional Debrief Topic - TASER in Primary Hand while Handcuffing with Support Hand).

**Note:** The investigation revealed Officer [REDACTED] holstered [REDACTED] service pistol after the OIS and drew it a third time while clearing Raul's bedroom for possible additional suspects (Drawing & Exhibiting).

Sergeant [REDACTED], Serial No. [REDACTED], Watch Commander, Olympic Patrol Division, responded and assumed the role of Incident Commander (IC).

Sergeant [REDACTED] Serial No. [REDACTED] Rampart Patrol Division, responded to the scene and was directed by Sergeant [REDACTED] to separate and monitor Officer [REDACTED] Sergeant [REDACTED] also obtained a Public Safety Statement (PSS) from Officer [REDACTED]

Los Angeles Fire Department personnel responded and transported Raul to West Los Angeles Kaiser Permanente Hospital for further medical treatment. Raul was treated for trauma to his lower right rib area and a laceration on his right pinky finger, then subsequently cleared for booking.

## FINDINGS

**Tactics** – Administrative Disapproval, Sergeant [REDACTED]. Tactical Debrief, Officers [REDACTED] and [REDACTED]

**Drawing/Exhibiting** – In Policy, No Further Action, Sergeant [REDACTED] Officers [REDACTED] and [REDACTED]

**Less-Lethal Use of Force** – In Policy, No Further Action, Officer [REDACTED]

**Lethal Use of Force** – In Policy, No Further Action.

## ANALYSIS

### **Detention**

The officers responded to a radio call at a residence for a male, suffering from mental illness, who was armed with a knife and vandalizing the home. When the officers made verbal contact

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[REDACTED]



with the suspect, the suspect threaten to kill himself and his [REDACTED]. The suspect also threatened to use his knife on the officers. The officers' actions were appropriate and within Department policies and procedures.

### Tactics

*Department policy relative to Tactical Debriefs 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 have been improved. The intent of a Tactical Debrief is to enhance future performance."*

*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.

In conducting an objective assessment of this case, I find that the tactics utilized by Sergeant [REDACTED] substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, I find that Officers [REDACTED] and [REDACTED] tactics did not substantially deviate from approved Department tactical training.

### Tactical De-Escalation

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.

In this case, the officers were dealing with a suspect who was armed with a knife and suffering with mental illness. An officer continued to verbalize with the suspect in an effort to get the suspect to surrender and resolve the situation peacefully. The suspect refused to comply and eventually stepped out of the bedroom in the direction of an officer with the knife in his hand.

Faced with an imminent threat of serious bodily injury or death, one officer deployed less-lethal force and one officer utilized lethal force to stop the deadly threat.

Immediately thereafter, the suspect retreated back into the bedroom and closed the door. Once again, an officer began to verbalize with the suspect in an effort to get him to surrender. After a

brief period, the suspect exited, surrendered to the officers, and was taken into custody without further incident.

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

**Debriefing Point No. 1 Tactical Communication/Planning (Substantial Deviation – Sergeant [REDACTED])**

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

*Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

Sergeant [REDACTED] did not effectively communicate the officer's responsibilities prior to entering the residence of an armed suspect.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Supervisors and officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Sergeant [REDACTED] directed [REDACTED] officers into a residence with a suspect [REDACTED] believed was probably armed without speaking with the officers about their knowledge of the incident and did not communicate effectively with the officers as the incident unfolded.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Sergeant [REDACTED] actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 2 Barricaded Suspects (Substantial Deviation – Sergeant [REDACTED])**

*Incidents involving a barricaded suspect present significant safety concerns to first responders, the barricaded individual and the community. To ensure the safety of all involved, these volatile situations often require police to utilize not only special equipment and tactical training, but specific expertise in crisis negotiation. The Department's Special Weapons and Tactics (SWAT) team is equipped and trained to resolve incidents that involve a barricaded suspect.*

*Not all suspects who refuse to surrender are considered barricaded suspects necessitating a SWAT response. A barricaded suspect incident prompting a SWAT response may include, but is not limited to the following criteria:*

- 1. The suspect is probably armed; and*
- 2. Probably cause exists to believe that the suspect has been involved in a criminal act or is a threat to the lives and safety of the community and/or police; and*
- 3. Is in a position of advantage, affording cover and/or concealment; or is contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect; and*
- 4. The suspect refuses to submit to a lawful arrest.*

Sergeant [REDACTED] failed to recognize the situation met the criteria for a barricaded suspect and request the resource of SWAT personnel.

In this case, prior to entering the residence, Sergeant [REDACTED] knew the suspect was probably armed with a knife, was suffering from a mental illness, and had already displayed violent behavior toward his [REDACTED]. With this information, [REDACTED] should have developed a plan to call the suspect out of the residence.

Upon entering the residence with the officers, [REDACTED] was able to confirm that the suspect was in his bedroom, armed with a knife and refusing to comply with their commands.

Based on the totality of the circumstances, the UOFRB determined, and I concur, Sergeant [REDACTED] failure to identify the situation as a barricaded suspect was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

### **Debriefing Point No. 3 Building Searches**

*When officers initiate the search of a location for a suspect, they are not only searching for the suspect, but also area that the suspect may be hiding. These areas are considered danger points or threats. The officers must identify threat areas as they come upon them during a building search. There are three rules concerning "Danger Points." The officers shall utilize one of the following methods before moving past a danger point or threat, clear it, cover it, or secure it.*

*All Corners inside of a location can be considered or recognized as Danger Points. The systematic use of proper searching techniques will enable officers to locate a suspect inside of a location without giving the suspect an opportunity to injure them. Officers should always follow the basic concept:*

- 1. Look and listen first*
- 2. Slice the angle (Pie) wherever feasible*
- 3. Mirror or Quick Peek*



*Every door an officer approaches the officer shall stop and listen for any suspect movement. Slice the angle (Pie) on any door where the technique is feasible. After slicing the angle as far as possible or to the degree of ninety the officer should mirror or Quick Peek. These rules must be followed in this order and completed at every doorway or entrance (Tactics Lesson Plan, Building Searches, Pages 3 and 7, May 2004).*

Officer [REDACTED] conducted a limited search of the kitchen while using his TASER as lethal cover.

In this case, Officers received information regarding a subject suffering from a mental illness who was possibly armed with a knife. Officer [REDACTED] and [REDACTED] partner were advised that the suspect did not have access to the kitchen and were directed to clear the area. Officer [REDACTED] then holstered [REDACTED] pistol and drew [REDACTED] TASER, and advised [REDACTED] partner that [REDACTED] would be less-lethal.

Based on the totality of the circumstances, I have determined that in this circumstance Officer [REDACTED] decision to clear the kitchen with [REDACTED] TASER was not a substantial deviation from approved Department tactical training. However, in an effort to enhance future tactical performance, I will direct that this be a topic of discussion during the Tactical Debrief.

#### ADDITIONAL TACTICAL DEBRIEF TOPICS

**Basic Firearm Safety Rules** – The investigation revealed that Officers [REDACTED] and [REDACTED] placed their finger on the trigger before they intended to shoot. The officers are reminded of adhering to the Basic Firearms Safety Rules to avoid a potential for an Unintentional Discharge. I will direct that this topic be discussed during the Tactical Debrief.

**Use of Force Warning** – The investigation revealed Officer [REDACTED] did not provide a Use of Force Warning prior to deploying [REDACTED] less-lethal force option. Officer [REDACTED] is reminded that a Use of Force Warning shall be given whenever feasible. I will direct that this topic be discussed during the Tactical Debrief.

**Taser in Primary Hand while Handcuffing with Support Hand** – The investigation revealed that Officer [REDACTED] held [REDACTED] TASER in [REDACTED] primary hand while [REDACTED] assisted handcuffing the suspect with [REDACTED] support hand. Officer [REDACTED] is reminded that an officer's hands should be free of equipment when initiating physical contact with a suspect as it may inhibit an officer's ability to fully engage the suspect. I will direct this to be a topic of discussion during the Tactical Debrief.

**Simultaneous Commands** - The investigation revealed that several officers were giving simultaneously commands to the suspect during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. I will direct this be a topic of discussion during the Tactical Debrief.

### Command and Control

The UOFRB recognized Sergeant [REDACTED] willingness to take a leadership role and formulate a tactical plan. However, the UOFRB was critical of Sergeant [REDACTED] decision to have officers enter the residence based on the information [REDACTED] had, instead of calling the suspect out, and then failing to recognize the situation as a barricaded suspect after they entered the residence. As a result, I have directed the topic of Barricaded Suspects be discussed during the Tactical Debrief.

Additionally, based on the information provided by [REDACTED] Sergeant [REDACTED] should have also contacted the Mental Health Unit for guidance and assistance. I will direct that this be a topic of discussion during the tactical debrief.

### Tactical Debrief

In conducting an objective assessment of this case, I find that the tactics utilized by Sergeant [REDACTED] substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, I find the tactics utilized by Officers [REDACTED], and [REDACTED] did not deviate from approved Department tactical training.

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

Therefore, I will direct that Sergeant [REDACTED] along with Officers [REDACTED] and [REDACTED] attend a Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### General Training Update (GTU)

On February 20, 2017, Sergeant [REDACTED] along with Officers [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered, including the Force Option Simulator and Mental Health Intervention Training.

### Drawing/Exhibiting

*Department policy relative to drawing and exhibiting a firearm is: "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" (Los Angeles Police Department Manual, Volume 1, Section 556.80).*

According to Sergeant [REDACTED] drew [REDACTED] service pistol to provide temporary cover for Officer [REDACTED] while Officer [REDACTED] cleared the south bedroom under his direction.

Sergeant [REDACTED] recalled,

*"I un-holstered when I provided temporary cover for Officer [REDACTED] to help Officer [REDACTED] re-position into the southern bedroom. The reason in case it escalated into use of deadly force. Especially knowing that he was behind a closed door possibly armed."*

**Note:** The investigation revealed Officer [REDACTED] drew [REDACTED] service pistol approximately three times.

According to Officer [REDACTED] drew [REDACTED] service pistol and held the kitchen entryway with Officer [REDACTED] because [REDACTED] believed the suspect could possibly have access to the kitchen area.

Officer [REDACTED] recalled,

*"And I can't recall the exact words, but there was some type of agreement where Officer [REDACTED] un-holstered [REDACTED] TASER, and we covered the kitchen doorway."*

According to Officer [REDACTED] drew [REDACTED] service pistol a second time because the individual was possibly armed with a knife and the situation could escalate to the use of deadly force.

Officer [REDACTED] recalled,

*"My weapon was fully drawn because the tactical situation warranted a highly-agitated individual with a possible knife in his hand, and that the situation may escalate to the point where deadly force may be used."*

Officer [REDACTED] holstered [REDACTED] service pistol after the OIS and drew it a third time while clearing Raul's bedroom for possible additional suspects.

[REDACTED]

Officer [REDACTED] recalled,

*"I un-holstered my weapon at that time, believing that there possibly might be more suspects. I recall Officer [REDACTED] in front of me, and we safely cleared the suspect's bedroom."*

According to Officer [REDACTED] based on the information that Raul was armed with a knife, he drew [REDACTED] service pistol prior to making entry into the residence.

Officer [REDACTED] recalled,

*"I un-holstered prior to even making entry into the house based on what the PR is giving us about him being armed with a knife and his threats against us."*

According to Officer [REDACTED] drew [REDACTED] service pistol to hold the kitchen area and make sure Raul was not going to come around the side.

Officer [REDACTED] recalled,

*"And that's when – since the house wasn't cleared yet, me and my partner went to – held the kitchen just to make sure he wasn't going to come around the side."*

Based on the totality of the circumstances, I have determined a supervisor and officers with similar training and experience as Sergeant [REDACTED] along with Officers [REDACTED] and [REDACTED] while faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Sergeant [REDACTED] along with Officers [REDACTED] and [REDACTED] Drawing/ Exhibiting to be In-Policy, No Further Action.

#### **Less-Lethal Use of Force**

*It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Use of Force – Tactics Directive No. 1, Use of Force Policy – Revised, July 2009).*

[REDACTED]

Officer [REDACTED] – One round from the bean bag shotgun from an approximate distance of 15 feet.

According to Officer [REDACTED] observed Raul come out of the bedroom in an aggressive and combative manner with both hands up and the knife in his right hand. [REDACTED] then fired one sock round from [REDACTED] beanbag shotgun at his abdomen area.

Officer [REDACTED] recalled,

*He's still combative...he was just still yelling at us, giving us threats. When he came out of the room he had – he had both his hands up. He had the knife in his right hand. And he was – he was exiting towards – out of the bedroom towards the hallway. And that's when I fired the round. Because of his threatening manner and he was coming towards us and I felt that he would have hurt one of the officers or myself.*

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED] while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Raul's resistance.

Therefore, I find Officer [REDACTED] Non-Lethal Force objectively reasonable and In Policy, No Further Action.

### Lethal Use of Force

*Law enforcement officers are authorized to use deadly force to:*

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer [REDACTED] .40 caliber, one round, in a northerly direction, from an approximate distance of 16 feet.

According to Officer [REDACTED] observed Raul come out of the bedroom with a knife in his right hand and step into the hallway toward Officer [REDACTED] direction, while raising his hand with

[REDACTED]



the knife. [redacted] then fired one round from [redacted] service pistol at Raul to prevent him from stabbing Officer [redacted]

Officer [redacted] recalled,

*"I observed the suspect raise the hand with the knife and believed that my only resort to prevent him from stabbing Officer [redacted] was to fire a pistol round to stop his actions. I fired one round in the direction of the suspect, and the suspect immediately withdrew back into his bedroom and closed the door. [redacted]"*

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [redacted] would reasonably believe Raul's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer [redacted] Use of Lethal Force to be In Policy, No Further Action.

**Audio/Video Recordings**

**Digital In-Car Video System (DICVS)** – Olympic Area police vehicles were equipped with DICVS, but was not activated due to the nature of the call. Metropolitan Division personnel were not equipped with BWV at the time of this incident.

**Body Worn Video (BWV)** – Olympic Patrol personnel were equipped with BWV. Sergeant [redacted] along with Officers [redacted] and [redacted] activated their BWV during the incident and captured the OIS. Officer [redacted] activated [redacted] BWV, however, he was not in a position to capture the OIS.

**Additional**

On May 17, 2017, Officer [redacted] resigned from the department to assume a lateral position with the Ontario Police Department.

Respectfully,



CHARLIE BECK  
Chief of Police

Date: 12-13-17

[redacted]