

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on February 4, 2014.

Incident Summary

On February 6, 2013, the Los Angeles Police Department (LAPD) received information, including a crime bulletin, from the Irvine Police Department that a former LAPD employee (referred to in this report as “the suspect”) was identified as the possible suspect in a double homicide. Los Angeles Police Department personnel were briefed that a manifesto authored by the suspect, detailing his grievances and threats against current LAPD employees and their family members, had been discovered.

On that same day, due to the suspect’s manifesto, LAPD compiled a list of personnel who required immediate police protection. That list was continually updated over the course of several days with additional personnel and locations.

At approximately 1600 hours, Commander A briefed and directed Sergeant A to respond with his personnel and provide protection to Captain A, who resided in the City of Torrance.

Note: Sergeant A stated that he was provided with a flier with a photograph of the suspect in camouflage. He was also informed that the suspect was familiar with LAPD training and tactics.

The officers arrived at Captain A’s residence at approximately 1730 hours and replaced the plainclothes Torrance Police Department (TPD) officers who had been providing protection for Captain A.

Sergeant A and a police officer who had prior experience with Metropolitan Division, spoke with Captain A. They conducted a walk-through of Captain A’s residence to familiarize themselves with the layout of the property, its immediate surroundings and exchanged information with Captain A.

Sergeant A assigned his personnel to various posts at and around the vicinity of Captain A’s residence. He assigned two officers in Captain A’s backyard, two officers in the garage with its door open, and others to locations north and south of the residence.

On February 6, 2013, at approximately 1700 hours, Sergeants B and C went to the office of Captain B. Captain B briefed sergeants, via a conference call, regarding Irvine Police Department’s identification of the suspect as the possible double homicide suspect.

Note: The brief was conducted telephonically because Captain B was at the Police Administration Building and it was important the information be disseminated immediately.

Captain B stated that the suspect had posted a manifesto online where he threatened to murder law enforcement officers, specifically LAPD officers, and their family members. Therefore, all sworn personnel, including supervisors, were directed to work with a partner. Captain B added that the suspect was a former LAPD officer with extensive military training in firearms, and explosives, and had used his military identification to purchase assault rifles over the last couple of years.

At approximately 1845 hours, Captain B conducted a second conference call with Hollywood Patrol Division morning watch officers, including Lieutenant A, providing similar information. The Irvine crime bulletin containing a description of the suspect and his vehicle was distributed to the morning watch officers.

On February 6, 2013, at 2302 hours, Communications Division (CD) directed Sergeants B and C, along with other officers, to respond to Operations West Bureau (OWB). Upon arrival, officers were briefed by Sergeant D regarding deployment of officers to replace existing sworn personnel currently at various protection detail locations. Sergeant D emphasized the suspect's threats and urged officers to use caution. He assigned Sergeants B and C and Officers A through H to replace the personnel who were providing protection at Captain A's residence. Sergeants B and C gathered the officers assigned to the protection detail and drove in-trail to the City of Torrance.

Sergeant A stated that at an unknown time, he received a phone call from the OWB Command Post (CP) and was informed that officers were en route to his location to replace them. Sometime between 0030 and 0200 hours, the replacement personnel arrived on scene.

Upon arrival at Captain A's residence, Sergeants B and C exited their police vehicle and spoke to Sergeant A, on the sidewalk, in front of Captain A's residence. Sergeant A then walked them around the exterior of the residence, showing them the garage and backyard where officers were positioned. Sergeant A also briefed them regarding all the locations of the remaining officers.

According to Sergeant C, he inquired if the suspect had been observed at the residence a few days prior and Sergeant A acknowledged that an individual matching the description of the suspect had been observed at the residence a day or two prior.

After speaking with Sergeant A, Sergeants B and C drove around the area to identify potential access routes to Captain A's residence. Sergeants C and B then briefed the officers regarding tactical issues and told them that the suspect may have previously been at the residence. After the briefing, the officers were assigned to various posts, replacing the officers previously assigned to the protection detail.

Officers B and A were directed to a residence eight houses south and on the opposite side of the street from Captain A's residence, because it was located in close proximity to the protection detail location and afforded a desirable amount of darkness for effective concealment. Officers F and E replaced officers inside Captain A's garage, Officers C and D replaced the officers in the rear yard of Captain A's residence, and Officers G and H replaced the officers at a residence eight houses north of Captain A's residence and on the same side of the street. Sergeants B and C replaced the officers positioned on an adjoining street, then later assumed a rover position as they drove around the vicinity of Captain A's residence. They also assumed the task of providing relief to officers who required restroom breaks.

Sergeant B telephonically notified a TPD lieutenant regarding the deployment and positions of his personnel assigned to the protection detail at Captain A's residence. Sergeant B informed the TPD lieutenant that he believed that his officers did not have sufficient firepower. The TPD lieutenant replied that TPD officers were all equipped with rifles and assured Sergeant B that they would be able to respond within seconds, if necessary, and added that SWAT element members were also working that evening. During the evening, TPD patrol units regularly drove throughout the area to check on the status of the protection detail.

During their assignment, Sergeant B received information from Sergeant D that officers assigned to a protection assignment in the City of Corona were involved in an Officer-Involved Shooting (OIS) and that Riverside Police Department officers were ambushed, possibly by the same suspect. One Riverside officer had been killed and the other critically injured.

Sergeant B provided this information to the TPD and to the officers assigned to the protection detail. Sergeant B reminded his officers to be alert and to be aware of potential crossfire situations.

Sergeant E was directed by Lieutenant A to replace Sergeants B and C at the protection detail. Sergeants B and C were notified by Lieutenant A that Sergeant E was en route to relieve them.

Note: Sergeant E drove by himself to the target location.

At approximately 0300 hours, Sergeant E arrived and was briefed by Sergeants B and C. The briefing consisted of information regarding the report that the suspect had been potentially seen at the residence on a prior occasion, information regarding the shooting incidents in the City of Corona and City of Riverside.

At 0326 hours, CD sent a message Department-wide warning all officers about the earlier shooting incidents, informing them that the suspect had possibly used a rifle and fired multiple rounds, and advising them to use extreme caution and to be wary of ambushes.

Sergeant E was advised that Captain A and his family were inside the residence and was provided with a form, which documented the deployment locations of the officers, the equipment they were in possession of, and Captain A's cell phone number.

Note: Sergeants B and C cleared from the location at approximately 0330 hours, 30 minutes after Sergeant E arrived.

Sergeant E then drove to each post, informed the officers that he had replaced Sergeants B and C and that he would provide relief to the officers for restroom breaks. Sergeant E repositioned Officers E and F deeper inside Captain A's garage for better concealment. Sergeant E informed the TPD lieutenant of his presence at the location and provided him with his cellular telephone number.

Sergeant E made a request for replacement police radio batteries because the batteries of the personnel assigned to the protection detail were running low on power. Officer I was directed to deliver batteries to the protection detail officers.

At 0429:40 hours, CD made the following broadcast, *"Attention all units, this is an update on the [...] suspect vehicle description. Suspect vehicle is a 2005 charcoal grey Nissan Titan with oversized tires and ski rack. Suspect has changed the license plate to 8D[number redacted], 8D[number redacted]."*

Meanwhile, Witness A, who noted the suspect's vehicle information being displayed on freeway signage, was en route to Los Angeles International Airport when she observed a light grey Titan truck swerving in and out of lanes of the westbound 105 freeway. At 0419 hours, she called 911 to report the vehicle. At 0437 hours, CD issued a broadcast indicating that a light grey Nissan Titan with a partial license plate, of "808" had exited the freeway.

Sergeant E parked his police vehicle, partially blocking Captain A's driveway entrance, to provide additional cover for Officers E and F. Sergeant E replaced Officers C and D, who were assigned to the position in Captain A's backyard, so they could use the restroom at a 7-Eleven store, located approximately one and a half miles away. Sergeant E took possession of their shotgun.

Officer I arrived and provided batteries to Officers E, F, G, and H.

Officers A and B had backed their police vehicle into the driveway at their location. As they sat in their vehicle, they discussed that in the event the suspect arrived, Officer B would deploy the shotgun and broadcast while Officer A would communicate with the suspect and seek cover behind a front porch pillar of the house.

On February 7, 2013, at approximately 0515 hours, Subject 1 drove her 2007 Toyota Tacoma pickup truck, blue, four-door, tinted windows, California License No. 8D[number redacted], while delivering newspapers in the City of Torrance, as Subject 2 assisted from the rear middle seat. Subject 1 drove her vehicle north onto the street where

Captain A's residence was located and crossed the center of the unmarked road to deliver newspapers to multiple residences on the west side of the street.

Officer A, who sat in the passenger seat, alerted Officer B to the oncoming truck. Officer B, who sat in the driver's seat, looked to his right and observed a truck traveling north. Officer B broadcast, *"We got a truck headed our direction."*

According to Officer A, when the truck turned onto the street, it slowed to approximately five miles per hour and traveled the distance of approximately two houses before accelerating to approximately 25 miles per hour, for another eight houses. Officer A believed that the suspect was in the truck and had seen his police vehicle, and that he had slowed down to determine if anyone was inside his police vehicle.

When the truck was approximately five to six houses south of Officers A and B, it slowly crossed the center of the road and continued to travel at a slow rate of speed on the wrong side of the road. Officer B broadcast the truck's erratic movements to the other personnel assigned to the protection detail. When the truck was approximately three houses south of their location, Officers A and B exited their police vehicle.

Note: According to Officer A, he observed the activation of the truck's high beams as it turned onto the street.

As Officer B exited the police vehicle, he noted that the first two characters of the front license plate were 8D as the truck activated its high beams and then stopped. Officer B then broadcast, *"I think this is the vehicle. It's dark. It's a dark colored vehicle. The license plate starts 8D and so far everything's matching."*

Officer B believed that the truck was the suspect's, so he reached inside the police vehicle and removed the shotgun from the shotgun rack and chambered a round. As Officer B took a position behind the driver's side engine block of his police vehicle, the truck began to *"creep"* at an approximate speed of five miles per hour. Officer B placed the shotgun on his right shoulder and broadcast, *"Hey it's driving real slow toward us. It's coming our way."*

Suddenly the truck accelerated, causing Officer B to quickly move back toward a wooden side gate on the north side of the residence. He opened the gate, stepped into the side yard and took cover behind the garage wall. Simultaneously, Officer A unholstered his pistol because he believed that the vehicle belonged to the suspect and that the suspect was in the truck. Officer A deployed behind a front porch pillar as he held his pistol. The truck then abruptly stopped in front of the driveway.

Note: All the windows of the truck were tinted, which limited the ability of the personnel at scene to see through the windows to identify the occupants. All windows, with the exception of the driver's window, were rolled up.

As Sergeant E stood in the captain's backyard, he heard a broadcast by either Officer B or A, "... *Hey it looks like the vehicle. It looks like the truck, blue truck. It looks like it's looking for addresses...*" As Sergeant E walked toward the front of the residence, he heard a second broadcast, "*It's the truck,*" causing him (E) to run.

Officers E and F, equipped with shotguns, were positioned inside the garage. Prior to the arrival of the truck, they had discussed tactics such as redeploying together to a nearby vehicle that was parked in Captain A's driveway to avoid crossfire and to use the vehicle as cover. In addition, they discussed that if the suspect arrived and drove his vehicle, which may contain explosives, toward the garage, they would redeploy to the house south of their location, using a parked vehicle as cover.

Officer E stated that he heard Officer A or B broadcast that a dark-colored truck was slowly traveling north with the high beams activated intermittently.

Officers C and D were returning from the 7-Eleven store. As they approached the protection detail's location, they heard broadcasts regarding the truck. As Officer C turned their police vehicle onto the street, he observed a vehicle, approximately one block north, traveling slowly with its headlights turning off and on. Officers C and D discussed their observations and Officer D advised Officer C to maintain an appropriate amount of distance from the truck.

Officer C then heard a broadcast by Officer A or B that the truck was stopped directly in front of their position. Officer C accelerated the police vehicle and stopped approximately 25 to 30 feet south of the truck.

Officers G and H were sitting in their police vehicle which was backed into the driveway at their location. When made aware of the possible sighting of the suspect's vehicle on the 105 Freeway, Officers G and H exited their police vehicle and stood behind the trunk, looking out onto the street. Officer G stated he heard a broadcast, "*And they go, we got a guy coming on the block. And it was...it was a truck. They definitely said it was a truck. They said it was blue...it was creeping...*" causing him to redeploy to his left and crouch to the rear of a parked vehicle. Officer H redeployed to his right and obtained cover behind the engine block of another parked vehicle.

Officer G heard Officer C broadcast, "*He's moving slow. Hey everyone be ready. Be ready,*" then heard Officer B broadcast, "*License plate is 8D,*" causing him to unholster his service pistol.

Note: Officers G and H were positioned north of the other units.

Officer I had returned to his parked vehicle, at which time Officer E motioned with his hands for him to take cover. Officer I faced west and knelt on the driveway, behind some tall shrubbery next to a residence. Officer I peeked around the shrubbery, looked south and observed headlights of a vehicle in the middle of the street, approximately

150 to 200 feet away. The vehicle slowly approached then sped up, causing Officer I to redeploy behind the shrubbery.

Subject 1 stated that as her truck approached a house, later identified as the house where Officers A and B were located, she observed a police vehicle on the driveway, with its four doors opened, and no police officers in sight. As her truck stopped near its driveway, she threw a newspaper, which landed on the sidewalk between the apron and the driveway.

As the truck stopped in front of Officer A and B's positions, Officer A heard a loud pop which he believed sounded like a gunshot, and observed a flash from the driver's area of the truck.

Officer A believed that he was being shot at by the suspect. Officer A raised his service pistol, aimed at the driver's side of the truck, and fired one round from a distance of approximately 40 feet. He then redeployed to the north side of the pillar. He again aimed at the driver's side of the truck and fired two additional rounds from a distance of approximately 38 feet.

Due to Officer B's position behind the wall, his view of the truck was partially obstructed and he was only able to observe the hood and roof of the truck. Officer B then heard a single gunshot that he believed came from the direction of the truck. Seconds later, he heard a couple of additional gunshots coming from south of his position. Regarding the additional gunshots he heard from south of his position, Officer B stated, *"I assumed it was either my partner or the suspect had exited the vehicle and was...was engaging my partner to the south of me."*

Officer C, from a distance of approximately 25 to 30 feet south, observed the truck's driver side door window roll down, as the truck stopped in front of the house where Officers A and B were positioned. As Officer D illuminated the truck with his vehicle's spotlight, Officer C observed a hand appear out of the driver's side door window, then an object, appearing to be similar to a two inch by four inch box, thrown out of the window and land on the pavement.

Note: Officer C stated he perceived the object to be an explosive device, based on the object's appearance and the information received about the suspect's background and experience with explosive devices.

According to Officer D, he observed something being thrown out the driver's side window but could not determine what the object was.

The investigation determined that a newspaper, wrapped in plastic, was delivered to this residence and was the object thrown from the truck.

Approximately one to two seconds later, Officer C heard two gunshots and observed two muzzle flashes from the driver's side of the truck. Officer C believed that he

observed Officers A and B inside their police vehicle and that the suspect had fired his weapon at them.

After he heard Officer B broadcast, "*Shots fired,*" Officer D turned on the passenger side spotlight and aimed it at the truck. According to Officer D, the truck drove forward approximately 10 houses as it veered right, to the middle of the road, then swerved left to the opposite side of the street and stopped, as Officer C drove behind the truck.

According to Officers A and B, the truck drove off at a high rate of speed, as they ran to their police vehicle. Officer B broadcast, "*Shots fired, shots fired, officer needs help!*" As Officers A and B entered their police vehicle to follow the truck, Officer A informed Officer B that he had fired a round from his pistol. Officer B observed the truck drive through a posted stop sign, then slow in front of Captain A's residence, at which time they observed Officers C and D's police vehicle following the truck.

As Officer E stood inside Captain A's garage, he heard a single gunshot south of his location. He then heard a broadcast, "*Shots fired*" and heard another gunshot. Officers E and F exited the garage and deployed behind the driver's side of the parked vehicle on the driveway to obtain cover. As Officer E looked south, he observed what he believed to be the suspect's truck, approaching at a speed of approximately 10 to 15 miles per hour, with its high beams on.

After deploying behind the vehicle, Officer F heard a broadcast of, "*8D.*" As he looked south, Officer F was temporarily blinded by the truck's high beams. He then observed it to be a blue four-door truck that he believed matched the description of the suspect's vehicle. Officer F observed the truck being followed by Officers C and D.

As Sergeant E ran toward the front of the residence, he held the shotgun and heard gunshots. As he approached the front of the residence, he observed Officers E and F behind a vehicle in the driveway. Due to the lack of space at the vehicle, Sergeant E deployed to his left, to a residence south of Captain A's, as he heard additional gunshots. He obtained cover behind a parked vehicle.

As Officer G looked south from his position, he observed a truck appear to slow down and come to a stop in the vicinity of Captain A's residence.

Officer C drove up approximately 25 to 30 feet behind, and noted the truck license plate began with an "*8D.*" He attempted to place the police vehicle in park; however, unknowingly, he placed it into reverse, while keeping his right foot on the brake. He opened the driver door, utilized it as cover and placed his left foot onto the road while still seated at the edge of the driver seat. Officer C canted to the left while he simultaneously unholstered his pistol. As he held his pistol he heard four to five gunshots.

Officer C raised and pointed his pistol at the driver compartment, through the truck's rear window, and fired two to three rounds in a northerly direction, from an approximate

distance of 89 feet. Officers C and D's police vehicle began to back up as Officer C's right foot lost contact with the brake, causing Officer D to move out of its path. Officer C holstered his service pistol, placed the transmission into drive and drove the police vehicle forward approximately two to five feet, and placed the police vehicle into park.

Officer C observed the truck move forward, veer toward the right side of the road and stop in front of Captain A's residence. Officer C then observed the truck passenger window roll down and another two inch by four inch package was thrown from it.

Note: The investigation determined that newspapers were not delivered to any residences north of Officers A and B's original location.

Officer C heard approximately four additional gunshots, as he observed a muzzle flash from the passenger compartment of the truck. Officer C exited the police vehicle, stood behind the open driver's side door, and unholstered his pistol. He raised and pointed his service pistol at the passenger compartment of the truck through the truck rear window, and fired an additional 12 to 13 rounds from an approximate distance of 90 feet. He then redeployed behind the trunk of his police vehicle.

Meanwhile, as their police vehicle stopped approximately 90 feet from the truck, Officer D heard additional gunshots, which caused him to perceive that the suspect was shooting. Officer D unholstered his pistol, held it in a two-hand grip, and exited the police vehicle. He raised and pointed his service pistol at the driver compartment through the truck rear window and fired an unknown number of rounds, in a northwest direction, from an approximate distance of 90 feet. As Officer D redeployed to the rear of his police vehicle, he was aware that other officers were shooting at the truck. He observed Officer C at the rear of the vehicle, along with another unknown officer. Officer D observed that officers were to his left and right, as he heard additional rounds being fired at the truck. He yelled to those officers to cease shooting and he walked toward the driver side of his police vehicle as the shooting ceased.

Officer B observed Officers C and D exit their police vehicle. Officer B heard multiple gunshots and he perceived that Officers C and D were being shot at by the suspect as they returned fire with their service pistols. As Officer B parked his police vehicle next to the east curb to use parked vehicles as cover, he observed bursts of smoke emanating from the truck rear window. Officer B exited his police vehicle, held the shotgun and ran in a northwest direction to the rear of Officer C and D's police vehicle. Due to the lack of a clear view of the truck and having an officer in his line of fire, Officer B redeployed to his left. As he moved, Officer B pointed the shotgun at the truck, obtained cover behind the front bumper of Officers E and F's vehicle, which was parked facing south, approximately four to five vehicle lengths to the rear of the truck.

Officer B raised the shotgun and pointed it at the truck. He observed a hand appear out of the truck driver's side window, holding a dark object that he believed to be a handgun, which was pointed south in the direction of him and other officers.

Note: The investigation did not result in the recovery of a firearm either inside the truck or within the vicinity of the crime scene.

In fear for his life and the lives of others, Officer B pointed his shotgun at the driver's side front and rear windows, fired two rounds in a northeast direction from an approximate distance of 98 feet. Officer B assessed and observed the object that he believed to be a handgun still pointed at him and other officers. Officer B fired an additional two rounds from the same position. According to Officer B, the hand holding the handgun was no longer out of the window, so he placed the shotgun onto the hood of the police vehicle and transitioned to his pistol, holding it in two hands.

As Officer B pointed his pistol at the driver's side of the truck, he yelled for the driver to turn off the truck and exit. Officer B again observed the handgun with smoke coming from it, outside the driver's window opening. Due to the ongoing threat, he aimed at the driver's side of the truck and fired an additional four to five rounds from his service pistol in a northeast direction, from the same position. As Officer B continued to yell out commands, he continued to observe the handgun and hear gunshots, causing him to believe that he and the other officers were being fired upon. Officer B believed that the suspect may be wearing body armor. Officer B fired an additional four to five rounds. He then observed that the hand had disappeared; therefore, he directed officers to redeploy from behind police vehicles to behind parked vehicles for better cover.

Officer A observed Officers C and D shooting at the truck as he and Officer B approached in their police vehicle. He observed an officer, some distance away, near the open front passenger door of Officers C and D's police vehicle, and an additional number of officers near the driver side of the police vehicle. As Officer B parked their police vehicle, Officer A exited via the front passenger door and walked toward Officer C and D's police vehicle, holding his pistol.

As Officer A arrived near the passenger side of the police vehicle, he repositioned his service pistol in a two-hand grip, raised and pointed it at the truck rear window, targeting the driver compartment. As he continued to hear gunshots, Officer A fired two rounds from an approximate distance of 95 feet, because he believed that the suspect was shooting at officers. Officer A then knelt down. As he knelt, Officer A continued to point his pistol at the truck rear window and fired another round. Officer A then stood up and quickly walked around the rear of the police vehicle. He redeployed behind the open driver's door of Officers C and D's vehicle and observed a hand outside of the driver's side window, holding a dark object that he believed was a handgun. Believing that the suspect would shoot at him and other officers, Officer A pointed his service pistol at the truck rear window, targeting the driver compartment, and fired two rounds from an approximate distance of 99 feet.

As the truck slowly approached the east curb, according to Sergeant E, he noted it was a "*foreign truck*" with its high beams and fog lights illuminated. The truck traveled past Sergeant E at which time he moved from his position of cover behind parked vehicles, in order to quickly peek at the truck rear license plate. He observed the partial plate of

“8D” which matched the suspect’s vehicle then observed the truck pause in front of Captain A’s residence.

Note: An inspection of the exterior of the truck shortly after the OIS revealed that its headlights and hazard lights were activated and the engine was running.

Due to a concern for the safety of nearby officers, officers already having been fired upon, and residents inside Captain A’s residence, Sergeant E returned to his original position behind a parked vehicle for cover, shouldered and pointed the shotgun at the driver’s compartment through the truck rear window and fired one round from an approximate distance of 104 feet. Upon discharging the round, Sergeant E observed the truck continue north and veer left toward the center of the road. As he heard additional gunshots, Sergeant E redeployed carrying the shotgun, with his finger along the frame, and took cover behind a vehicle parked along the east curb, north of Captain A’s driveway.

Sergeant E observed Officer D to his left appearing to reload his pistol. Sergeant E shouldered the shotgun and pointed it at the driver’s compartment of the truck, through its rear window, and fired approximately two to three additional rounds in a northwest direction from an approximate distance of 114 feet. Due to his belief that the suspect occupied the truck, was fleeing, and would continue to kill officers or civilians, Sergeant E pointed the shotgun at the bed and wheels of the truck and fired two additional rounds from an approximate distance of 114 feet, in an attempt to disable it. The truck stopped in the center of the road. Sergeant E ceased firing rounds because he no longer perceived the suspect to be a threat due to the volume of rounds fired into the truck.

Officer E observed the truck stop in front of Captain A’s residence for approximately five seconds, then continue north. As the truck moved north from the location, he heard two to three gunshots. Perceiving that he was returning fire at the truck that fired at him and his partner, and that the truck was in close proximity to the target location, he shouldered his shotgun, leaned on the hood of the a vehicle, pointed the shotgun at the driver headrest area through the truck rear window and fired five rounds in rapid succession from an approximate distance of 78 feet.

Officer E placed the shotgun onto the driveway and drew his pistol. Officer E continued to hear gunshots and believed that rounds were being fired at officers and that it was the suspect firing the rounds. Officer E then took a kneeling position, raised his pistol and pointed it at the center of the truck rear window and fired two to three rounds from an approximate increasing distance of 78 to 129 feet as the truck slowly continued north.

As Officer E continued to kneel, he fired an additional two to four rounds again targeting the truck’s rear window from the same position. He then fired a fourth volley of three to four rounds at the same target, as the truck continued traveling north before he experienced a weapon malfunction. At this time, he alerted Officer F that he had a

malfunction and ran to the south wall of Captain A's garage and stood to the left of Officer F. Once behind the wall, Officer E attempted to clear the malfunction. As he peeked around the garage wall, he observed the truck stopped and heard officers giving commands. Officer E retrieved the shotgun from the driveway, loaded it and deployed to the rear of Officer D's police vehicle.

As the truck passed by, then stopped in front of Captain A's residence, Officer F heard multiple gunshots. Due to his belief that the suspect was shooting at Captain A's residence and officers, Officer F raised and pointed his shotgun at the driver compartment of the truck through the truck rear passenger window and fired four to five rounds from an approximate distance of 74 feet. Officer F redeployed to his left, behind the engine block for better cover as he continued to hear gunshots. Due to his belief that officers were being fired at by the suspect, Officer F, after he assessed, fired two additional rounds at the driver compartment, through the truck rear passenger window, from an approximate distance of 75 feet. He then placed the shotgun onto the driveway and unholstered his pistol.

Due to hearing additional gunshots and sensing a continued threat, Officer F raised and pointed his pistol at the driver compartment through the truck rear window and fired six rounds in a northwest direction from an approximate increasing distance of 76 to 127 feet. According to Officer F, the truck proceeded to drive north at five to 10 miles per hour as he fired.

As the truck continued north, Officer F redeployed to his left behind the front passenger area of a vehicle, due to an obstruction of a parked vehicle. Hearing continued gunshots, Officer F pointed his service pistol, targeting the driver compartment through the truck rear window and fired two additional rounds in a northwest direction from an approximate increasing distance of 76 to 127 feet. He fired at the window because he thought that the suspect had probably put ballistic panels behind the driver's side, and that he wore body armor.

He then heard Officer E alert, "*I got a malfunction,*" as he went around Officer F toward the garage wall. Officer F pointed his pistol at the same target, fired three rounds from an approximate increasing distance of 76 to 139 feet, as he backed toward the garage wall, to provide cover fire for Officer E. Officer F then heard officers command the occupants to exit the vehicle.

As Officer I took cover behind shrubbery, he heard three gunshots. After a brief pause, he heard approximately four additional gunshots from south of his location. He unholstered his service pistol, thinking that the situation could escalate to the use of deadly force. Officer I then observed the truck drive past him, and as it was approximately 50 feet north of his position, he heard approximately 10 additional gunshots from south of his location. The truck eventually stopped approximately 100 yards north of his position, as Officers D and C followed the truck in their vehicle. Officer I stood up, continued to hold his service pistol in a two-hand low-ready grip and observed a group of officers in the middle of the street near Officer C and D's vehicle.

Officer I holstered his service pistol and removed his Department-authorized police rifle from the trunk of his vehicle. He inserted a magazine, chambered a live cartridge and slung the rifle on his shoulder. He then heard officers direct the occupants to place their hands out the truck window and observed from his peripheral vision, a minimum of four officers fire an additional 15 to 18 rounds at the truck. Officer I then utilized the scope on his rifle, which had a 3X magnification, and observed movement inside the truck from a reflection on the truck's driver side mirror. He informed the officers that he observed movement in the driver's compartment of the truck.

Meanwhile, as he knelt behind a parked vehicle, Officer G heard a single gunshot which sounded like a handgun. Less than a second later, he heard multiple gunshots, some of which sounded like rifle gunshots. He heard bullets "*whizzing by*" and observed leaves falling from nearby trees, as the truck slightly moved forward from near Captain A's residence.

Officer G stood up and observed the truck advancing toward his direction. He observed muzzle flashes from the cab of the truck, mostly concentrated on the driver side, which had its high beams activated. Officer G believed that he was going to die and that the bullets coming in his direction were from the suspect firing through the windshield.

Note: Officer G did not believe the gunfire was from the other officers because he believed they were aware of his and Officer H's position.

Officer G stated he did not believe there was a crossfire issue because he was not aware that a police vehicle was stopped behind the truck.

To protect himself and Officer H from serious bodily injury, Officer G unholstered and pointed his pistol at the driver's compartment through the truck windshield and fired eight rounds in a south direction from an approximate distance of 270 feet.

After firing his pistol, Officer G redeployed toward an alcove of a residence and obtained cover behind a wall. As he reached the alcove, he observed that Officer H was already present. Officer G then heard tires screeching and continuous gunshots, causing him to move to his right around the corner of the wall, while holding his service pistol in a two-hand, low-ready position. He believed that the suspect was continuing to advance toward him and Officer H; therefore, Officer G, feeling that he had no other option, raised and pointed his pistol at the truck and fired an additional three rounds from an approximate distance of 287 feet.

Officer H heard gunshots at which time he unholstered his pistol. He knelt down as he looked south and continued to hear gunshots. Officer H ducked down and heard a nearby tree and house being struck by bullets. He looked up again, observed the vehicle get closer and heard the truck engine revving. The bullets continued coming in his and Officer G's direction, causing Officer H to duck again and redeploy to the alcove of the residence to obtain cover behind a wall, thinking that the suspect had seen their black and white and had begun to engage them.

Officer G banged on the front door of the residence outside which he was located, in order to redeploy and obtain high ground. As the resident opened the door, Officers G and H entered. Officer G conducted a tactical reload at the front door then holstered his pistol as he entered the residence. Officer H holstered his service pistol as he entered the residence and told the residents to move upstairs. Upon reaching the second floor, Officers G and H unholstered their service pistols, held them in a low-ready position, and looked out of the window facing the rear of the residence due to their belief that the suspect may have jumped out of his truck and was not in custody.

Officer C directed Officer D to use their police vehicle public address (PA) system to direct the occupant out of the truck. As Officer D walked toward the driver door, he holstered his pistol, and entered the police vehicle, while Officer C provided cover behind the open driver door. Officer D used the PA system and directed the occupant to exit the truck, two to three times. After the third direction, Subject 1 placed her hands out of the driver's side window as Officer C yelled out, *"I have two hands outside the window."*

Note: Immediately after the truck stopped, Sergeant E stated that he had broadcast a help call on an LAPD frequency then switched his radio to the TPD channel and broadcast a help call. He then directed an officer order the occupant out of the truck.

As officers began moving to obtain cover behind parked vehicles, Subject 1 exited the truck via the driver door. Officer B directed her to place her hands on top of her head and walk to the curb, and she complied. The rear passenger truck door opened and numerous newspapers fell onto the road. Subject 2 then exited via the rear passenger door where Officer B directed her to the same area as Subject 1. A TPD officer who had arrived after hearing the broadcast of shots fired, and Officer I took control of Subject 1 and Subject 2.

After the truck was cleared, Sergeant E observed Commander A arrive on scene and informed him that officers needed to be assigned to accompany Subjects 1 and 2 to the hospital, and to canvass the neighborhood to determine if any additional victims were on scene. The subjects were then transported by ambulance to a local hospital where they were treated for injuries they had sustained.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident

as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Sergeant E's tactics, as well as those of Officers A, B, C, D, E, F, G, H and I, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeant E's, along with Officers A, B, C, D, E, F, G, H and I, drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Sergeant E's lethal use of force, as well as those of Officers A, B, C, D, E, F and G's use of lethal force to be out of policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical consideration:

1. Tactical Planning

The officers arrived and were briefed at the operations center prior to receiving their assignments. During the briefing, Sergeant B encouraged the officers in attendance to read the suspect's authored document. Sergeant B also distributed a color printout of the suspect and his vehicle information.

Sergeant D stated that he was informed that this protection detail was high priority, and believed the location required two supervisors and eight officers. Sergeant D also believed the protection detail would ultimately be replaced by personnel, who were specifically trained for protection detail duty.

Given that Sergeants B, C and E did not have formal training in the specific area of protection details, their tactical deployment of Officers A, B, C, D, E, F, G and H was reasonable.

Additionally, the investigation revealed that none of the officers assigned to the detail were equipped with police rifles at a location that was deemed a high priority. The officers were aware that the suspect had extensive military training and already attacked and killed officers with an assault rifle earlier that morning. As a result, the officers were equipped with inferior firepower and were at a

significant tactical disadvantage. The presence of officers equipped with police rifles was warranted.

The BOPC conducted a critical and objective assessment of the details of this case regarding tactical planning including the fact that Commander A responded to the OIS scene and was “surprised” to see that the previously assigned officers and supervisors had been replaced. Specifically, the BOPC was concerned that Lieutenant A made the decision to swap out the officers due to the concern over overtime. The BOPC acknowledged the fact that this was a situation that was constantly evolving and required a great deal of expertise specific to protection. The ability to address this threat was hindered to some degree due to the experience, training and logistical deployment of the personnel assigned. As such, the BOPC would have preferred a more thorough briefing had been conducted, that would have included an operational plan in the event that a threat presented itself at the protected location. Also, while the BOPC was pleased that Sergeants B and C briefed Sergeant E at the scene, the BOPC would have preferred that Sergeants B, C and E also discussed respective fields of fire for each assigned unit and officer, and had also ensured police rifles were deployed. Additionally, the transfer of supervisory oversight from Sergeants B and C to Sergeant E caused a level of discontinuity that could have been prevented had the initial sergeants been left in place, or a more thorough plan been implemented, to include an additional sergeant.

The BOPC found that the actions of Sergeants B, C and E, regarding their tactical planning while at the protected location, did not unjustifiably and substantially deviate from approved Department tactical training. Sergeant E did not possess the training required to oversee a protection detail of this magnitude. However, the BOPC also determined that on a larger scale, the planning conducted at the Bureau could have been more effective, ensuring proper deployment, both personnel and logistics, at the protected location.

In conclusion, although the BOPC realized that the assigned personnel were not trained in protection detail tactics, Sergeants B, C and E would benefit from a review of concepts associated with effective tactical planning when deploying numerous officers with the intent of protecting a specific location.

2. Fire Control/Fire Discipline/Situational Awareness

Although each officer articulated their reasoning for their decision to fire, the BOPC assessed the number of rounds fired and the accuracy of those rounds.

Note: The investigation revealed there were ballistic impacts located on seven homes and nine civilian vehicles, which consisted of both gunshots and shotgun pellets.

The BOPC acknowledged that this was a unique situation wherein officers were on heightened alert due to a series of specific credible threats, with attacks of violence upon officers. Although the factors that influenced the lethal force are clear, should a similar circumstance occur in the future, consideration should be given to the extent possible and without compromising officer safety or the mission objective to limit the number of rounds fired, depending on the perception and intent of the officer.

Additionally, supervisors and officers were required to make split-second decisions regarding the perceived threat presented before them. In this case, officers fired based on the suspect's possible location in order to stop the perceived deadly actions, even though the officers could not clearly see into the vehicle. Consequently, having no clear view of the occupant(s) within the vehicle, there was no effective means to assess the effectiveness of those rounds, possibly resulting in a greater number of rounds to stop the perceived threat posed.

In evaluating the factors relative to this incident and the circumstances of each sequence of fire, the BOPC determined that there are concerns. In order to improve individual and organizational tactical and firearms proficiency, and professional development through *continuous improvement*.

3. Command and Control

The BOPC noted that the Chief of Police has initiated a broader assessment of command and control issues relevant to the protection detail planning issues identified.

In this instance, Sergeant E was assigned to relieve officers during an active protection operation but was provided with limited information with no briefing at OWB. However, at scene, Sergeant E took the initiative to obtain a briefing from the on scene supervisors and initiated command and control when replacing officers - consistent with the mission to protect Captain A's household. Sergeant E met each officer and informed them of the change of command, exchanged cellular telephone numbers, informed them he would take their position if they needed a break, requested replacement radio batteries, and contacted TPD to ensure they had his cell number. Sergeant E, given the task he was assigned, demonstrated a level of command and control consistent with a sergeant with similar training and experience during this incident.

Based on the limited resources and the dynamic and quickly evolving circumstances, Sergeant E demonstrated effective leadership and command and control consistent with Department guidelines and the BOPC's expectations. Consequently, once Sergeant E was faced with the perceived deadly threat posed by the occupant(s) within the truck, he believed it was necessary to utilize force to stop those actions. It is not the BOPC's intent, nor the interpretation of

the Department policy to preclude supervisors from taking action when a deadly threat poses itself before them. Unfortunately, in this instance, Sergeant E's application of lethal force was not objectively reasonable.

In conclusion, the BOPC determined that Sergeant E's actions did not unjustifiably and substantially deviate from approved Department supervisory tactical training or the BOPC's expectations as a supervisor during critical incidents. However, in an effort to enhance future tactical performance during critical incidents, Sergeant E could benefit from a review of command and control concepts.

- The BOPC additionally considered the following:
 1. Preservation of Evidence – After the OIS, there were numerous officers who manipulated their shotguns and service pistols. The officers are reminded that weapons systems are considered evidence and should not be manipulated unnecessarily.
 2. Equipment / Ballistic Helmets – Although it is not realistic for personnel to wear their ballistic helmets for a lengthy detail, having them readily available to don when a threat poses itself would be tactically prudent.
 3. Equipment / Service Pistol – Training Division conducted an inspection of Officer E's service pistol. They concluded that Officer E's pistol had been disassembled beyond what was trained and approved.
 4. Equipment/Deployment of Rifles – In this incident, deployment of patrol rifles and possibly slug shotgun(s) would have provided additional firepower and increased tactical advantage during a lethal attack.
 5. Driving While Maintaining Control of a Loaded Shotgun – After the initial OIS, Officers A and B entered their police vehicle to follow the truck. Officer B who was the driver placed the loaded shotgun in between the center console and the seat and held it with his right hand as he followed the truck. As the driver of the vehicle, Officer B had limited ability to maintain control of the shotgun as he performed various tasks associated with driving and maneuvering the vehicle. The BOPC would have preferred that Officer B secure the shotgun, concentrate on driving and utilize his service pistol that he had secured to his person. If necessary, once the vehicle stopped, Officer A could have provided cover as Officer B retrieved his shotgun.
 6. Vehicle Operations – After following the truck, Officer C stopped his police vehicle and attempted to place it into park; however he placed the vehicle into reverse, causing it to move rearward a short distance.

7. Tactical Communications – It was noted that during this incident there were various radio frequencies utilized. While this incident was outside the City of Los Angeles and posed unique challenges, it would have been tactically advantageous for personnel to utilize the closest LAPD Area frequency, in the event that additional resources should become necessary to quickly respond.
 8. Situational Awareness – Upon receiving an initial briefing on this incident the Chief immediately directed his staff to make adjustments in an effort to minimize the chances of this occurring again. Teams that were already in place were advised of this incident and adjustments were made within twelve hours to ensure that the personnel that would be replacing officers on future protection details received additional training so they would be better prepared to avoid a similar incident of this nature.
 9. Lesson Learned – Leaving the original personnel in place until morning would have been preferable to the middle of the night switch out with patrol resources. Likewise, once the switch had occurred, maintaining the original mid-watch sergeants in place would have been a better choice than allowing them to go end of watch to be replaced by a morning watch sergeant. The investigation revealed that the switch took place due to overtime concerns. However, when Commander A arrived to the OIS location he expected to see the personnel who he had directed and briefed to be there.
 10. Department Review – Due to the level of planning and deployment required by various Department personnel throughout the entire investigation, to include this protection detail, the BOPC noted that the Chief of Police will direct the Director, Office Of Administrative Services, in conjunction with Personnel and Training Bureau, to ensure the development of standardized/basic training regarding planning, deployment and logistics for protection details should the need arise in the future. This devised training will consist of that which can be provided quickly and at Command Posts or planning sites, prior to deployment of resources to protection detail incidents. This will ensure future organizational performance consistent with best practices and afford a heightened level of safety for all involved. The Chief will provide the BOPC members with updates relevant to this training as determined necessary.
- This incident occurred during a period of crisis unprecedented in the history of the Los Angeles Police Department or local law enforcement. The BOPC realized the significant burden placed on all personnel involved in the various operational aspects of the overall incident, including those officers who were assigned to protection details. Importantly, the BOPC appreciated that the officers involved in the incident took action with the intent of protecting Captain A and his family.

The BOPC conducted a detailed and thorough evaluation and assessment of the tactics of all officers involved in this particular protection detail incident, in part to

ensure that the Department can thoroughly take advantage of the lessons to be learned.

The BOPC understands that the decision to take enforcement action requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Each incident must be looked at objectively and consistently based on uniform Department standards, and the areas of concern must be evaluated based on the totality of the circumstances.

After a thorough review of the incident, the BOPC determined that the identified areas for improvement did not unjustifiably and substantially deviate from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident as well as individual actions that occurred during this incident with the objective of improving overall organizational and individual performance. Additionally, the Department has initiated an overall assessment of the Department's actions during all operational periods of the incident in order to identify areas for improvement.

In conclusion, the BOPC found Sergeant E's tactics, along with those of Officers A, B, C, D, E, F, G, H and I, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Sergeant E, along with Officers A, B, C, D, E, F, G, and I, were assigned to a protection detail outside the city. The protection detail was in response to credible threats made against named Department employees by a double-homicide suspect. Additionally, Officer I responded to deliver batteries for the officers' hand held radios. The assessment regarding the Drawing/Exhibiting for these personnel are indicated below.

Officers A and B were parked in their police vehicle and observed a *dark colored pickup truck* approaching their location. Officers A and B, armed with significant supporting information, reasonably believed that the suspect might be the driver of that vehicle. Believing that the situation may escalate to the point where deadly force may become necessary, Officer A exhibited his Department shotgun and pistol while Officer B drew his pistol.

Officers E and F were positioned inside of Captain A's garage. Officers E and F were armed with information from the suspect's previous action as well as his possible presence in the area, and believed that the situation may escalate to the point where deadly force may become necessary, Officers E and F exhibited Department-issued shotguns and pistols.

Sergeant E deployed to the rear of Captain A's residence. Sergeant E was aware of the potential for the suspect to arrive at Captain A's residence, and that the suspect had recently ambushed officers in another city. Realizing the purpose for being at the residence was for the protection of Captain A and his family from credible deadly

threats, Sergeant E, believing that the situation may escalate to the point where deadly force may become necessary, took possession and exhibited the Department-issued shotgun to ensure he had additional firepower not afforded by his service pistol.

Officers G and H were in their police vehicle that was parked in a driveway. Officer G heard an unidentified officer from the protection detail broadcast that a *blue truck* was approaching, and moments later Officer G observed rounds being fired in his direction. Both officers were armed with the same information regarding the suspect, heard shots and the broadcast, and believed that the situation may escalate to the point where deadly force may become necessary, Officers G and H both drew their pistols.

While distributing radio batteries, Officer I heard gunshots near his location. Consequently, Officer I, believing that the situation may escalate to the point where deadly force may become necessary, drew his service pistol. Moments later, Officer I observed the truck drive past his location and at the same time heard numerous round being fired. Consequently, Officer I holstered his service pistol and retrieved his police rifle from the trunk of his vehicle to address the continued perceived deadly threat.

In assessing the drawing and exhibiting for each officer and sergeant, the BOPC determined that based on the totality of the circumstances, an officer/sergeant with similar training and experience as Sergeant E, along with Officers A, B, C, D, E, F, G, H and I, when faced with similar circumstances, would reasonably believe that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found that Sergeant E, along with Officers A, B, C, D, E, F, G, H and I's Drawing/Exhibiting to be In Policy, No Further Action.

C. Lethal Use of Force

- The investigation determined that there were a total of 103 rounds fired throughout this incident. This number was derived by the physical evidence recovered. A magazine ammunition count of all involved personnel indicated that there were a total of 100 rounds fired, providing that each magazine was properly loaded to full capacity. Any differing number of rounds fired, physical evidence and magazine counts are depicted in each officer's lethal force described below.

The BOPC understands that perceptions of different officers under dynamic and fast moving circumstances may vary. However, the use of lethal force must be based on an objectively reasonable belief that the suspect poses a threat of death or serious bodily injury. In evaluating the circumstances of each use of lethal force the BOPC carefully assessed the evidence in addition to the perceptions of the involved officers to ensure fair and consistent adjudication.

Due to the complexity of the incident, the discharge of rounds at differing times and the number of rounds fired, the BOPC has chosen to analyze each Lethal Use of Force independently. The BOPC's analysis and findings are as follows:

Officer A – Eight rounds total

Sequence No. 1

Four rounds, .40 caliber Glock, northeasterly direction, from approximately 40 feet.

Officer A heard a loud pop that he perceived as a gunshot and observed a flash from the driver's side window of the truck. Officer A believed that he was being shot at by the suspect and fired two rounds to stop the threat.

Officer A then moved north a short distance and discharged two additional rounds at the occupant(s) of the truck to stop their perceived deadly actions.

Sequence No. 2

One to three rounds, .40 caliber Glock, northeasterly direction, from approximately 95 feet.

Officer A observed Officers C and D shooting at the truck as he and Officer B approached in their police vehicle. As Officer B parked their police vehicle, Officer A exited via the passenger door, drew his service pistol and moved in a northwesterly direction toward the passenger side of Officers C and D's police vehicle, while holding his service pistol. As Officer A arrived near the passenger side of the police vehicle, he pointed his service pistol at the driver's side of the truck. As he continued to hear gunshots, Officer A fired two rounds from his service pistol to stop the perceived threat.

Officer A, in order to obtain a better position, knelt down onto his right knee, because an unidentified officer was positioned immediately to his left, possibly equipped with a shotgun. Officer A aimed his service pistol at the truck's rear window and fired one additional round to stop the perceived deadly threat posed by the unidentified occupant within the truck.

Sequence No. 3

One to three rounds, .40 caliber Glock, northeasterly direction, from approximately 99 feet.

Officer A then stood up and walked around the rear of the police vehicle and assumed a position behind the open driver's door. From this position, Officer A observed the back of a hand extend outside of the driver's side window, holding a dark object that he perceived as a handgun. Officer A believed, *"That he'll shoot."*

That this person is going to shoot again.” Officer A fired two additional rounds to stop the perceived deadly threat posed.

The BOPC carefully assessed the actions of Officer A, especially since his initial perceptions and reaction contributed to the perceptions of the other officers on scene. While it is not the BOPC’s intent, nor is it the policy of the Department for officers to address a deadly threat only after being fired upon, officers do have a duty to use Lethal Force only when the threat of serious bodily injury or death to them or another person is imminent. That duty is based on policy as well as Department training.

Additionally, as Officer A and his partner were the initial officers to observe the truck perceived to have been the suspect’s, it is the BOPC’s expectation based on policy that they make every effort to ensure that they determine that the truck was in fact the suspect’s. While there were similarities, the truck that approached was a different make and model, different color, had no ski racks and no over-sized tires.

The BOPC realized that the evidence and the investigation support that one of the occupants of the truck may have thrown a folded newspaper wrapped in plastic out of the truck at the location where Officer A was assigned, and that the sound of the newspaper hitting the ground may have been perceived by Officer A as a gunshot. However, assessing that perception objectively, the BOPC did not believe it to be a reasonable one.

Similarly, regarding Officer A’s continuing fire, there is no evidence to support that they were holding an object that could be reasonably perceived to be an imminent deadly threat. Consequently, a Los Angeles Police Officer with similar training and experience would not have reasonably identified an imminent threat of death or serious bodily injury based on the same facts and circumstances, even in consideration of the misidentification of the truck and prior knowledge about the threat the suspect posed.

Officer B – Fifteen rounds total

Sequence No. 1

Four rounds, Remington 870 shotgun, northeasterly direction, from approximately 98 feet.

Officer B observed Officers C and D exit their police vehicle. Officer B heard multiple gunshots and believed that Officers C and D were being attacked by the suspect and were returning fire with their service pistols. As Officer B parked his police vehicle next to the east curb in an effort to utilize the parked vehicles as cover, he observed the *driver’s window* and what appeared to be smoke *maybe coming from a handgun*.

Note: The investigation revealed that neither occupant of the truck was armed with a handgun.

Officer B exited his police vehicle, held the shotgun at port arms and moved to the rear of Officers C and D's police vehicle that was parked in the middle of the street, facing north, approximately four to five vehicle lengths behind the truck and slightly offset to the left. Officer B was unable to *get good eyes* on the truck while behind their vehicle because of another officer that was *directly in front* of him, so Officer B moved to the west and obtained a position of cover behind the front bumper of Officers C and D's police vehicle. Observing what he perceived to be the driver placing their hand out of the truck driver's side window while holding a handgun, Officer B fired four rounds from his Department-issued shotgun at where he believed the driver was seated to stop their actions.

Officer B no longer observed the perceived handgun in view from the driver's side window of the truck, at which time he placed the shotgun on the hood of the police vehicle and drew his service pistol.

Sequence No. 2

Eleven rounds, .40 caliber Glock, northeasterly direction, from approximately 98 feet.

As Officer B aimed his service pistol at the driver's side of the truck, he yelled for the driver to turn off the engine and exit. Officer B again observed what he perceived to be a handgun with smoke coming from it being held out of the driver's side window of the truck and Officer B fired an additional four to five rounds from his service pistol to stop the unidentified driver's actions.

As Officer B yelled out commands to the driver of the truck, he continued to observe the handgun and hear gunshots. Officer B indicated that he believed that the driver, who Officer B believed at this time to be the suspect, was firing upon him and the other officers. Believing the suspect may be wearing a bulletproof vest, Officer B fired an additional four to five rounds at the driver from the same position to stop their perceived actions.

During the BOPC's analysis of Officer B's actions regarding his Lethal Use of Force, the BOPC believes that - in this case - the preponderance of evidence does not independently support Officer B's perceptions that a deadly threat was present. Additionally, his stated perceptions that a gun was held outside the window and was smoking, was not a reasonable perception that a similarly situated LAPD officer would have, even considering the previous knowledge regarding the suspect and the fact that other officers were also firing at the truck. The BOPC was also critical of Officer B's statement that he fired because he believed the suspect was wearing a bulletproof vest. Also, Officer B fired four rounds from his shotgun and then eleven from his service pistol. The BOPC was concerned about the number of rounds that

he fired and the distance that he fired overall. These are considerations when determining the reasonableness of the force used, especially in light of an uncertain target.

Consequently, each officer is accountable for their own use of force. A Los Angeles Police Officer with similar training and experience would not have reasonably identified an imminent threat of death or serious bodily injury based on the same facts and circumstances, even in consideration of an officer's perceptions.

Officer C – Twenty-eight rounds total

Sequence No. 1

Two to three rounds, .40 caliber Glock, northerly direction, from approximately 89 feet

Officer C heard a broadcast by which he believed to be either Officer A or B, that the truck was stopped directly in front of their position. Officer C stopped his police vehicle approximately 25 to 30 feet south of the truck and observed the truck's driver side window roll down. Officer C's partner, Officer D, illuminated the truck with the passenger side spotlight. Officer C observed a hand appear out of the driver's side window, then an object, estimated as a two-inch by four-inch box, being thrown out of the window landing on the pavement near Officers A and B's location.

Officer C perceived the object to be an explosive device, based on the object's appearance and the information received about the suspect's background and experience with explosive devices. Officer D also observed something being thrown out of the driver's side window, but could not determine what the object was.

Note: The investigation determined that newspapers were not delivered to any residences north of the first residence, where Officers A and B were posted. However, Officer C indicated that he observed objects being thrown from the truck on more than one occasion throughout the incident, which was not supported by physical evidence.

Approximately one to two seconds later, Officer C heard two gunshots and observed two muzzle flashes that he perceived to be emitting from the driver's side of the truck. Officer C believed that he observed Officers A and B inside their police vehicle and also perceived that the suspect had discharged a firearm at them. Officer C observed the truck drive forward approximately 10 houses as it drove right, to the middle of the road, then swerved left to the opposite side of the street and stopped in front of Captain A's residence. Officer C followed behind the truck in the police vehicle.

Officer C stopped his police vehicle approximately 25 to 30 feet behind the truck and noted the license plate began with "8D." Officer C attempted to place the police

vehicle in park; however, he placed it into reverse. Officer C kept his right foot on the brake, opened the driver side door, utilized it as cover and placed his left foot onto the road while still seated at the edge of the driver's seat. Officer C canted to the left while he simultaneously drew his service pistol and heard two gunshots.

Officer C said, *"When I heard the two shots and I saw the muzzle flash exiting or coming from the vehicle I fired approximately two to three shots in fear for the safety of [Officer A and Officer B]."*

Officers C and D's police vehicle began to move rearward as Officer C's right foot lost contact with the brake pedal. Officer C holstered his service pistol, placed the transmission into drive and moved the police vehicle forward approximately two to five feet, then placed the vehicle into park. Officer C perceived the truck passenger window roll down and stated he observed what he believed to be another two-inch by four-inch package being thrown from it.

Note: The physical evidence does not support that any object, newspaper or otherwise, was thrown from the truck at this time and location.

Sequence No. 2

Twelve to thirteen rounds, .40 caliber Glock, northeasterly direction, from approximately 90 feet.

Officer C heard approximately four additional gunshots, as he perceived viewing a muzzle flash emitting from the passenger side of the truck. Officer C could not distinguish if gunshots were coming from the truck or being fired at the truck. Officer C exited the police vehicle, stood behind the open driver's side door, and drew his service pistol. Due to the ongoing threat to officers in the immediate area, Officer C pointed his service pistol at the passenger area of the truck through the truck rear window, and fired an additional 12 to 13 rounds where he perceived the threat to exist, to stop the occupant(s) actions.

Officer C's service pistol went to slide-lock and he conducted a speed reload, with his empty magazine falling into the driver compartment of the police vehicle. He then redeployed behind the trunk of his police vehicle.

Sequence No. 3

Approximately twelve to fourteen rounds, .40 caliber Glock, northeasterly direction, from approximately 90 feet.

Officer C heard an additional two to three gunshots, while simultaneously observing additional two-inch by four-inch packages being thrown from an unknown side of the truck in front of Captain A's residence. Officer C, believing a continued deadly threat

existed, fired approximately 12 to 14 additional rounds downrange at the perceived deadly threat, in an effort to stop the actions of occupant(s) within the truck.

Officer C indicated that he then observed the truck roll forward and stop. Officer C indicated that he ceased firing once he no longer observed a deadly threat and conducted a tactical reload, placing the partially loaded magazine in his front waistband while assessing the situation.

The BOPC was very concerned about the lethal force used by Officer C. In fact, no evidence supports Officer C's account of devices or objects being thrown from the truck at the time he fired. However, the BOPC considered the reasonableness of an officer's perceptions in light of the facts and circumstances of the incident.

In this case, shots were being fired at the truck and Officer C honestly stated that he was unsure if they were coming from the truck or fired at the truck. The BOPC realizes that rounds impacting a vehicle can be mistaken as coming from the vehicle itself. However, in this case, the stated reasons for firing at the truck were unsupported and inconsistent. Also, the evidence supports that no newspapers were thrown at the time he claims that objects came from the truck.

Therefore, it is not what Officer C could have seen at the time he made the decision to shoot. The BOPC was also concerned about the significant number of rounds that Officer C fired and the lack of a definitive target, especially considering the distance. As each officer is accountable for the rounds they fire, this is also a consideration of the reasonableness of Officer C's use of deadly force.

The BOPC found that an LAPD officer with similar background, training and experience, faced with similar facts and circumstances, would not have reasonably perceived the threats that were perceived by Officer C and would not have used deadly force.

Officer D - Eleven rounds total

One sequence, .40 caliber Glock, northwesterly direction, from approximately 90 feet.

Officer D heard Officer B broadcast, "*We have a suspicious vehicle in the area*" as their police vehicle turned onto to the street. Officer D turned on the passenger side spotlight and aimed it at the truck.

Officer D and his partner, Officer C, followed the truck as it traveled toward approaching Captain A's residence. Officer D observed the truck drive forward approximately 10 houses as it drove to the middle of the road. Subsequently, the truck *swerved* left to the opposite side of the street and stopped. Moments later, Officer D observed *something* thrown from the truck.

Officer C stopped the police vehicle approximately 90 feet behind the truck. Officer D heard additional gunshots, which caused him to perceive that someone within the truck, whom Officer D believed to be the suspect, was shooting from the vehicle. Officer D drew his service pistol as he exited the police vehicle. Officer D, believing that there was a deadly threat posed by occupants within the truck, fired 11 rounds from his service pistol to stop the perceived actions of the truck occupant(s).

Officer D moved to the rear of his police vehicle and was aware that other officers were shooting at the truck. Officer D observed Officer C at the rear of their police vehicle, along with another unidentified officer. Officer D subsequently heard additional rounds being fired at the truck. Officer D yelled to those officers to stop shooting, and as he walked toward the driver's side of his police vehicle the shooting ceased.

During the BOPC's analysis of Officer D's Lethal Use of Force, the BOPC determined that the evidence does not support that an objective threat occurred and does not support the perception by Officer D that one existed.

The BOPC understands that Officer D may have perceived rounds impacting the truck, as having been fired from inside the truck, but the BOPC was concerned about his decision to fire with the lack of a specific target or threat. He stated that he was *shooting at the vehicle* and then *nothing happened*, and he was *shooting to stop the threat* but was unclear what the threat was or who it was directed at. He specified that he kept shooting and *didn't know if the threat had stopped or not*. He also did not know if the shooting was *friendly fire*. The BOPC appreciated the candor of Officer D's statements, however, the BOPC was concerned about his rationale for using deadly force. Especially, considering the number of rounds he fired and the lack of an identifiable imminent threat.

In evaluating the totality of the facts and circumstances, the BOPC believes an LAPD officer with similar experience and training would not have reasonably perceived a deadly threat as Officer D did and would not use deadly force.

Sergeant E – Five rounds total

Remington 870 shotgun, northwesterly direction, from an increasing distance of approximately 104 to 114 feet.

Sergeant E stood in Captain A's backyard and heard a broadcast by either Officer A or B, "... *Hey it looks like the vehicle. It looks like the truck, blue truck. It looks like it's looking for addresses...*" Sergeant E immediately walked toward the front of the residence where he heard a second broadcast indicating *it's the truck*. Consequently, Sergeant E ran onto the driveway.

As Sergeant E responded to the front of the residence, he heard an unknown number of gunshots. Upon arrival, Sergeant E observed Officers E and F deployed

behind a vehicle parked on the driveway. From there, Sergeant E moved to the residence south of Captain A's residence. Sergeant E heard additional gunshots and obtained cover behind a black four-door vehicle parked on the driveway.

Sergeant E observed the truck slowly approaching the east curb and noted it was a "foreign truck" with its high beams and fog lights illuminated. As the truck traveled past Sergeant E, he moved from his position of cover behind the vehicle, in the driveway to another vehicle parked in front, in order to obtain the truck's rear license plate number. Sergeant E observed the partial plate of "8D" which matched the first two numbers on the license plate of the suspect's vehicle. Moments later, the truck paused in front of Captain A's residence.

Sergeant E returned to his original position behind the vehicle in the driveway for cover, and due to a concern for the safety of nearby officers, believing officers and residents already had been fired upon, including persons within Captain A's residence, Sergeant E fired one round from his Department-issued shotgun at the back window of the truck to stop the perceived deadly threat.

In an attempt to protect Captain A's family, Sergeant E fired approximately two to three additional rounds from his shotgun at the truck's cab area to stop the perceived deadly threat.

Sergeant E believed that the suspect occupied the truck, was fleeing, and would continue to kill officers or civilians; therefore, Sergeant E pointed his shotgun at the bed and wheels of the truck and fired two additional rounds in an attempt to disable it and prevent the suspect's escape.

During the BOPC's analysis of Sergeant E's Lethal Use of Force, it found no evidence to support that an identifiable threat existed. The BOPC also evaluated that Sergeant E perceived that the suspect was the driver of the truck and that he presented an imminent threat to Captain A's family. He also perceived that the suspect may have been shooting at other officers who may already be *down and wounded*.

However, the perceptions of officers using deadly force must be based on an objectively reasonable belief that an imminent threat exists. In this case, while Sergeant E may have perceived that the suspect was shooting at officers and or Captain A's residence, no evidence supports that belief. The BOPC understands the totality of circumstances, including the general description on the truck, the license plate and the radio broadcasts. However, the BOPC believes that an LAPD sergeant who has the same background, experience and training, faced with similar facts and circumstances, would not perceive a deadly threat and would not have used deadly force, especially absent an actual identifiable target.

Regarding the shooting at a fleeing felon assessment, in this case, Sergeant E did not objectively have *probable cause* to believe the occupants of the truck were

felons whose escape would pose a significant threat of death or serious bodily injury to the officers or others if apprehension was delayed. The BOPC realized that Sergeant E did believe that the occupant was the suspect; however, the probable cause standard for a fleeing felon is intentionally high and this case did not meet that standard. Sergeant E not only did not identify the suspect, he did not have a specific target other than the truck.

Additionally, regarding shooting at a moving vehicle, Sergeant E did not identify a specific *person in the vehicle* ... threatening the officer or another person with deadly force. One purpose of the policy is to prevent unintended consequences from shooting at a vehicle unless there are exigent circumstances. Sergeant E stated his reasons for shooting at the truck, including at the tires in order to prevent the truck from fleeing. However, in light of the fact that there was no real identified threat and there was significant risk that those rounds could have caused serious unintended consequences, shooting at the moving vehicle was not a reasonable option.

Consequently, the preponderance of evidence, to include not having an identified deadly threat and not being sure of the target, does not support that a deadly threat existed at the time that Sergeant E discharged his shotgun. Additionally, the application of lethal force to prevent the escape of a fleeing felon while shooting at a moving vehicle was not objectively reasonable in this instance, due to the threat having not been adequately identified.

Officer E – Fourteen rounds total (five shotgun and nine service pistol)

Sequence No. 1

Five rounds, Remington 870 shotgun, northwesterly direction, from approximately 78 feet.

Officers E and F, equipped with shotguns, were positioned inside Captain A's garage. Officer E stated that he heard Officer A or B broadcast that a dark-colored truck was slowly traveling with the high beam headlights activated intermittently. As Officer E stood inside Captain A's garage, he heard a single gunshot south of his location. He then heard a broadcast, "*Shots fired*" and heard another gunshot. Officer E, along with his partner, Officer F, exited the garage and deployed behind the driver's side of a parked vehicle on the driveway to obtain cover behind its engine block. As Officer E looked south, he observed what he believed to be the suspect's truck, approaching at a speed of approximately 10 to 15 miles per hour, with its high beam lights on.

Officer E observed the truck stop in front of Captain A's residence for approximately five seconds, and then continued northbound. As the truck moved north from the location, he heard two to three gunshots. Officer E chambered a round in the shotgun and redeployed to the area of the passenger side mirror of a vehicle. Officer E believed that the occupant of the vehicle was firing at him and his partner,

therefore, Officer E fired five shotgun rounds in rapid succession to stop the perceived deadly actions of the truck occupant.

Sequence No. 2

Nine rounds, .40 caliber Glock, northwesterly direction, from an increasing distance of 78 to 129 feet.

Officer E placed the shotgun onto the driveway, drew his service pistol and held it in a two-hand grip. Officer E continued to hear gunshots and believed that rounds were being fired at the deployed officers, and that it was the suspect firing those rounds. Officer E dropped to one knee and fired two to three rounds as the truck slowly continued northbound.

Officer E's service pistol went to slide-lock (out of battery) and he observed that a live round did not properly feed into the pistol's chamber. He cleared the malfunction as he tapped the magazine and cycled the slide, which fed the live round into the chamber. While still on one knee, Officer E fired an additional two to four rounds, again targeting the truck's back window from the same position to stop the perceived deadly actions of the truck occupant.

Officer E experienced a second similar malfunction, and cleared it again using the same technique. Officer E fired three to four additional rounds at the same perceived deadly threat, as the truck continued traveling northbound before he experienced a third pistol malfunction.

During the BOPC's analysis of Officer E's application of lethal force, similar to the previous shooting officers, the evidence reflects that no identifiable threat existed. Additionally, the occupants of the truck were not armed, not adequately identified, and did not pose a deadly threat at the time he discharged his firearm.

A LAPD officer with similar training and experience facing the same or similar facts and circumstances would not reasonably believe that that the occupants of the truck (which was being shot at by other officers) presented a deadly threat. In this case, the BOPC understands the perception of the officers, and appreciates their intention to protect Captain A's family, however, officers are accountable for the rounds they fire and for identifying a target.

Officer F – Eleven rounds total (three shotgun and eight pistol rounds)

Sequence No. 1

One to two rounds, Remington 870 shotgun, northwesterly direction from approximately 75 feet.

Officers E and F, equipped with shotguns, were positioned inside Captain A's garage. Officer F stated that he heard Officer A or B broadcast that a dark-colored truck was slowly traveling north with its high beam lights activated intermittently. As Officer F stood inside Captain A's garage, he heard a single gunshot south of his location. He then heard a broadcast, "*Shots fired*" and heard another gunshot.

Officers D and E exited the garage and deployed behind the driver's side of a parked vehicle on the driveway to obtain cover behind its engine block. As Officer F looked south, he observed what he believed to be the suspect's truck, approaching at a speed of approximately 10 to 15 miles per hour, with its high beam lights on.

After deploying behind the engine block on the driver's side of a vehicle, Officer F heard a broadcast of, "*8D.*" As he looked south, Officer F was temporarily blinded by the truck's high beams. Officer F then observed the truck to be a blue four-door truck that he believed matched the description of the suspect's vehicle. Officer F observed the truck being followed by Officers C and D's police vehicle that were approximately one to one and half vehicle lengths behind.

As the truck slowed in front of Captain A's residence, Officer F heard multiple gunshots and believed that the suspect was shooting at Captain A's residence and at officers. Officer F fired what he believed to be four shotgun rounds at the truck to stop the occupant's perceived deadly actions.

Sequence No. 2

One to two rounds, Remington 870 shotgun, northwesterly direction from approximately 75 feet.

Officer F moved to his left, behind the engine block for better cover as he continued to hear gunshots. Due to his belief that officers were being fired at by the suspect, Officer F fired what he believed to be two additional shotgun rounds at the truck occupants to stop the perceived deadly threat.

Officer F then placed the shotgun onto the driveway and drew his service pistol. Officer F stated he transitioned to his service pistol because it was quicker than reloading the shotgun.

Sequence No. 3

Eight rounds, .40 caliber Glock, northwesterly direction, from an increasing distance of approximately 76 to 139 feet.

Due to hearing additional gunshots and believing that a deadly threat continued to exist, Officer F aimed his service pistol at the driver and fired what he believed to be six rounds from his service pistol to stop the perceived deadly threat and actions of

the driver of the truck. The truck proceeded to drive northbound at five to 10 miles per hour as Officer F fired.

As the truck continued northbound, Officer F moved to his left behind the front passenger area of a vehicle. Hearing continued gunshots, Officer F aimed his service pistol at the truck and fired what he believed to be two additional rounds to stop the driver's perceived deadly actions.

Officer F then heard Officer E say, *"I got a malfunction,"* as he moved toward the garage wall. Officer F aimed his service pistol at the same target and fired what he believed to be three final rounds to provide cover fire for Officer E.

Consistent with the BOPC's previous use of force determinations, the evidence in the BOPC's review of Officer F's use of deadly force reflects that no identifiable threat existed, therefore his decision to utilize lethal force was not objectively reasonable as the occupants of the truck were not armed and no identifiable deadly threat existed.

A LAPD officer with similar background, training and experience faced with similar facts and circumstances, would not reasonably believe that the occupants of the truck presented an imminent threat of death or serious bodily injury.

Officer G – Eleven rounds total

Sequence No. 1

Eight rounds, 9mm Beretta, southerly direction, from approximately 270 feet.

Officers G and H were sitting in their marked black and white police vehicle, which was backed into a driveway. When made aware of the possible sighting of the suspect's vehicle in the area of the 105 Freeway and Sepulveda Boulevard exit, Officers G and H exited their police vehicle and stood behind the trunk, looking out onto the street.

Officer G heard Officer C broadcast on simplex, *"He's moving slow. Hey everyone be ready. Be ready,"* then heard Officer B broadcast, *"License plate is 8D."* Having that information, Officer G drew his service pistol and held it in a two-hand, low-ready grip. Officer G then heard someone broadcast, *"This guy put on, he put on his high beams."*

As Officer G looked southbound from his position, Officer G observed a truck with its high beam headlights activated slowdown in the vicinity of Captain A's residence. As he knelt behind the left front tire of a vehicle parked in the driveway, Officer G heard a single gunshot. Less than a second later, Officer G heard multiple gunshots, some of which sounded like rifle gunshots. Officer G heard bullets

“whizzing by” and observed leaves falling from nearby trees, as the truck slightly moved forward from Captain A’s residence.

Officer G stood up and observed the truck advancing toward his direction. Officer G observed what he believed were muzzle flashes emanating from the cab of the truck, mostly concentrated on the driver’s side. Officer G did not believe the gunfire was from the other officers because he believed they were aware of his and Officer H’s position. Officer G stated he did not believe there was a crossfire issue because he was not aware that a police vehicle was stopped behind the truck.

To protect himself and Officer H from serious bodily injury or death, Officer G aimed his service pistol at the truck’s front windshield and fired eight rounds to stop the occupant’s perceived deadly actions.

Note: Officer G stated that he believed the truck was approximately 30 feet away. The actual distance between the truck’s final resting position and Officer G’s position as he shot was 270 feet.

Sequence No. 2

Three rounds, 9mm Beretta, southwesterly direction, from approximately 287 feet.

After firing his service pistol, Officer G moved in a northwest direction toward an alcove of the residence and obtained cover behind a wall. As he reached the alcove, he observed that Officer H was already there with him. Officer G then heard tires screeching and continuous gunshots, causing him to tactically move to his right around the corner of the wall, while holding his service pistol in a two-hand, low-ready position. He believed that the suspect was continuing to advance toward him and Officer H; therefore, Officer G, believing that he had no other option, raised and pointed his service pistol at the truck and fired an additional three rounds to stop the perceived deadly threat by the truck occupant.

During the BOPC’s analysis of Officer G’s Lethal Use of Force, the BOPC considered that officers perceive and recall events differently during critical incidents, and that perceptual distortion including distance can occur. However, under these specific facts and circumstances, Officer G’s perception that the occupants of the truck were shooting at him and his belief that there was an imminent threat of serious bodily injury or death posed by the occupants of the truck that was stopped 270 feet away from him was not reasonable. In considering this recommendation, the BOPC understands that there were rounds impacting near him. However, officers who were behind the truck were firing those rounds, unbeknownst to Officer G. The BOPC also noted that Officer G did not have a clear target and was firing at the truck itself and not a specific deadly threat. The evidence reflects that there were no front to back bullet impacts on the truck and thus officers and other persons were subjected to potential injury or death.

In light of the above, and the distance that Officer G fired at an unidentifiable threat, the BOPC determined that his use of deadly force was not objectively reasonable.

In conclusion, the BOPC found Sergeant E and Officers A, B, C, D, E, F and G's use of lethal force to be Out of Policy.

Additional

The BOPC directed the Chief of Police to complete an analysis of command decision-making in this case and to present the results to the BOPC Use of Force sub-committee and the OIG.