

INTRADEPARTMENTAL CORRESPONDENCE

December 20, 2018

3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUSPECT: OFFICER INVOLVED SHOOTING FID NO. 013-18

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 013-18. A Use of Force Review Board (UOFRB) was convened on this matter on December 3, 2018. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On February 26, 2018, at approximately 0845 hours, Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Mission Patrol Division, were in full police uniform, driving a marked black and white police vehicle. The officers responded to a radio call of an *attempt suicide* at 9149 Kester Avenue. The comments of the call indicated the Person Reporting (PR) *had a handgun and a knife and wanted to kill himself*. Additionally, the PR's *mother was in the location sleeping*.

According to the officers, while en route to the radio call, they received additional information from Communications Division (CD) that the PR, later identified as O. Nazarians, was also armed with a *sword*. Officers discussed *contact and cover*, elements of marksmanship, and assessing the priority of the *threat* upon their arrival. Additionally, Officer [REDACTED] assigned himself as the contact officer and Officer [REDACTED] was assigned as the designated cover officer.

Officers [REDACTED], Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Mission Patrol Division, responded to the location and arrived prior to Officers [REDACTED] and [REDACTED].

According to Officer [REDACTED], upon arrival, he and Officer [REDACTED] parked south of the location directly behind Officers [REDACTED] and [REDACTED] police vehicle. Officer [REDACTED] broadcasted to CD that they were *Code-Six* and exited the police vehicle. Officer [REDACTED] assumed the role of Incident Commander (IC), designated Officer [REDACTED] as a less-lethal cover officer with the TASER and directed Officer [REDACTED] to deploy the *beanbag* shotgun (Debriefing Point No. 1).

[REDACTED]

According to Officer [REDACTED], as [REDACTED] approached the location, [REDACTED] identified two points of cover, a large tree and a concrete block mailbox. Officer [REDACTED] believed that Nazarians was in possession of weapons based on the comments of the call, so [REDACTED] drew [REDACTED] service pistol and moved from cover to cover towards the location (Drawing/Exhibiting).

According to Officer [REDACTED], due to the exigency of the situation, [REDACTED] did not have the time to formulate a lengthy tactical game plan. Officer [REDACTED] believed [REDACTED] needed to proceed as urgently as possible. Taking additional time could jeopardize the safety of the PR or his mother (Debriefing Point No. 1).

According to Officer [REDACTED] directed the officers to take a position of cover behind the tree. Officer [REDACTED] believed that if a critical moment occurred, there would not be enough cover for the other officers and [REDACTED] behind the single tree; therefore, Officer [REDACTED] redeployed to the concrete block mailbox for cover (Debriefing Point No. 2).

Note: The investigation revealed that the mailbox was directly in front of the residence, just south of the garage door.

According to Officer [REDACTED], prior to arrival, [REDACTED] was assigned as the designated cover officer. Based on the radio call involving weapons and mental illness, Officer [REDACTED] believed the situation could escalate to the point where he may need to use deadly force. Officer [REDACTED] drew [REDACTED] service pistol as he approached the target location (Drawing/Exhibiting).

According to Officer [REDACTED], as [REDACTED] assumed a position of cover behind the tree in front of the residence, he remembered that [REDACTED] had previously responded to the same location approximately three months prior on another call for service related to Nazarians. During the previous call, Nazarians suffered from a mental condition, was cooperative and had met the criteria for a 5150 hold. Officer [REDACTED] communicated this information to Officer [REDACTED] as Officer [REDACTED] was redeploying towards the brick mailbox structure.

According to Officer [REDACTED], the garage door opened and Nazarians exited holding a sword in his right hand. Officer [REDACTED] then alerted Officer [REDACTED] of [REDACTED] observations and stated, "Hey, he's right there." Nazarians began walking towards Officer [REDACTED]. Nazarians then stopped approximately 10-12 feet from Officer [REDACTED] and looked in Officer [REDACTED] direction.

Note: The investigation revealed that Nazarians was armed with a 23 ½ inch stainless steel, pointed metal skewer.

According to Officer [REDACTED], the garage door of the location began opening and Nazarians came out. Officer [REDACTED] recalled the comments of the call and called the suspect by name. Officer [REDACTED] observed Nazarians holding a sword approximately three feet long. Officer [REDACTED] attempted to de-escalate the situation by telling him to, "Stop."

Note: A review of Officer [REDACTED] BWV revealed he told the suspect to, "Drop it."

According to Officer [REDACTED] directed Officer [REDACTED] to *grab the beanbag* shotgun upon their arrival. Officer [REDACTED] assumed a position of cover at the tree and then observed Nazarians come out of the garage. Officer [REDACTED] did not initially see Nazarians holding a weapon. [REDACTED] heard Officer [REDACTED] say, "Stop" or "Drop it." Officer [REDACTED] directed Officer [REDACTED] to *step up with the beanbag* as he observed Nazarians *advance* towards Officer [REDACTED]. Officer [REDACTED] drew [REDACTED] service pistol based on the comments of the call indicating Nazarians was armed with a gun and a sword (**Drawing/Exhibiting**).

According to Officer [REDACTED] Officer [REDACTED] directed [REDACTED] to *get the beanbag*. [REDACTED] retrieved the beanbag shotgun and loaded *one in the chamber*. While still outside of her vehicle, Officer [REDACTED] looked towards the residence and observed Nazarians *open the garage door* and began *approaching officers*.

According to Officer [REDACTED] Officer [REDACTED] directed [REDACTED] to *get up to the line* with the other officers. Officer [REDACTED] ran towards the location, with the beanbag shotgun, and took a position of cover *next to a tree*. Officer [REDACTED] observed Nazarians holding a *sharp object* down to his side with the blade pointed towards Officer [REDACTED].

As Nazarians was exiting the garage, Officers [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Mission Patrol Division, arrived and parked their police vehicle at the apron of the driveway at [REDACTED] Kester Avenue, which is located one house south of Nazarians' residence.

According to Officer [REDACTED] upon arrival, [REDACTED] exited [REDACTED] police vehicle and saw the *garage door opening up*. [REDACTED] communicated [REDACTED] observations to Officer [REDACTED] and drew [REDACTED] service pistol based on the comments of the call indicating Nazarians was *armed with a gun*. Officer [REDACTED] then observed Nazarians walk out of the garage *holding a metal object in his hands*. Officer [REDACTED] holstered [REDACTED] service pistol and drew [REDACTED] TASER because [REDACTED] did not observe any less-lethal weapons deployed (**Drawing/Exhibiting**).

According to Officer [REDACTED] heard Officer [REDACTED] state, "Hey, the door is opening," as they exited their patrol vehicle. As Officer [REDACTED] approached the location, [REDACTED] observed Nazarians *exit the garage* and walk down the driveway while holding a *long and shiny, edged weapon* in his right hand and a *piece of paper or a bag* in his left hand. Nazarians *appeared angry* and was *postured in an aggressive manner* with his *shoulders back*. Nazarians had a *straight-ahead stare, focused on the officers* and was holding the *sword or metal bar* between his *armpit and waist level*, with the *blade pointed up*. Nazarians *picked up speed* and began *closing the distance* towards the officers.

According to Officer [REDACTED] attempted to *de-escalate the situation* by talking to Nazarians and giving him commands to, "Stop." Nazarians failed to comply and continued to *walk towards Officer [REDACTED]*, holding a *sword, approximately three-feet long*. Nazarians *stopped for a second*, and then began *running in Officer [REDACTED] direction*. In order to *create distance*, Officer [REDACTED] *tactically redeployed* backwards from the *concrete block* (**Additional Tactical Debrief Topic – Non- Conflicting Simultaneous Commands**).

According to Officer [REDACTED] called out to Nazarians by his name to de-escalate the situation and have him drop the weapon and cooperate. Nazarians then raised the sword, pointed it towards Officer [REDACTED] and began running towards him (**Additional Tactical Debrief Topic – Non-Conflicting Simultaneous Commands**).

According to Officer [REDACTED] Nazarians walked towards Officer [REDACTED] and then stopped. Nazarians paced to his right and to his left, while maintaining eye contact with Officer [REDACTED]. Officer [REDACTED] directed Nazarians to, "Put the knife down," to which Nazarians shook his head. Nazarians then charged Officer [REDACTED] with the sharp blade pointing in [REDACTED] direction. Officer [REDACTED] fired two beanbag rounds from the beanbag shotgun at Nazarians to stop the threat from an approximate distance of sixteen feet.

Note: The investigation revealed that the beanbag shotgun rounds did not make contact with Nazarians.

According to Officer [REDACTED] was unable to provide Nazarians with a warning prior to deploying the beanbag shotgun because Nazarians closed the distance rapidly towards Officer [REDACTED], which did not give her the time to give a warning.

According to Officer [REDACTED] while moving to cover behind a tree, [REDACTED] observed Nazarians walking briskly out of the garage as he continued down the driveway. Nazarians then began closing the distance on officers. Officer [REDACTED] aimed at Nazarians' center mass and discharged the TASER from approximately 15-18 feet to stop his actions (**Additional Tactical Debrief Topic – TASER Target Areas/Optimal Range**).

Note: The investigation revealed that the TASER prongs did not make contact with Nazarians.

According to Officer [REDACTED] did not have time to provide Nazarians with a warning prior to the deployment of the TASER due to the rapidly unfolding situation.

According to Officer [REDACTED], Nazarians raised the sharp, pointed, double-edged type sword and pointed it towards Officer [REDACTED]. Nazarians then ran toward Officer [REDACTED]. Officer [REDACTED] observed Officer [REDACTED] backpedal as he heard the pop of the TASER along with a beanbag shotgun being fired. Nazarians came within approximately three feet of Officer [REDACTED]. Observing that the less-lethal force options did not stop Nazarians' actions and in fear for Officer [REDACTED] safety, Officer [REDACTED] fired one round from [REDACTED] service pistol at Nazarians to stop the lethal threat (**Lethal Use of Force**).

According to Officer [REDACTED] heard loud pops and observed Nazarians hit the ground with the edged weapon landing on the ground next to [REDACTED]. Officer [REDACTED] drew [REDACTED] service pistol based on Nazarians' close proximity to the edged weapon, and [REDACTED] observation that Nazarians was still breathing and moving (**Drawing/Exhibiting**).

According to Officer [REDACTED] broadcasted a help call and requested a rescue ambulance (RA) for Nazarians.

Sergeant [REDACTED] Serial No [REDACTED] Mission Patrol Division, responded and assumed the role of IC from Officer [REDACTED].

Additional personnel arrived and Nazarians was taken into custody without further incident (**Additional Tactical Debrief Topics – Situational Awareness**).

Note: The investigation revealed that Sergeant [REDACTED] requested an RA for Nazarians' mother who suffered from an unrelated medical problem and was not injured during the incident.

After the OIS, Officer [REDACTED] downloaded and secured the beanbag shotgun into the shotgun rack inside of her patrol vehicle (**Additional Tactical Debrief Topics – Preservation of Evidence**).

Sergeant [REDACTED] Serial No. [REDACTED] Mission Patrol Division, responded and assumed the role of IC from Sergeant [REDACTED]. Sergeant [REDACTED] ensured the involved officers were separated and monitored. Additionally, Sergeant [REDACTED] obtained a Public Safety Statement (PSS) from Officer [REDACTED] (**Additional – Protocols Subsequent to a Categorical Use of Force Incident**).

Los Angeles Fire Department (LAFD) personnel responded, assessed Nazarians' medical condition at the scene and pronounced him dead at 0908 hours.

FINDINGS

Tactics – Tactical Debrief, Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

Drawing/Exhibiting – In Policy, No Further Action, Officers [REDACTED], [REDACTED], [REDACTED], Virzi, and Stanick.

Lethal Use of Force – In Policy, No Further Action, Officer [REDACTED].

ANALYSIS

Detention

The officers responded to an attempt suicide radio call which was initiated by the suspect. As the officers approached the suspect's residence, the suspect exited through the garage door holding a 23 ½ inch, pointed, metal rod. The suspect charged at an officer while pointing the weapon in the officer's direction, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

[REDACTED]

TACTICS

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the officers were faced with a rapidly unfolding tactical situation when the suspect exited the residence holding a long metal skewer, which was being used as a weapon. The officers attempted to de-escalate the situation by communicating with the suspect by name and directing him to drop the weapon. Additionally, officers utilized less-lethal options as the suspect ran towards an officer while pointing the weapon at him. The less-lethal options were ineffective and the suspect rapidly closed the distance towards an officer, coming within several feet of him.

Faced with an imminent threat of serious bodily injury or death to another officer, an officer utilized lethal force to stop the deadly threat.

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

Debriefing Point No. 1 Tactical Plan/ Communication

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

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must

effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain 22).

Officer [REDACTED] as the senior officer at scene, designated [REDACTED] as both the contact officer and the IC.

Operational success is based on the ability of the officers to effectively communicate during critical incidents. The officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, prior to their arrival at scene, Officers [REDACTED] and [REDACTED] discussed a thorough tactical plan. Although Officer [REDACTED] sense of urgency to ensure the safety of Nazarians and the occupant within the residence was reasonable, [REDACTED] did so at the expense of formulating a coordinated response with the additional officers that responded. I would have preferred that Officer [REDACTED] take additional time to plan and communicate a more coordinated effort by utilizing all available resources at scene.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Officer [REDACTED] actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Utilization of Cover

Cover is defined as an object or structure that will stop the opponent's bullets. Officers should attempt to move to and use available cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding area can be used as cover and what type of cover is required to stop specific rounds (handgun, shotgun or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, January 2015).

Distance + Cover = Time

There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officer the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources.



Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer.

Due to "lag time, the urgency for officers to create distance between themselves and a suspect armed with a weapon other than a firearm cannot be overstated. Lag time is the time it takes a person to react to an action. If officers close the distance too quickly before assessing the situation, lag time could put them in danger (Los Angeles Police Department, Training Bulletin, Volume XLVI, Issue 3, October 2017).

Officer [REDACTED] moved from a position of cover behind a large tree to another position of cover at the concrete block mailbox in front of Nazarians' residence.

The utilization of cover coupled with distance enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer [REDACTED] moved closer to the residence, while knowing the comments of the radio call indicated the suspect was armed with a handgun, a knife and a sword. While the concrete block mailbox afforded Officer [REDACTED] cover, it is preferred that Officer [REDACTED] assume a position of cover at a greater distance from the location, thus increasing his tactical advantage.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer [REDACTED] actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

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

TASER Target Areas/Optimal Range – The investigation revealed that Officer [REDACTED] aimed at the suspect's center mass area when [REDACTED] discharged the TASER from approximately 19 feet. Officer [REDACTED] is to be reminded that the optimal TASER target areas are the navel or belt-line and the optimal range for the TASER is 7-15 feet. I will direct that this be a topic of discussion during the Tactical Debrief.

Preservation of Evidence – The investigation revealed that Officer [REDACTED] downloaded the beanbag shotgun instead of leaving it in the condition it was post OIS. It is preferred that weapon

systems utilized be left undisturbed until FID investigators can properly document and process the scene. I will direct that this be a topic of discussion during the Tactical Debrief.

Situational Awareness – A review of Officer [REDACTED] BWV, following the OIS, captured Officer [REDACTED] with his hands in his pants pockets, standing between Officers [REDACTED] and [REDACTED]. The expectation of a Field Training Officer at the scene of a critical incident is to provide command and control through direction and leadership. In this case, Nazarians had not been handcuffed or searched and was possibly still a threat. Furthermore, the residence had not been cleared or secured. Officer [REDACTED] is reminded of the importance of maintaining situational awareness and a position of advantage until the scene has been stabilized. I will direct that this be a topic of discussion during the Tactical Debrief.

In addition, a review of Officer [REDACTED] BWV revealed Officer [REDACTED] was texting on his cellular phone inside of the residence while [REDACTED] partner was attempting to console Nazarians' mother and obtain pertinent information. Again, it is my expectation of a Field Training Officer to maintain a vigilant and professional role throughout the duration of a critical incident. I will direct that this be a topic of discussion during the Tactical Debrief.

COMMAND AND CONTROL

As the senior officer on scene, Officer [REDACTED] assumed the role of IC, formed a tactical plan with [REDACTED] partner and assigned less-lethal munitions to responding officers. After the OIS, Officer [REDACTED] broadcasted a help call and requested an RA.

Sergeant [REDACTED] responded and assumed the role of IC from Officer [REDACTED]. [REDACTED] formulated a plan to take Nazarians into custody and oversaw a search of the residence.

Sergeant [REDACTED] responded and assumed the role of IC from Sergeant [REDACTED]. [REDACTED] ensured that the involved officers were separated, monitored, and obtained a PSS from Officer [REDACTED]. The actions of the sergeants and officer were consistent with Department training and met my expectations of field supervisors and police officers during a critical incident.

Tactical Debrief

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

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

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

- Use of Force Policy;

According to Officer [REDACTED] drew [REDACTED] service pistol based on the comments of the call indicating Nazarians was armed with a gun and a sword.

Officer [REDACTED] recalled,

He was -- I'm pretty sure he was -- he was already down, or it was like right -- right before he got shot when I took my gun out. I don't typically run with my gun out. So we were -- as we were getting up there, then the shooting happened, or right when it was about to happen is when I took my gun out.

Oh, because the comments of the call. It said he had a -- a gun and -- and a sword. And -- Feel he's capable of hurting me or my partner and anybody there [REDACTED]

According to Officer [REDACTED] drew [REDACTED] service pistol based on the comments of the call indicating the suspect was armed with a gun.

Officer [REDACTED] recalled,

The way the call came out -- I exited the vehicle. I unholstered my gun, because the call was man armed with a gun. Saw the man -- or the suspect walk out of the garage, holding a metal object in his hand [REDACTED]

According to Officer [REDACTED] drew [REDACTED] service pistol based on Nazarians close proximity to the edged weapon and the observation that Nazarians was still breathing and moving.

Officer [REDACTED] recalled,

At that point just based on the situation the fact that the suspect had already engaged officers and there was a deadly force situation that already occurred. I felt that because he's so close to that edged weapon and still moving, that there's a possibility that this situation could escalate to another deadly force situation. [REDACTED]

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

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

[REDACTED]

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

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

Officer [REDACTED] – 9mm, one round in a northerly direction from an approximate distance of 19 feet.

According to Officer [REDACTED], Nazarians raised the sharp, pointed, *double-edged type sword* and pointed it towards Officer [REDACTED]. Nazarians ran towards Officer [REDACTED] as Officer [REDACTED] backpedaled away from [REDACTED]. Officer [REDACTED] heard the pop of the TASER along with a beanbag shotgun being fired. Nazarians continued to run toward Officer [REDACTED] and came within approximately three feet of him. Observing that the less-lethal force options did not stop Nazarians' actions and in fear for Officer [REDACTED] safety; Officer [REDACTED] fired one round from [REDACTED] service pistol at Nazarians to stop the lethal threat.

Officer [REDACTED] recalled,

So we had our cover, our distance. Our intentions were to just de-escalate the situation, just get him just to -- to drop the weapon and have him cooperate with us. But right away, he picked up that -- that object which I kind of identified to be some type of sharp pointed object, possibly three feet in length. It was metal. To me, at the time, it looked like a double-edged kind of like sword, just not a normal one. And he -- he picked it up, pointed toward my partner, and began running towards my partner. He ran towards my partner. And I remember my partner backpedaled. I heard a -- I heard a Taser go off, the pop of a Taser. I heard a beanbag being fired. And it did not stop the suspect. And he was approximately three feet from my partner. So I fired one round aimed about center mass. Fired one round. I saw he was falling down so I just assessed. He fell to the ground. I remember the beanbag was next to me. I remember somebody being to my left. I was in fear for my partner's safety as that could have caused -- could have been either serious bodily injury or death to my partner. |

The reason for shooting, why I felt the need to shoot is because I -- when I heard the beanbag and the Taser go off, the suspect continued running towards my partner at a faster speed

[REDACTED]

than my partner could backpedal. And it didn't -- it didn't stop the -- the suspect, and I knew that that could cause some type of serious bodily injury or death to my partner, and so I fired [REDACTED]

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

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

Additional

Body Worn Video (BWV) Activation – The investigation revealed that Officer [REDACTED] did not activate her BWV during the incident. Captain [REDACTED], Serial No. [REDACTED] Commanding Officer, Mission Patrol Division, was advised and addressed this issue through a Comment Card. Captain [REDACTED] advised that he will ensure audits will be completed on the involved officer for a 60-day period, following the Tactical Debrief, to ensure the officer's BWV's are being properly activated. The Commanding Officers of Operations Valley Bureau (OVB) and Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Digital in Car Video System (DICVS) Activation – The investigation revealed that Officers [REDACTED] and [REDACTED] did not activate their DICVS during the incident. Captain [REDACTED] was advised and addressed this issue through a Comment Card. Captain [REDACTED] advised [REDACTED] will ensure audits will be completed on the involved officers for a 60-day period, following the Tactical Debrief, to ensure the officers' DICV's are being properly activated. The Commanding Officers of OVB and OO concurred with this action. As such, I deem no further action is necessary.

DICVS Protocol – The investigation revealed that Officers [REDACTED] and [REDACTED] left their DICVS microphones in their police vehicle during the incident. Captain [REDACTED] was advised and addressed this issue through a Comment Card. Captain [REDACTED] advised that [REDACTED] will ensure audits will be completed on the involved officers for a 60-day period, following the Tactical Debrief, to ensure the officers' DICV's are being properly activated. The Commanding Officers of OVB and OO concurred with this action. As such, I deem no further action is necessary.

Protocols Subsequent to a Categorical Use of Force Incident – The investigation revealed that Sergeant [REDACTED] did not obtain a PSS from Officer [REDACTED] verbatim after the Categorical Use of Force. Captain [REDACTED] was advised and addressed this issue through divisional training, which was documented in the Learning Management System (LMS). The Commanding Officers of OVB and OO concurred with this action. As such, I deem no further action is necessary.

[REDACTED]

Weapons other than Firearms Protocol – The investigation revealed that Police Service Representative [REDACTED] Serial No. [REDACTED] Communications Division, did not dispatch a supervisor to the radio call which involved an edged weapon. Captain [REDACTED] Serial No. [REDACTED] Communications Division, was advised and addressed this issue through a Comment Card. An audit will also be completed for a 30-day period to ensure compliance with CD dispatch protocols for calls involving edged weapons. The Commanding Officers of Administrative Services Bureau (ASB) and OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

DICVS/ BWV – Mission Patrol Division vehicles were equipped with DICVS at the time of the incident, however no DICVS captured the incident.

Mission Division personnel were equipped with BWV at the time of the incident. Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] BWV captured the incident.

Outside Video – Witness [REDACTED] recorded the incident after the OIS with her cellular telephone.

Chief's Direction

The circumstances of this incident involved a suicidal suspect who had six prior contacts with the police. Each of the prior contacts resulted in the suspect being placed under an involuntary psychiatric hold for being a danger to himself. While the suspect did not have a history of violence towards others; responding officers could have benefited from knowing the suspect's history at the location.

Therefore, I am directing the Director of the Office of Operations to remind geographic area commanding officers of the protocols for identifying and entering a location into the Special Location/Premise Hazard file. These protocols allow commanding officers discretion in identifying Special Locations based on their belief that there is an officer safety issue at the location.

Respectfully,


MICHEL R. MOORE
Chief of Police

Date: 12-20-18