

## INTRADEPARTMENTAL CORRESPONDENCE

December 21, 2017

3.2

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

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 016-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 016-17. A Use of Force Review Board (UOFRB) was convened on this matter on December 4, 2017. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY

On March 6, 2017, at approximately 1532 hours, Officers [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Rampart Patrol Division, were in full uniform, driving a marked black and white police vehicle. The officers received a Code-Three radio call at [REDACTED] Edgecliffe Drive to meet the Fire Department on a *medical emergency* for a *combative, intoxicated female, possibly in possession of a gun, no shots fired*.

Sergeant [REDACTED] Serial No. [REDACTED], and Officers [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial [REDACTED] Rampart Patrol Division, also responded to the call.

Officers [REDACTED] and [REDACTED] arrived on Edgecliffe Avenue, parked their vehicle, and placed themselves Code-Six.

According to Officer [REDACTED] upon arrival [REDACTED] met with personnel from the Los Angeles Fire Department (LAFD) and [REDACTED] the person reporting (PR). [REDACTED] told [REDACTED] the suspect, later identified as S. Cooke, was [REDACTED] daughter, [REDACTED] was intoxicated and had threatened to shoot [REDACTED] [REDACTED] also told [REDACTED] that Cooke owned a firearm, which [REDACTED] believed was a shotgun and that the weapon was located inside the residence.

According to Officer [REDACTED] because of the nature of the call, a woman with a gun inside a home, [REDACTED] decided to deploy [REDACTED] rifle (Drawing/Exhibiting).

[REDACTED]

Sergeant [REDACTED] Officers [REDACTED] and [REDACTED] arrived at scene, and Sergeant [REDACTED] assumed the role of incident commander (IC).

According to Sergeant [REDACTED] recognized the location from a previous radio call that [REDACTED] had responded to a few days earlier involving a dispute between Cooke and [REDACTED]. [REDACTED] then advised the officers that Cooke was extremely intoxicated and acted *very irrational* during that previous incident.

According to Officer [REDACTED] spoke to [REDACTED] and witness [REDACTED] Cooke's ex-wife, and they advised [REDACTED] that Cooke was *very unstable and distraught*. During their conversation, [REDACTED] also obtained Cooke's cellular telephone number and then called it.

According to Officer [REDACTED] Cooke answered and over the course of several telephone calls, [REDACTED] advised [REDACTED] there was a *gun* in her house and expressed that she did not want [REDACTED] or [REDACTED] at the location. Each time [REDACTED] would attempt to speak with her further, Cooke would yell and then hang up the telephone.

According to Officer [REDACTED], after several additional attempts to communicate with Cooke failed, Sergeant [REDACTED] told [REDACTED] they were going to treat the situation like a Barricaded suspect.

According to Sergeant [REDACTED] contacted Lieutenant [REDACTED] Serial No. [REDACTED] Watch Commander, Rampart Patrol Division, and advised him they had a possible barricaded suspect. During their conversation, it was decided that Sergeant [REDACTED] was going to continue to try to have Cooke exit [REDACTED] residence before contacting Metropolitan Division.

**Note:** According to Sergeant [REDACTED] felt if they *pushed the situation*, [REDACTED] could potentially make the situation worse. [REDACTED] wanted *establish communications* and was of the mindset that *if it takes 10 hours, it takes 10 hours*.

A Command Post (CP) was established north of the location on Edgecliffe Avenue and Officer [REDACTED] requested additional units. Officers [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] Rampart Patrol Division, responded along with additional Rampart Patrol personnel.

According to Officer [REDACTED] used the additional units to set up *containment* on the residence and place officers equipped with Patrol Rifles and *Less-Lethal* around the location. In addition, [REDACTED] obtained a layout of the residence from [REDACTED] and [REDACTED]

According to Officer [REDACTED] based on the information that Cooke was possibly armed with a shotgun, [REDACTED] deployed [REDACTED] Patrol Rifle (Drawing/Exhibiting and Additional Tactical Debriefing Topics – Patrol Rifle Deployment).

According to Officer [REDACTED] and Officer [REDACTED] discussed *tactics* and because *Cooke wasn't listening to commands*, they felt *less-lethal* may be needed to *affect an arrest*. So, [REDACTED] deployed a *beanbag* shotgun.

According to Sergeant [REDACTED] attempted to contact Cooke several more times by both text messages and telephone calls, with no success.

According to Officer [REDACTED] moved to a nearby police vehicle and used the public address (PA) system to order Cooke to exit the residence, but she did not comply.

**Note:** The investigation also revealed that the Air Unit used their PA system in an effort to gain Cooke's compliance.

According to Officer [REDACTED] as the incident went on, [REDACTED] observed Cooke through the front windows of her residence, *walking back and forth, raising her arms and yelling*. Cooke appeared to be *agitated* and [REDACTED] communicated [REDACTED] observations to the other officers (Debriefing Point No. 1).

According to Sergeant [REDACTED] had *exhausted* all means to contact Cooke and determined that it was a barricaded situation because Cooke was *armed, barricaded, and refusing to come out*.

At approximately 1640 hours, Sergeant [REDACTED] contacted Lieutenant [REDACTED] advised [REDACTED] of the situation, and that Cooke was a barricaded suspect. Lieutenant [REDACTED] concurred and Sergeant [REDACTED] notified Metropolitan Division, Special Weapons and Tactics (SWAT).

At approximately 1649 hours, Metropolitan Division, SWAT personnel were notified and briefed on the incident. Upon being briefed on the circumstances, they determined that the incident met the criteria for a barricaded suspect and advised SWAT personnel, including a Crisis Negotiation Team (CNT) would respond.

In addition, SWAT personnel contacted the Mental Evaluation Unit (MEU) and discovered that Cooke was a prohibited possessor of firearms stemming from an incident that occurred in 2014.

At approximately 1655 hours, Lieutenant [REDACTED] arrived at scene and assumed the role of IC. At approximately 1735 hours, SWAT personnel began to arrive at the CP.

As SWAT personnel were gathering information, Cooke exited the front door of her residence and walked toward the front gate.

According to Officer [REDACTED] while [REDACTED] was positioned behind a vehicle, across the street to the north of Cooke's residence, [REDACTED] observed Cooke exit, *walking pretty fast*. [REDACTED] communicated to [REDACTED] partner that *she's coming out* and asked Officer [REDACTED] who was on the same side of the street, if [REDACTED] could *see her* and Officer [REDACTED] replied, *no*.

**Note:** The investigation revealed that the front yard of Cooke's residence is surrounded by an approximate five foot stucco wall with wood planking, and that Cooke is five feet, four inches tall. As a result of the fencing, the officers had a limited view of Cooke as she walked toward the front gate.

According to Officer [REDACTED] then observed Cooke *opened the latch* of the gate, step out and face *westbound*. [REDACTED] observed that she was holding a *rifle with a brown stock and a black barrel on her right side*. Cooke then moved her *left hand* down, to obtain a two-hand grip as *she raised the rifle, maybe half way*, as if she was *acquiring a target*.

According to Officer [REDACTED] gave Cooke commands to *drop the gun, but she didn't listen*. In fear for [REDACTED] *safety and the safety of [REDACTED] partner*, [REDACTED] fired two to three rounds from [REDACTED] Patrol Rifle at Cooke (Lethal Use of Force).

According to Officer [REDACTED] *lowered [REDACTED] rifle and assessed*. [REDACTED] observed that Cooke *still had the rifle in her hand* as she walked *north* behind a *tree*, then turned and started walking *south*. Fearing if Cooke continued south behind a *van* parked on the street, [REDACTED] would lose *sight of her*, and she would have a *direct shot* at Officer [REDACTED] fired *two to three* additional rounds at Cooke (Lethal Use of Force).

**Note:** Officer [REDACTED] Body Worn Video (BWV) captured footage of [REDACTED] arm and Patrol Rifle during the OIS. However, it did not capture sound, as the OIS occurred during the video's pre-event buffer. A review of [REDACTED] BWV footage reflects a slight pause during Officer [REDACTED] first and second sequences of fire.

According to Officer [REDACTED] was seated inside a police vehicle that was parked on Edgecliffe Drive north of Cooke's residence. [REDACTED] observed Cooke *walk out with a purpose* and head *straight to the front gate*. [REDACTED] then utilized the PA system to direct Cooke to *put her hands up* and *continue out*.

When Cooke *opened the front gate*, [REDACTED] *immediately observed the barrel of a rifle that she's holding at a low ready position*. [REDACTED] then exited the police vehicle, drew [REDACTED] service pistol and stepped to the left as Cooke raised her rifle (Drawing/Exhibiting and Debriefing Point No. 2)

According to Officer [REDACTED] as Cooke *walked towards the sidewalk*, there was a *tree obstructing [REDACTED] view* of her. So, *every step she took towards the sidewalk*, [REDACTED] would take a *step to [REDACTED] left to maintain eyes on her* (Debriefing Point No. 2).

According to Officer [REDACTED] Cooke was *looking at Officers [REDACTED] and [REDACTED]* as she raised her rifle. Fearing that Cooke was *going to shoot* at them, [REDACTED] fired one round from [REDACTED] service pistol at Cooke (Lethal Use of Force).

According to Officer [REDACTED] *assessed*, observed Cooke was unaffected and was continuing to raise the rifle. [REDACTED] then fired a second round at Cooke. Cooke then collapsed to the sidewalk and dropped the rifle (Lethal Use of Force).

According to Officer [REDACTED] was across the street, north of Cooke's residence, near the rear of a vehicle. [REDACTED] observed Cooke come out and open the gate armed with a rifle. [REDACTED] observed that the butt of the rifle was against Cooke's left shoulder and that she was holding the rifle in a low-ready position. [REDACTED] then heard [REDACTED] partner yell, *gun, gun, gun* and observed Cooke *raising* the rifle with her *right hand*.

According to Officer [REDACTED] *came up on target* with [REDACTED] *beanbag* shotgun and discharged four sock rounds at Cooke. When [REDACTED] *beanbag* shotgun went *out of battery*, [REDACTED] observed that Cooke was *still standing*. [REDACTED] then transitioned to [REDACTED] service pistol and moved to *cover* (Less-Lethal Use of Force, Drawing/Exhibiting and Additional Tactical Debriefing Topics – Bean Bag Effective Distances and Use of Force Warnings).

According to Officer [REDACTED] was positioned behind a vehicle across the street, south of Cooke's residence. [REDACTED] observed Cooke's head over the fence as she exited and walked into the front yard. [REDACTED] yelled for Cooke to *put her hands up* and then Officer [REDACTED] *took over commands on the PA* (Additional Tactical Debrief Topics - Simultaneous Commands).

According to Officer [REDACTED] when Cooke *exited the front gate*, [REDACTED] *observed a long gun in her hand*, [REDACTED] *heard officers shouting, she has the gun*, and then heard *shots fired*, but *didn't know if it was her shooting or the officers*.

According to Officer [REDACTED] Cooke *then started to turn toward* [REDACTED] and *swing the gun in* [REDACTED] *direction*. In fear for [REDACTED] *life*, [REDACTED] fired one round at Cooke from [REDACTED] Patrol Rifle and observed her *fall face down on the sidewalk* (Lethal Use of Force).

SWAT personnel who were at the CP, then formulated a plan to take Cooke into custody without further incident.

A Rescue Ambulance (RA) was requested and personnel from the Los Angeles Fire Department (LAFD), who were staged at the CP, responded. LAFD then transported Cooke to the University of Southern California Medical Center (USCMC) where she was admitted for gunshot wounds to the legs and buttocks area.

Sergeant [REDACTED] obtained a Public Safety Statement (PSS) from Officers [REDACTED] and [REDACTED] and separated the officers once the tactical situation was concluded (Additional Tactical Debrief Topics- Public Safety Statement).

## FINDINGS

**Tactics** – Tactical Debrief. Sergeant [REDACTED], along with Officers [REDACTED] and [REDACTED]

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

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

**Lethal Use of Force** – In Policy, No Further Action, Officers [REDACTED], and [REDACTED]

## **ANALYSIS**

### **Detention**

The involved officers responded to a radio call to meet with the fire department for a combative, intoxicated female, who was possibly armed with a gun. As the incident unfolded, the officers confirmed the female had a weapon inside the residence and that she was prohibited to possess a firearm. As they were attempting to resolve the situation, the suspect exited her residence armed with a rifle, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

### **Tactics**

*Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

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 suspect was inside her residence, possibly armed with firearm, and refusing to exit. The officers attempted to de-escalate the situation by establishing lines of communication

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[REDACTED]

with the suspect in an effort gain the suspect compliance, utilizing time to reduce the intensity of the incident, and establishing containment rather than attempting to enter.

After approximately two hours, while awaiting the assistance of the additional resources, the suspect exited the residence armed with a rifle and began to raise it toward the officers. Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat.

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

**Point No. 1 Utilization of Cover**

*Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (gun, shotgun, or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, January 2014).*

*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. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XXXV, Issue 9 May 2003).*

Officer [REDACTED] moved from the cover of [REDACTED] vehicle's ballistic door panels when [REDACTED] observed Cooke exit her front gate, armed with a rifle.

The utilization of cover enables officers 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, when Officer [REDACTED] indicated that [REDACTED] left the cover of [REDACTED] ballistic door in order for [REDACTED] to maintain sight of Cooke. [REDACTED] was aware of additional cover to [REDACTED] and felt that deploying to a secondary position of cover would provide [REDACTED] with additional time to react, formulate a plan, and wait for additional resources.

The UOFRB determined, and I concur, that in this circumstance, Officer [REDACTED] actions were not a substantial deviation from approved Department tactical training. However, in an effort to enhance future tactical performance I will direct this topic be discussed during the Tactical Debrief.

## Point No. 2 Crossfire/Situational Awareness

*Does the surrounding area provide a clear background/foreground? Officers must be aware of where the bullet will go and where it may stop. Officers should not fire under conditions that would subject bystanders to death or possible injury, except in Imminent Defense of Life or to prevent serious bodily injury (Standardized Roll Call Training Program, Deployment Period No. 8/2007).*

Officers [REDACTED] covered Cooke with their service pistols as they approached Officer [REDACTED] from behind, creating a possible crossfire situation.

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. The ability to utilize situational awareness and adjust to a tactical situation ensures minimal exposure to all involved officers.

In this case, Officers [REDACTED] and [REDACTED] recognized there was potential cross-fire with Officer [REDACTED] adjusted their positioning, and continued to work as a team throughout the incident given the dynamics of the situation.

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

### Additional Tactical Debrief Topics

**Agitated Delirium** – The investigation revealed that during this incident, Cooke's behavior was consistent with a person suffering from a state of Agitated Delirium. In an effort to improve future tactical performance, the UOFRB recommended, and I concur, that these officers should review Los Angeles Police Department Use of Force Tactics Directive No. 13.1, Agitated Delirium, dated December 2013. I will direct this topic be discussed during the Tactical Debrief.

**Ballistic Helmets** – The investigation revealed that not all Rampart Area personnel wore their ballistic helmets as they held containment positions in and around the residence. All involved personnel are reminded to don their ballistic helmets while involved in a tactical situation involving an armed suspect, whenever feasible. I will direct that this be a topic of discussion during the Tactical Debrief.

**Patrol Rifle Deployment** – The investigation revealed that Officer [REDACTED] had Officer [REDACTED] retrieve [REDACTED] police rifle from [REDACTED] vehicle, rather than retrieving it [REDACTED]. Although, Officer [REDACTED] was patrol rifle certified, it is recommended that an officer retrieves his/her own weapon whenever tactically feasible. I will direct this be topic of discussion during the Tactical Debrief.

**Non-Conflicting Simultaneous Commands** — The investigation revealed that several officers gave simultaneous commands to Cooke 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.

**Bean Bag Shotgun Effective Distances** – The investigation revealed that Officer [REDACTED] fired [REDACTED] bean bag shotgun from an approximate distance of 66 feet. Officer [REDACTED] is reminded that the designated range for the bean bag shotgun is five to 45 feet. In an effort to enhance future performance, I will direct this be topic of discussion during the Tactical Debrief.

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

**Public Safety Statement** – The investigation revealed that Sergeant [REDACTED] asked questions about the OIS in a group setting prior to obtaining a PSS from the involved officers. Sergeant [REDACTED] is reminded of the importance of obtaining a compelled, independent PSS after an OIS. I will direct that this be a topic of discussion during the Tactical Debrief.

### **Command and Control**

Sergeant [REDACTED] responded and assumed the role of IC. Lieutenant [REDACTED] then responded and assumed the role of IC from Sergeant [REDACTED]. After the OIS, Sergeant [REDACTED] obtained a PSS from the involved officers and ensured that they were also separated and monitored.

The actions of these supervisors were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

### **Tactical Debrief**

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

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

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

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

- Command and Control; and,
- Lethal Force.

### General Training Update (GTU)

On March 10, 2017, Officers [REDACTED] and [REDACTED] a GTU. All mandatory topics were covered, including barricaded suspects and agitated delirium.

### Drawing/Exhibiting

*Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume 1, Section 556.80).*

According to Officer [REDACTED] based on the nature of the radio call, [REDACTED] deployed [REDACTED] rifle.

Officer [REDACTED],

*Because of the nature of the call and it being a woman with a gun inside a home, barricaded suspect, I chose to deploy my rifle – because she had a position of advantage. And I – I wanted to be able to have the tactical advantage.*

According to Officer [REDACTED] observed Cooke exit the yard armed with a rifle. [REDACTED] then exited the vehicle and drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

*...she walks out, but can I tell that she's walking out with a – with a purpose. And once she swings open the front gate, I immediately recognize the barrel of a – of a rifle. I got out of the driver's seat and I drew my firearm because the situation I was about to come in had the likelihood of resulting in deadly force.*

According to Officer [REDACTED] based on the information that Cooke was possibly armed with a shotgun, [REDACTED] deployed [REDACTED] Patrol Rifle.

Officer [REDACTED] recalled,

*Based on the statements of the call, and they say that she did have a shotgun with her, I*

[REDACTED]

*believed that the sit – in case when I was there, the situation may escalate where deadly force may be justified.*

According to Officer [REDACTED] as the incident unfolded, [REDACTED] decided to deploy [REDACTED] Patrol Rifle due to Cooke being armed with a shotgun.

Officer [REDACTED] recalled,

*Like she said – they said she had a – a shotgun, so I figured, you know what? With my handgun, yeah, I could shoot, but it's a pretty good long distance. So, I you know, and I just wanted to meet the fire – the same firepower that she did so I brought my rifle.*

According to Officer [REDACTED] when Officer [REDACTED] loaded [REDACTED] Patrol Rifle, [REDACTED] experienced a malfunction. So, [REDACTED] slung [REDACTED] beanbag shotgun and drew [REDACTED] service pistol to provide cover as Officer [REDACTED] cleared the malfunction.

Officer [REDACTED] recalled,

*I drew my weapon because it was a tactical situation.*

According to Sergeant [REDACTED] drew [REDACTED] service pistol when [REDACTED] moved up to check on the involved officers and confirm there was only one suspect at the location.

Sergeant [REDACTED] recalled,

*After the shooting when I moved up, I – I moved – suspect had already been down, and the suspect had already been handcuffed by – by the arrest team. I then moved up to the location, confirmed with – at that particular time, I confirmed with the guys that there was only one shooter.*

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

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

**Note:** In addition to the above listed employees, there were additional personnel that either drew or exhibited firearms during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regard to these officers.

[REDACTED]

**LESS-LETHAL USE OF FORCE**

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

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

*The sock round is an impact munition that may be deployed on suspects who are violent or who pose a threat to themselves or others, when an officer believes,*

- *Attempts to subdue the suspect with other tactics have been, or will likely be, ineffective in the situation; or*
- *There is a reasonable belief that it will be unsafe for officers to approach within contact range of the suspect (Los Angeles Police Department Use of Force – Tactics Directive No. 6.2, Beanbag Shotgun – March 2013).*

**Officer [REDACTED]** – Beanbag Shotgun, four sock rounds in a southeasterly direction from an approximate distance of 66 feet.

According to Officer [REDACTED] observed Cooke exit the yard armed with a rifle. [REDACTED] could hear [REDACTED] partner yelling that she had a gun and fired four beanbag shotgun rounds at Cooke.

Officer [REDACTED],

*I'm at a low-ready, keeping eyes on the - on the house. And I see the female. I see a female exiting. She opens the gate. She – she – she walks in front, and I hear, and I see gun, so I see the gun. I hear my partner yelling, gun, gun, gun. At that point, I see her. I – I go up on target with the beanbag and she is – it was like the right hand raising the handgun. Or not the handgun, the rifle that I saw. I shot the beanbag rounds. [REDACTED]*

Based upon the totality of the circumstances, the UOFRB determined, and I concur that an officer with similar training and experience as Officer [REDACTED] while faced with similar circumstances, would believe the application of a less-lethal force option to stop Cooke's actions was objectively reasonable.

Therefore, I find Officer [REDACTED] Less-Lethal Use of Force to be objectively reasonable and 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 subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

**Officer** [REDACTED] – .45 Caliber, two rounds, in a southeasterly direction from an approximate distance of 90 feet.

#### First Sequence of Fire

According to Officer [REDACTED] Cooke was looking at Officers [REDACTED] and [REDACTED] as she raised her rifle. In fear that Cooke was going to shoot at them, he fired one round from his service pistol at Cooke.

Officer [REDACTED] recalled,

*I can see that she's looking at the officers in the front of the residence, which are Officers [REDACTED] and [REDACTED]. Those are the guys I put in the front. She's looking. We're giving her commands. She's not following the commands. And as soon as I – I see her raise the rifle towards their direction, and I thought she was going to – I thought she was going to shoot them. So, at that point in time, I discharged one round. ■*

#### Second Sequence of Fire

According to Officer [REDACTED] assessed, observed Cooke was unaffected, and that she was continuing to raise the rifle. [REDACTED] then fired a second round at Cooke.

Officer [REDACTED] recalled,

*I saw that she did – she did not go down so I – so I assessed. I saw that she did – she did not go down. She still had the rifle in her hand, continuing to raise it. So, I fired a second*

[REDACTED]

*round. Once I fired my second round, that's when I saw her go down. I assessed again and she – the rifle was by her feet and she was laying still.█*

**Officer █** – 5.56, six rounds in a southeasterly direction, in two sequences of fire, from an approximate distance of 60 feet.

First Sequence of Fire

According to Officer █ gave Cooke commands to drop the gun, but she didn't comply. In fear for █ safety, and the safety of █ partner, █ fired two to three rounds from █ Patrol Rifle at Cooke.

Officer █ recalled,

*I then noticed when she reached with her left hand and opened the latch of the wooden door, and she stepped out. And she was facing westbound. Not to – toward my direction, but just westbound. And then I noticed a – a long, what appeared to be a – a rifle, which brown stock and a black barrel. So, I noticed that she had it on her right side. And she used her left hand to get a two-hand grip, and she – she raised it, like maybe half way. And that's when I shot maybe two – two to three rounds approximate!█*

Second Sequence of Fire

According to Officer █ lowered █ rifle, assessed and observed that Cooke still had the rifle in her hand. Fearing if Cooke continued south behind a van parked on the street, she would have a direct shot at Officer █ fired two to three additional rounds at Cooke.

Officer █ recalled,

*I pretty much asked him [Officer █], do you see her? Do you see her? And he says, No. He's not able to see her at that time. But then like I said, she had the gun in her hand. And in fear for his safety, because he wasn't able to see her from that direction, because of the white van, I shot at her in fear for his safety. And I felt that if I lost sight of her, she had a direct shot towards █ from that point.█*

*I assessed, see if she had dropped it or she was down, and I noticed that she still had it in her hand, and she began to walk north, which I lost sight of her because there was a tree. So I tried to redeploy. And – and then that's when she started to walk south. Again – and that's when I shot again.█*

█  
█  
█

Officer [REDACTED] – 5.56, one round in a northeasterly direction from an approximate distance of 58 feet.

According to Officer [REDACTED], Cooke then started to turn toward him and swing the gun in [REDACTED] direction. In fear for [REDACTED] life, [REDACTED] fired one round at Cooke from [REDACTED] Patrol Rifle. Officer [REDACTED] recalled,

*I observed a long gun in her hand. At the same time, I heard officers shouting, she has a gun in her hand [REDACTED]*

*I heard the sound of actual gunshots being fired. I didn't know if it was her shooting or officers shooting. And then she started to turn toward to face towards me. And as she was turning, she started to swing the gun in my direction. And I thought – I thought that if I took too long, she would shoot me. So as the gun was started to get pointed towards my direction, I was afraid that she was going to try and shoot and kill me. And so, I fired one shot at her to stop the threat because I was in fear for my life. [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] and [REDACTED] would reasonably believe that Cooke's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

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

#### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)** – Multiple DICVS were activated during the incident, however, none captured the OIS.

**Body Worn Video (BWV)** – Multiple officers had their BWV activated at the scene of the OIS. Several officers activated their BWV when the suspect exited the residence. Officers [REDACTED] [REDACTED] and [REDACTED] BWV captured their actions at the time of the OIS. No BWV captured the suspect's actions.

#### **Outside Video**

No outside video was located.

[REDACTED]

**Chief's Direction**

Although it was determined that Lieutenant [REDACTED] along with Officers [REDACTED] and [REDACTED] were not substantially involved in this incident and did not receive formal findings, I believe they would benefit from attending the Tactical Debrief to discuss lessons learned and enhance future tactical performance during similar incidents.

Therefore, I will direct Lieutenant [REDACTED] along with Officers [REDACTED] and [REDACTED] to attend the Tactical Debrief.

Respectfully,



CHARLIE BECK  
Chief of Police

Date: 12-21-17