

## INTRADEPARTMENTAL CORRESPONDENCE

February 6, 2019

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

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 023-18

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 023-18. A Use of Force Review Board (UOFRB) was convened on this matter on January 23, 2019. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY

On April 9, 2018, at approximately 1029 hours, Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] along with Sergeant [REDACTED], Serial No. [REDACTED] Topanga Patrol Division, responded to a back-request by a Topanga Division Senior Lead Officer who was following a LoJack equipped stolen Ford Explorer, with corresponding License Plate [REDACTED]. Upon joining the following, Officer [REDACTED] broadcasted to Communications Division (CD) that he and his partner would be the primary unit in the following.

With an air unit overhead, Officers [REDACTED] and [REDACTED] activated their overhead forward facing red light and siren and attempted to conduct a high-risk traffic stop on the stolen vehicle. The driver, later identified as D. Carver, accelerated away from the officers which prompted them to initiate a vehicle pursuit.

Sergeant [REDACTED] declared [REDACTED] as the Incident Commander (IC) and directed the officers to enter tracking mode.

Air Support Division (ASD) personnel initiated tracking mode and broadcasted the suspect's direction of travel. The pursuing officers then engaged in tracking mode and slowed down to create distance between themselves and Carver.

[REDACTED]

According to Officer [REDACTED], the officers pursued the stolen vehicle in tracking mode. Officer [REDACTED] then observed the stolen vehicle, *moving slowly* through the east/west alley onto Corbin Avenue with *no one in it, as if it was placed in neutral*. The vehicle came to a stop against the east curb of Corbin Avenue. Officer [REDACTED] drove north on Corbin Avenue and did not observe the suspect in *long view's eye*. [REDACTED] then negotiated a U-Turn towards the alley and observed a citizen in a vehicle on the west side of Corbin Avenue *pointing* into the east/west alley the officers had initially exited.

According to Officer [REDACTED] while officers were traveling eastbound in the east/west alley of Corbin Avenue, just north of Victory Boulevard, the air unit broadcasted that the suspect had fled from the vehicle and they had lost sight of the suspect due to tree foliage blocking their view. Officer [REDACTED] heard the air unit broadcast that Carver had exited the vehicle and was wearing *a red sweater with black pants*. Officer [REDACTED] then observed the *vehicle* on Corbin Avenue and noted it was *unoccupied*. While approaching the mouth of the alley, Officer [REDACTED] observed Carver *hiding behind a tree*, in a *crouched* position, wearing a *red shirt with black pants* and holding a *possible bag in his hand*.

According to Officer [REDACTED] focused [REDACTED] attention on the alley and observed Carver who was wearing a *red shirt and red shoes*. Officer [REDACTED] *made eye contact* with Carver who was *crouched down, hiding* and appeared *ready to jolt*. Officer [REDACTED] exited [REDACTED] police vehicle and yelled, "*Police, stop!*" Carver *walked briskly* away from the officers and then *fled on foot* while carrying a *dark colored gym bag, slung over* the front of his body.

According to Officer [REDACTED] as [REDACTED] exited [REDACTED] police vehicle [REDACTED] gave Carver verbal commands and ordered him not to run. Officers [REDACTED] and [REDACTED] were aware that the Airship was broadcasting they were in foot pursuit. Carver then began to run west, then north, in the alley towards Hamlin Street. Officer [REDACTED] pursued Carver on foot and warned him by stating "*If you don't stop, we're going to Tase you.*"

According to Officer [REDACTED] both of Carver's hands were in front of [REDACTED] as he held a *red gym, nylon type of bag*. Officer [REDACTED] observed Carver *reaching for something* in the bag and told him, "*Don't reach for anything, don't reach for anything.*" Officer [REDACTED] then communicated to Officer [REDACTED] that Carver was reaching for *something (Debriefing Point No. 1)*.

According to Officer [REDACTED], Carver was approximately 20 to 30 feet ahead of [REDACTED] as [REDACTED] told him "*You're going to get Tased. Stop, Police. Stop.*" Officer [REDACTED] heard Carver reply, "*No, no.*" Officer [REDACTED] then heard Officer [REDACTED] state, "*He's reaching for something*" as they continued to pursue Carver in *apprehension mode* north in the alley towards Hamlin Street. Carver *seemed* to be *digging* in the *gym bag* while *turning his body and looking over his left and right shoulder*, as if he was *trying to pinpoint* their location. Officer [REDACTED] then heard the air unit overhead broadcast, "*He's reaching for something in his waistband*" (**Debriefing Point No. 1**).

According to Officer [REDACTED] as Carver continued to *reach deeper* into the bag, the air unit advised Carver was "*reaching for something in the bag.*" Officer [REDACTED] then warned Carver

not to *pull anything* out of the bag or “*You will be shot. You could be shot*” (Debriefing Point No. 1).

According to Officer [REDACTED] Carver was approximately *five to eight feet* ahead of [REDACTED] and began *slowing down*. Officer [REDACTED] observed Carver *pull something out* of the bag and *turn towards* [REDACTED] revealing the *barrel of the gun*. Carver then took a *shooting stance* and *shot off a round*. Officer [REDACTED] observed *smoke from the barrel of the gun*, as Carver *pointed directly at* [REDACTED]. Fearing for [REDACTED] life, Officer [REDACTED] drew [REDACTED] service pistol and *slid to the ground to avoid getting shot in the face* (Drawing/Exhibiting).

According to Officer [REDACTED] observed Carver retrieve a *silver revolver* from the bag, *spin to his left*, and obtain a *two-handed shooting grip*. Carver then *fired a shot in Officer [REDACTED] direction*. Fearing that both [REDACTED] and [REDACTED] partner would be shot, Officer [REDACTED] *offset to [REDACTED] right side, fell to the ground and simultaneously drew [REDACTED] service pistol* (Drawing/Exhibiting).

According to Officer [REDACTED] as [REDACTED] obtained a *clear picture* of Carver from [REDACTED] *side prone* position on the ground [REDACTED] could *hear him shooting rounds* and observed [REDACTED] *pointing the handgun at Officer [REDACTED]*. Fearing for Officer [REDACTED] life, as well as for [REDACTED] own, Officer [REDACTED] fired *seventeen rounds from [REDACTED] service pistol at Carver to stop the lethal threat*. As Officer [REDACTED] fired [REDACTED] service pistol, [REDACTED] assessed and observed Carver *hit the deck, with the gun in his hand, and trying to fire off rounds* (Lethal Use of Force).

**Note:** A review of Officer [REDACTED] BWV determined that immediately after sliding to the ground and while on [REDACTED] right side, [REDACTED] held [REDACTED] pistol in [REDACTED] right hand with [REDACTED] index finger on the trigger. The slide of Officer [REDACTED] pistol was locked in the rearward position, but the investigation was not able to determine if the slide had locked to the rear as a result of a malfunction while firing [REDACTED] pistol or whether it was due to another unknown reason. Additionally, it could not be determined if Officer [REDACTED] fired a shot before the pistol's slide was locked to the rear. According to Officer [REDACTED] had no recollection of the malfunction or reason for [REDACTED] slide being locked to the rear.

Officer [REDACTED] pistol held one round in the chamber and 17 rounds in the magazine. Seventeen expended cartridge cases recovered at scene were identified as being fired from [REDACTED] pistol. One live 9mm cartridge was recovered adjacent to Officer [REDACTED] firing position. The investigation was unable to determine at what point the live round was ejected from Officer [REDACTED] pistol.

According to Officer [REDACTED], as [REDACTED] *fell onto [REDACTED] back*, [REDACTED] observed Carver *collapsing onto the ground*. Officer [REDACTED] maintained h[REDACTED] service pistol in [REDACTED] right hand as [REDACTED] *braced [REDACTED] fall with [REDACTED] left hand*. Officer [REDACTED] then took a *seated position* and observed Carver sitting up *pointing the weapon at [REDACTED] with a two-hand grip*. Believing that Carver had just *killed Officer [REDACTED]* and that [REDACTED] was about to be shot, Officer [REDACTED] fired nine rounds from [REDACTED] service pistol at Carver to stop the lethal threat (Lethal Use of Force).

According to Officer [REDACTED], after firing [REDACTED] last round, [REDACTED] observed *the threat stop* as Carver was *no longer attempting to fire* at [REDACTED] and was not *holding the weapon*. Officer [REDACTED] attempted to stand, but felt a *sharp pain* in [REDACTED] left leg and *briefly* looked down to discover [REDACTED] had sustained a gunshot wound to [REDACTED] left knee. Officer [REDACTED] then advised Officer [REDACTED] that [REDACTED] had been shot and broadcasted a *help call* on Topanga Area base frequency (**Additional Tactical Debrief Topics – In-Battery Speed Reload**).

**Note:** The investigation revealed Officer [REDACTED] attempt to broadcast was unsuccessful due to ASD simultaneously broadcasting an *officer down help call* request.

According to Officer [REDACTED] as [REDACTED] fired [REDACTED] last rounds, [REDACTED] service pistol went *out of battery*. Simultaneously, Officer [REDACTED] observed Carver *drop the handgun* and saw that he was *not moving*. Officer [REDACTED] then heard Officer [REDACTED] advise [REDACTED] that [REDACTED] had been struck by gunfire. Officer [REDACTED] then took Carver into custody without further incident (**Additional Tactical Debriefing Topics – Bloodborne Pathogens**).

According to Officer [REDACTED] requested a Rescue Ambulance (RA) for Carver and [REDACTED] Officer [REDACTED] observed [REDACTED] was *bleeding out* from [REDACTED] left knee, prompting Officer [REDACTED] to utilize a Hobble Restraint Device as a tourniquet to slow the bleeding.

Sergeant [REDACTED] arrived and assumed the role of IC. Sergeant [REDACTED] directed Sergeant [REDACTED], Serial No. [REDACTED] Topanga Patrol Division, to obtain a Public Safety Statement (PSS) from [REDACTED].

Sergeant [REDACTED] Serial No. [REDACTED] Assistant Watch Commander, Topanga Patrol Division, arrived and assumed the role of IC from Sergeant [REDACTED].

Los Angeles Fire Department (LAFD) personnel responded, assessed Carver's medical condition at the scene and pronounced him dead at 1047 hours.

Additional LAFD personnel transported both Officers [REDACTED] and [REDACTED] separately to Northridge Hospital, where they were treated for their injuries.

**Note:** The investigation revealed Officer [REDACTED] was not separated, monitored, or ordered not to discuss the incident prior to being transported. Additionally, a supervisor did not obtain a PSS from Officer [REDACTED] at scene (**Command and Control**).

Lieutenant [REDACTED], Serial No. [REDACTED] Topanga Detective Division, arrived at the location and directed Detective [REDACTED], Serial No. [REDACTED] Topanga Detective Division, to accompany Officer [REDACTED] to the hospital.

**Note:** At the time of the OIS, Detective [REDACTED] was a Detective I and therefore not a Department supervisor. According to Detective [REDACTED], Officer [REDACTED] made *spontaneous statements* about the OIS as [REDACTED] monitored [REDACTED] and [REDACTED] provided those statements to FID investigators during [REDACTED] interview.

## FINDINGS

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

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

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

## ANALYSIS

### **Detention**

The involved officers attempted to conduct a high-risk traffic stop on a stolen vehicle. When the driver failed to stop, a vehicle pursuit ensued. Upon termination of the vehicle pursuit, the suspect fled on foot. A foot pursuit to apprehend a suspect wanted for Grand Theft Auto and Evading a Peace Officer ensued, at which time, the suspect stopped and fired a handgun at the officers 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.” (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 utilized planning, assessment, other resources, and lines of communication in order to attempt to de-escalate the incident. The investigation noted that the officers had known each other for several years as they went to the Academy together, did probation at the same division, and worked together as partners for the last 11 months. During the time they have known each other, they discussed tactics on a daily basis. On the day of the incident, the officers had discussed Contact and Cover responsibilities and the need to be flexible and pay attention to both verbal and non-verbal communication. They also discussed on a regular basis foot pursuit tactics and an agreement that they would not engage in foot pursuits of armed suspects.

Additionally, the officers continued to assess the suspect's actions while engaged in the foot pursuit and communicated with each other regarding their observations when he reached into his bag. The officers continued to assess as the suspect turned, pointed, and fired a handgun in the officers' direction. Confronted with an imminent threat of serious bodily injury or death, the officers continued to assess the situation and utilized lethal force to stop the deadly threat.

Prior to the foot pursuit, Officers [REDACTED] and [REDACTED] were the primary unit in the vehicle pursuit and they communicated with additional resources by using their police vehicle radio. Additionally, the vehicle pursuit contained a secondary unit, an air unit, and a supervisor. From the onset of the foot pursuit, the officers were aware an air unit was overhead, broadcasting on their behalf and coordinating the response of the additional resources who were already in the vicinity following the termination of the vehicle pursuit.

The officers verbalized with each other and the suspect throughout the incident in an attempt to de-escalate the situation and get the suspect to surrender and resolve the situation peacefully without the use of any force. Specifically, the officers repeatedly ordered Carver to stop, provided him with a less lethal use of force warning, and directed him to stop reaching into his bag.

During a review of the incident, the following Debriefing Point was noted:

#### **Debriefing Point No. 1 Apprehension vs. Containment Mode**

***Apprehension versus Containment:*** *There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources.*

*During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.*

*If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.*

*When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following.*

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident. (Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013)*

Containment of an armed suspect demands optimal situational awareness. The ability to maintain a tactical advantage is determined by an officer's ability to effectively communicate and continually assess a tactical situation, thus ensuring a coordinated effort and successful resolution.

In this case, Officers [REDACTED] and [REDACTED] were in apprehension mode of a suspect wanted for vehicle theft. There was no information broadcasted or observed prior to the foot pursuit that would have led an officer of similar training and experience to identify that Carver was armed. I did note that once the foot pursuit continued Carver was seen repeatedly reaching into a bag and the officers did not fully recognize the cues that Carver was possibly arming himself with a weapon.

The UOFRB opined, and I concur, that it would have been preferable for Officers [REDACTED] and [REDACTED] to discontinue pursuing Carver and set up containment when they observed him reaching into the bag. Though the officers were operating within Department policy, they did not perceive the suspect's actions as attempts to arm himself, and therefore, did not transition into containment mode. The UOFRB considered the officers lack of tenure and experience and determined that their actions were reasonable.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers [REDACTED] and [REDACTED] actions were reasonable and did not substantially deviate from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**In-Battery Speed Reload** – The investigation revealed that Officer [REDACTED] conducted an In-Battery speed reload following the OIS, discarding a magazine that contained eight live rounds. Officer [REDACTED] is reminded of the importance of retaining magazines containing significant numbers of cartridges during a tactical situation. I will direct that this topic be discussed during the Tactical Debrief.

**Bloodborne Pathogens** – The investigation revealed that Officer [REDACTED] did not don protective gloves prior to handcuffing the suspect and was exposed to the suspect's blood. In an effort to enhance future performance and employee wellness, I will direct that this be a topic of discussion during the Tactical Debrief.

### **COMMAND AND CONTROL**

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response - means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

It is incumbent upon supervisors at the scene of a critical incident, such as this, to demonstrate and exercise supervision that is consistent with Department supervisory and tactical training.

In this incident, Sergeant [REDACTED] responded to the OIS scene and assumed the role of IC. Sergeant [REDACTED] ensured that all officers were accounted for, the suspect was in custody, and RA's had been requested. Additionally, he directed responding units to maintain the crime scene. Without ordering them not to discuss the OIS, Sergeant [REDACTED] directed Officer [REDACTED] and another officer to standby with Officer [REDACTED], who was wounded. This action left Officers [REDACTED] and [REDACTED] momentarily unseparated and unsupervised.

**Note:** A review of Sergeant [REDACTED] BWV revealed there were at least two Detective supervisors at scene who were available to monitor Officers [REDACTED] and [REDACTED]. At the direction of Sergeant [REDACTED] these Detective supervisors waited at the mouth of the alley in order to preserve the crime scene and therefore were not used to obtain Public Safety Statements or to separate and monitor Officers [REDACTED] or [REDACTED].

The UOFRB was critical of Sergeant [REDACTED] actions at the scene of the Categorical Use of Force (CUOF) and identified two areas of concern specifically pertaining to the separation and monitoring of involved personnel and the duty to obtain a PSS at the scene of a CUOF incident.

Although, I would have preferred Sergeant [REDACTED] handle these responsibilities [REDACTED] or delegate them to additional supervisors as they arrived at scene; I recognize this was a complex

[REDACTED]



and rapidly unfolding situation and acknowledge Sergeant [REDACTED] focus was to ensure medical treatment was provided to an injured officer as well as the preservation of the crime scene.

The UOFRB determined, and I concur, the actions of Sergeant [REDACTED] were not consistent with Department supervisory training and did not meet my expectations of a field supervisor during a critical incident. Although, it was determined that Sergeant [REDACTED] was not substantially involved in the tactical incident, I will direct that the topic of Command and Control be specifically addressed with Sergeant [REDACTED] during the Tactical Debrief.

### **Tactical Debrief**

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas 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] 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;
- Radio and Tactical Communication (including Code Six);
- Tactical Planning;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On April 16, 2018 and May 29, 2018 Officers [REDACTED] and [REDACTED] attended a GTU, respectively. All mandatory topics were covered, including Containment vs. Apprehension.

### **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 No. 1, Section 556.80).*

According to Officer [REDACTED] observed Carver retrieve a silver revolver from the bag, spin to his left, and obtain a two-handed shooting grip. Carver then fired a shot in Officer [REDACTED]

direction. Fearing that both [redacted] and [redacted] partner would be shot, Officer [redacted] offset to [redacted] right side, fell to the ground and simultaneously drew [redacted] service pistol.

Officer [redacted] recalled,

*He – he reaches for something, turns to his left, and it's at that point that I can see a silver revolver as he's – as he's punching out completing the – his left turn, turning his whole body towards – making a complete like turn.*

*I unholstered because of that tactical situation that we were in, which was the – the weapon that I observed. And – And the – the suspect's armed. And I feared that that situation would escalate to the point where I would have to use deadly force.*

According to Officer [redacted] Carver was approximately five to eight feet ahead of [redacted] when [redacted] began slowing down. Officer [redacted] observed Carver pull something out of the bag and turn towards [redacted] revealing the barrel of the gun. Carver then took a shooting stance and shot the firearm towards Officer [redacted]. Officer [redacted] observed smoke from the barrel of the gun. Fearing for [redacted] life, Officer [redacted] drew [redacted] service pistol and slid to the ground, to avoid getting shot in the face.

Officer [redacted] recalled,

*As soon as he produced the – the – as soon as he produced a weapon and did that counterclockwise turn is when I produced my weapon at that point. It's – at that point, it was – I thought my life was in danger at that point, me and my partner, because of the way the suspect was acting. I unholstered my weapon due to the immediate threat of death to me and my partner*

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] 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 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.

### Lethal Use of Force

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

[redacted]

- *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 No.1, Section 556.10).*

Officer [REDACTED] – 9mm, nine rounds in a northerly direction from a distance of approximately 39 feet.

According to Officer [REDACTED], as [REDACTED] fell onto [REDACTED] back, [REDACTED] observed Carver collapsing onto the ground. Officer [REDACTED] maintained [REDACTED] service pistol in [REDACTED] right hand as [REDACTED] braced [REDACTED] fall with [REDACTED] left hand. Officer [REDACTED] then took a seated position and observed Carver sitting up pointing the weapon at [REDACTED] with a two-hand grip. Believing that Carver had just killed Officer [REDACTED] and that [REDACTED] was about to be shot, Officer [REDACTED] fired nine rounds from [REDACTED] service pistol at Carver to stop the lethal threat.

Officer [REDACTED] recalled,

*And I – at that point, I feared for not only my life and my partner's life, because that thing was pointing directly at him. So while I'm on the ground, I was able to – to shoot the suspect to – to stop him, because he was actively shooting at – at my partner and myself. The suspect then went down and he had – he continued to get up, and I continued to – to shoot him until – until he stopped shooting.*

*So I'm already unholstered. And the suspect is still pointing the weapon at – the revolver at me, so I shoot at him because I – I feared that he's – that he killed my partner, because I saw my partner go down as well.*

*After I fired my last shot, I see the – the threat stop, so him no longer attempting to – to fire at me. Hold the weapon or anything.*

Officer [REDACTED] – 9mm, seventeen rounds in a northerly direction from a distance of approximately 33 feet.

According to Officer [REDACTED] as [REDACTED] obtained a clear picture of Carver from [REDACTED] side prone position on the ground. [REDACTED] could hear him shooting and observed him pointing the handgun at Officer [REDACTED]. Fearing for Officer [REDACTED] life, as well as for [REDACTED] own, Officer [REDACTED] fired seventeen rounds from [REDACTED] service pistol at Carver to stop the lethal threat.

[REDACTED]

Officer [REDACTED] recalled,

*He pulls something out. He does a left step. He turns. And I observe a silver handgun in his – in his hand. At that point, I hear a round go off. I slide to the ground. And I had my weapon out. At that point, the suspect is shooting rounds at us. And I start shooting rounds at him because me and my partner, we're both in fear of our life. My biggest thing was to make sure me and my partner are not going to get shot, we're not going to die. So when I start firing rounds at the suspect, the suspect hits the deck. He still has the gun in his hand. He is still trying to fire rounds off of – off – off the weapon. I'm still shooting rounds because I'm in fear for my life. At this point, one of my – one of my last rounds before I went out of battery, that's when the suspect ends up dropping the – the handgun.*

*He still had it in his hand. And at one point, he hit against the pavement. He was still – still moving, and I believe at that point, that he's – he was going to get up again and shoot at me and my partner.*

*So when he fell to the ground, he still had the hand – the gun in his hand. He was still making attempts to point the weapon at me and my partner. And at that point, I still felt like he was a threat to me and my partner, that he was going to kill both of us, because that was his ultimate – based off – based off his body language and based off of his demeanor, and how this whole incident occurred, this suspect was going to kill me and my partner...So, when he was still going to the ground, he was still trying to shoot at me and my partner at that point. █*

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 Carver's actions presented an imminent threat of death or serious bodily injury and the Use of Lethal Force was objectively reasonable.

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

#### **Additional/Equipment**

**Use of Profanity** – The investigation revealed that Officer [REDACTED] used profanity while engaged in a foot pursuit with Carver. Captain [REDACTED] Serial No. [REDACTED] Commanding Officer, Topanga Patrol Division, advised this issue was addressed at the divisional level through informal counseling. The Commanding Officers of Operations Valley Bureau (OVB) and the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

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[REDACTED]

**Use of Seatbelt** – The investigation revealed that at the end of the vehicle pursuit, Officer [REDACTED] Serial No. [REDACTED] Topanga Patrol Division, re-entered [REDACTED] police vehicle and drove a short distance while not wearing [REDACTED] seatbelt. Captain [REDACTED] advised that this issue was addressed at the divisional level through an incident debrief. 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] assigned Officer [REDACTED] Serial No. [REDACTED] Topanga Patrol Division, to standby with the involved officers while Officer [REDACTED] sat in [REDACTED] police vehicle awaiting the RA for Officers [REDACTED] and [REDACTED]. As discussed previously, Sergeant [REDACTED] did not separate or monitor Officers [REDACTED] and [REDACTED] or give them an order not to discuss the OIS and it ultimately led to Officer [REDACTED] discussing the OIS with both officers.

A review of Sergeant [REDACTED] work history revealed that [REDACTED] has not been involved in a CUOF incident as a supervisor. Additionally, the heightened sense of concern for an injured officer tends to the reasonableness in Sergeant [REDACTED] actions after the OIS. However, to enhance future performances, Captain [REDACTED] advised that this issue was addressed through informal counseling. The commanding officers of OVB and OO concurred with this action. As such, I deem no further action is necessary.

Additionally, the investigation revealed that Detective [REDACTED] was not a Department supervisor when [REDACTED] obtained what amounted to a PSS from Officer [REDACTED] after the CUOF. Captain [REDACTED] advised this issue was addressed through an incident debrief. The commanding officers of OVB and OO concurred with this action. As such, I deem no further action is necessary.

### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS) / BWV** – Topanga Division personnel were equipped with BWV at the time of the incident. Topanga Division vehicles were equipped with DICVS at the time of the incident. Officers [REDACTED] and [REDACTED] DICVS and BWV were activated during the incident. The officers BWV captured the OIS.

**Outside Video** – A surveillance camera located to the rear of a residence at [REDACTED] Victory Boulevard captured Carver being pursued in the alley on foot by Officers [REDACTED] and [REDACTED].

**Chief's Direction**

Although, it was determined that Sergeant [REDACTED] was not substantially involved in the OIS and did not receive formal findings, the UOFRB determined, and I concur, that [REDACTED] would benefit from attending the Tactical Debrief to discuss lessons learned to enhance future tactical performance during similar incidents. Therefore, I will direct Sergeant [REDACTED] to attend the Tactical Debrief.

Respectfully,



MICHEL R. MOORE  
Chief of Police

Date: 2-6-19