

**ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

**OFFICER-INVOLVED SHOOTING – 029-17**

| <b>Division</b> | <b>Date</b> | <b>Duty-On (X) Off ( )</b> | <b>Uniform-Yes (X) No ( )</b> |
|-----------------|-------------|----------------------------|-------------------------------|
| Foothill        | 5/8/17      |                            |                               |

| <b>Officer(s) Involved in Use of Force</b> | <b>Length of Service</b> |
|--|--------------------------|
| Officer L                                  | 24 years, 1 month        |
| Officer M                                  | 23 years, 7 months       |
| Officer N                                  | 23 years, 6 months       |
| Officer O                                  | 18 years, 6 months       |
| Officer T                                  | 23 years, 1 month        |
| Officer U                                  | 21 years, 9 months       |
| Officer X                                  | 18 years, 11 months      |
| Officer BB                                 | 21 years, 10 months      |
| Officer CC                                 | 19 years, 1 month        |
| Officer GG                                 | 20 years, 7 months       |
| Officer HH                                 | 20 years, 7 months       |
| Officer II                                 | 21 years, 9 months       |
| Officer JJ                                 | 11 years, 9 months       |
| Officer LL                                 | 19 years, 7 months       |
| Officer MM                                 | 17 years, 1 month        |

**Reason for Police Contact**

Officers responded to a radio call of a “hot prowl” burglary.<sup>1</sup> They were advised by Witness A that the Subject, whom she did not recognize, had entered her residence. Fearing for her safety, Witness A left the house through a bedroom window. Witness A advised the officers that there was a pistol, shotgun, and rifle inside the house, along with ammunition for each firearm. The officers observed the Subject inside the house and a specialized unit was requested to respond to the scene. During a subsequent standoff, which lasted several hours, multiple Officer-Involved Shootings (OISs) occurred.

| <b>Subject</b> | <b>Deceased (X)</b> | <b>Wounded ( )</b> | <b>Non-Hit ( )</b> |
|----------------|---------------------|--------------------|--------------------|
|----------------|---------------------|--------------------|--------------------|

Subject: Male, 29 years old.

<sup>1</sup> A “hot prowl” is a type of burglary in which the offender(s) enters a residence while the occupant(s) is inside the location.

## **Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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

The following incident was adjudicated by the BOPC on May 7, 2018.

### **Incident Summary**

On May 8, 2017, Witness A called 911 reporting a burglar in her home. She reported that she had been sleeping when she was awakened by the sound of a conversation outside her bedroom. She stepped out of her bedroom and observed an intruder, the Subject, in her home standing near her dining room table. Witness A did not know the Subject, nor how he managed to enter her home. She told the 911 operator that the Subject was speaking to himself and referencing Jesus, and was possibly under the influence or mentally ill. She immediately retreated to her room and shut the door. She then fled outside through her bedroom window and called her roommate, Witness B, who advised her to call 911. Communications Division (CD) broadcast the information to patrol units and provided the Subject's description and location within the house.

Officers A and B acknowledged they would respond to the call. Due to the type and seriousness of the call, Officers C and D notified CD they were also responding and backing up the primary unit.

Officers A and B responded immediately and requested that a police helicopter (air unit or airship) also respond. While en route to the location, the officers discussed their tactical plans and agreed that Officer B would be the cover officer with his Department-approved shotgun. Officer A would contact the victim and obtain information from her, while at the same time taking a beanbag shotgun to the location to provide a less-lethal option for themselves.

As the officers continued to drive toward the residence they realized that the house was in a hillside community. The residence was located on higher ground, positioned atop a mountain ridge, and surrounded by hillside terrain. The officers constantly scanned the

high ground, as they were concerned that the Subject had a tactical advantage due to his elevated position.

Officers A and B arrived at the location and parked their vehicle away from the residence. Both officers exited the vehicle, obtained their pre-determined weapons, and made them ready for use if necessary. When the officers approached the residence on foot they saw the victim (Witness A) standing in the middle of the driveway. They instructed her to move to a safer location next to a parked vehicle, which they used as cover. Officer A then proceeded to speak with Witness A, who informed him that she was sleeping inside her bedroom when she was awakened by the Subject, who was inside her residence. Witness A reiterated that she did not know the Subject and did not know how he had entered the home. She informed the officers that she did not see the Subject with a weapon but that there were multiple firearms inside the house including a rifle, shotgun, and handgun, along with ammunition.

The air unit arrived overhead and provided aerial support. Officers C and D soon arrived as well and were briefed by Officer A. They took containment positions southwest of the residence. Officer C was designated as the communications officer.

To establish whether the Subject was still inside the residence, the officers approached the house from behind the cover of the trees. Officer A observed the Subject near the front door through a glass pane. He advised the other officers of his observation. The Subject then appeared at the southwest bedroom door, peeked into the room, and immediately retreated with no response when Officer C gave him verbal commands to exit the residence. Officers B and C then observed a black pistol atop a cabinet shelf. At that point Officer C requested additional officers and a supervisor for a barricaded suspect.

**Note:** According to Witness B, after speaking with Witness A, he immediately returned to the residence where he spoke with the police. He advised officers that he had last placed the pistol, a .40 caliber Glock, in the hallway or the southwest bedroom closet. The gun was unloaded, but there was a fully loaded ten-round magazine next to the gun. The shotgun was hidden in the closet and a rifle was in a locked case within the southwest bedroom. The key to the rifle case was hidden in a drawer.

Officers E and F and Sergeant A responded to assist with the incident. Officers E and F arrived at the location, donned their ballistic helmets, and positioned themselves in the breezeway of a detached garage, west of the residence. Upon arrival, Sergeant A established a Command Post (CP) as the Incident Commander (IC). He coordinated efforts to get the Subject to exit the residence by having officers on the perimeter provide verbal commands to the Subject to exit. He also had the air unit make several announcements from their Public Address (PA) system. Requests were continually made for the Subject to exit the residence peacefully, with no response. Sergeant A determined the Subject was barricaded and notified the Watch Commander, Sergeant B, who responded to the CP and designated himself as the IC.

Sergeant B assessed the situation and determined that the Subject was barricaded and met the criteria to notify a specialized unit. Sergeant B contacted Lieutenant A and provided the details of the incident. Lieutenant A determined that the criteria had been met and his unit would respond for a barricaded suspect with access to weapons.

Sergeant B directed the officers on scene to maintain their positions for containment and for the air unit to broadcast requests for the Subject to exit and surrender at regular intervals.

According to Lieutenant A, with his knowledge of the area, he recognized the potential challenges to containing the Subject. These challenges included his elevated location and his access to weapons, including a rifle and ammunition. With this in mind, Lieutenant A contacted Captain A while responding to the location. He briefed Captain A as to the nature of their response and requested approval to stage officers and equipment should the need for an Aerial Platform Shooting (APS) tactic become necessary in order to provide overwatch capabilities not afforded by the ground positions and to gain a tactical advantage from an elevated platform.

**Note:** As described by Lieutenant A, “Overwatch means they’re orbiting, usually from a higher vantage point, see if there’s any gaps or anything. But overwatch can transition into engagement in a split second.”

According to Captain A, he agreed the situation met the criteria to stage for an APS. Captain A notified Commander A, who concurred with his assessment and approved the staging of the APS personnel and equipment. Lieutenant A arrived at the CP, along with the specialized unit personnel and equipment, and conducted a briefing.

Captain B arrived, assumed command of the incident, and was designated the IC. As the IC, Captain B had the authority to direct the operation and was responsible for its outcome. Lieutenant A briefed Captain B regarding the possible use of an APS. Captain B concurred that an APS was a viable option.

Lieutenant A was designated as the Officer-In-Charge (OIC) for the tactical operation. The OIC, who works in conjunction with the IC, provides options and recommendations to resolve the critical incident. Tactical recommendations of the OIC would only be initiated with the approval of the IC.

Sergeant C was designated as the team supervisor and was in charge of all tactical operations. This included his being responsible for all personnel assigned to containment, entry, sniper positions, intelligence gathering, and crisis negotiations.

Officer G was assigned as the team leader and operated under the direct supervision of the Sergeant C. He was responsible for assisting and coordinating with developing tactical strategies and implementing those strategies when appropriate. Sergeant C and Officer G also coordinated the placement of team members and identified safe approach routes and entry points.

A Crisis Negotiation Team (CNT) was established with Sergeant D designated as the OIC. Additionally, Officers H and I, as well as a psychologist, were also assigned to the CNT.

Sergeant C was tasked with the responsibility of notifying Air Support Division (ASD) regarding staging for an APS. APS-certified pilots Officers J and K were assigned to the APS air crew and prepared the helicopter. Officers L and M were identified as the APS-certified snipers and were also assigned to the detail.

Officer N assembled an arrest/scout team. In doing so, he directed Officer O to drive the armored vehicle to the residence. Officer O parked the armored vehicle at the top of the driveway, parallel to the west side of the residence, providing cover as additional personnel arrived to set up containment. The officers from the specialized unit then began to relieve the patrol officers of their containment responsibilities, as directed by Officer G.

Officer N and his team moved northwest of the residence to the detached garage, which had been converted to living quarters. To the northeast corner of the garage was a recessed door and breezeway. The breezeway was positioned between the north wall of the garage and south wall of a large dog enclosure, making the breezeway approximately four feet wide and nine feet deep.

Officer G scouted the officers' containment positions and communicated to them to mitigate any crossfire issues. He also directed them to communicate their positions if they were to move or if any shots were fired from the Subject or officers. Officer P was designated team leader on the eastside of the residence, along the hillside. Officer Q was designated team leader north of the residence on the roadway. Officer R was designated the team leader south of the residence.

Also present at scene were two Los Angeles Fire Department (LAFD) Firefighter/Paramedics (FF/PM). They were part of a contingent of FF/PMs, trained to deploy during tactical operations, who provide Tactical Emergency Medical Support (TEMS). The FF/PMs were escorted to the front of the residence, where they entered an armored vehicle and remained there until needed for medical support.

Commander A arrived and was briefed by Lieutenant A. Lieutenant A explained that, due to the deep ravine north of the location, there was an immediate need to deploy the airship containing the APS crew as overwatch for containment on the north side. Commander A gave his approval and the airship was deployed for overwatch and to relay information to the CP pertaining to the positions of personnel. Due to fuel concerns, the ship landed at a nearby field and awaited further orders for deployment.

As containment was established and evacuations completed, the CNT prepared their equipment and interviewed Witness A. She relayed the events as previously stated, and she advised them that there was a secondary cellphone inside the residence and provided them with the number.

Officers G and S were positioned at the southwest corner of the residence behind the armored vehicle. From the south-facing window at the southwest corner of the residence, the Subject's leg and hand began to come out of the window. Officer S immediately gave verbal commands for the Subject to continue to exit and show his hands, at which time it was relayed to the containment officers. The Subject retreated inside the residence and refused to comply.

To open communication with the Subject, the CNT attempted to call Witness A's cellphone. Simultaneously, Sergeant E, utilizing a bullhorn, advised the Subject of the location of the cellphone and requested he answer it. According to Officer I, his first call rang then went to voicemail. Officer I tried again and the phone rang three times, followed by this message, "This phone has been deactivated." This led him to believe the cell phone had been intentionally turned off, which he relayed to the containment officers.

Officers H and I (CNT) donned their tactical gear and responded to the residence to utilize the bullhorn to further attempt communication with the Subject. Sergeant C utilized the bullhorn to provide warnings about the possible use of force to the Subject, but the Subject did not respond to these warnings.

Officer G deployed a robot to the southwest corner of the residence. The robot was equipped with a non-recording camera, microphone, and a Public Address (PA) system. Officer G utilized a headset with an attached microphone, allowing him to hear and speak through the robot. Due to glare, he was not able to view inside the room. Officer G requested that the Subject surrender and exit with his hands up. Immediately following the request, Officer G and the containment officers heard a single gunshot coming from inside the house. Officer G removed the headset to communicate with his team. Officers G, O, and T then heard the Subject say, "[Expletive], everybody dies."

Officer U, a trained crisis negotiator, attempted to communicate with the Subject via the robot's headset. Through the headset earphones, Officer U heard the Subject reply to his requests to surrender with, "[Expletive], I'll put a bullet in your head," which he immediately relayed to Officers G and V. Officer U continued his attempts to have the Subject surrender peacefully, but, according to Officer U, the Subject responded by firing additional gunshots from within the residence and stating, "[Expletive]" and "I'll kill all those [...] officers out there." Officer U made a third attempt to communicate with the Subject, which he responded to by firing additional gunshots.

**Note:** According to Officer T, after the Subject fired the first round inside the residence, "I heard another shot, and I saw a -- a dust signature in the dirt off to the [...] corner in the ground. So, he was firing from inside the location out the window in a downward trajectory to hit the ground about 15 to 20 feet from where I was standing."

**Note:** Four discharged casings were recovered from the hallway directly outside the southwest bedroom. Two bullet pathways were identified

through the southwest window sill, in a southwestern direction, in the area of the robot.

Sergeant C and Officer G requested approval to introduce chemical agents into the residence. This initial phase of the gas plan was approved by Captain B. Once approval was received, the order to don gas masks was broadcast.

Lieutenant A requested that the airship return to the residence and begin its orbits for an active shooter. According to Lieutenant A, the CNT was no longer a viable option as the Subject was now firing indiscriminately and the introduction of gas would soon impede his ability to see and/or breathe.

The plan to insert the first round of chemical agents (approximately 30 Ferret rounds) into the residence was implemented. Officers X and Y were providing cover for the north side of the residence. They were positioned in the recessed breezeway of the detached garage. Due to the angle of the breezeway, they were unable to safely view the entire northwest side of the residence. Specifically, they could not see the kitchen door or anything west of it. According to Officer Z, who was positioned inside the detached garage, he requested a robot with a camera to assist in covering that area. In response to this request, Officer AA obtained and operated a robot from inside the detached garage by remote control. The robot had a mounted camera viewable on a small black and white screen. Officers Z, AA, and BB monitored the camera and relayed pertinent information to the other involved personnel via radio.

Officers monitoring the robot camera observed the Subject emerge from the kitchen door with a black pistol in his right hand and heard him speaking incoherently. According to Officer BB, the Subject appeared agitated. Officer Z further described the gun as a possible Glock, and the Subject was described as holding the gun in a "high ready" position (gun held at chin level with a bent arm and muzzle pointed toward the sky according to Officer Z), while appearing to search the backyard. The Subject put his chest against the north wall of the residence and moved west in the "high ready" position, taking one or two side steps at a time while looking west. According to Officers N, Z, AA, and BB, the Subject reached the corner and fired in a southwesterly direction, toward the officers who were positioned behind the armored vehicle.

**Note:** Officers Z and AA stated they observed the Subject fire two times. Officer N did not see the Subject fire, but stated he heard at least two rounds fired from a pistol. No expended cartridge casings or impacts were recovered near the northwest corner of the residence.

Officer O was positioned west of the residence behind the driver's door of the eastern most armored vehicle. Officer O was armed with his rifle, aiming in a northeasterly direction. From that position, Officer O heard broadcasts of the threats made to Officers G and U, and then he heard the Subject yell he was "going to kill us all," followed by gunshots and verbal threats from inside the residence.

Officer O heard broadcasts of the Subject's movements to the rear of the house, followed by the sound of gunfire. He also heard that the Subject was approaching them on the northwest corner of the residence with a black pistol in his right hand. According to Officer O, the Subject suddenly appeared at the corner and only partially exposed his body. The Subject fully extended his right hand and pointed a gun at him.

Officer O stated, "And as they're putting out that he's walking down [...], and that he had he has the gun, that's when I first see him, he kind of snaps a corner, and I could see -- I could see from pretty much the solar plexus and up and I could see a gun in his right hand, a blue-steel handgun in his right hand, and now he's facing me, kind of taking a barricade position from the corner, and his -- his hand is extending out. So, to prevent serious bodily injury to myself and everybody else around us, I felt that it was an imminent threat, I fired rounds at the [Subject]."

Officer O fired two to three rounds from his rifle toward the Subject from an approximate distance of 30 feet. Officer O continued, "He quickly went back out of my view and so I, I slightly, I just slightly moved to my right to get a better angle on him, and he appeared back out doing the same thing, and actually, actually started to fire, and so I returned fire." Officer O fired approximately two to three more rounds from his rifle toward the Subject from an approximate distance of 30 feet until he was no longer at the corner.

**Note:** The investigation determined that Officer O fired a total of six rounds.

**Note:** Sergeant C was behind the armored vehicle near Officer O. He believed that the Subject had fired rounds based on the sounds of gunfire. According to Sergeant C, "Now, I did not see the [Subject]. I just had information based on radio chatter that he was on the [...] side with gun in hand. And by [Officer O's] reactions of returning fire, and I also heard a distinct sound difference between [Officer O's] rounds and the same distinct rounds I heard earlier that was the -- the handgun. So I -- I -- just without seeing it, I could tell that the [Subject] was firing. Don't know where he was firing at. I'm just making presumptions here."

Additionally, during Officer O's OIS, Sergeant C observed some rounds that were fired by Officer O strike the armored vehicle. According to Sergeant C, "And at one point, and I just happened to be looking at his barrel at the time, his weapon slips in front of the armor instead of over the windshield, and a round goes off. And I notice that. So basically, he shot the -- he shot the armor. So I went up there and I let him know. And I think it was just from him leaning. I kind of grabbed his arm and his -- and said, 'Hey,' I said, 'Hey, you're shooting the armor. Make sure you stay up on top.'"

According to Officer Z, he was monitoring the Subject's movements on the screen and observed the Subject, armed with a pistol, move west and fire in the direction of the armored vehicle.

According to Officer BB, he observed the Subject on the monitor move to the west, outstretch his arm and fire toward the officers positioned on the driveway. He then heard return fire and observed the Subject jump back.

Officer N was in the garage watching the camera monitor. He observed the Subject exit and approach the northwest corner of the residence. He then looked out the garage window and observed Officer O fire his rifle.

According to Officer G, he was positioned directly behind Officer O. Officer G observed the Subject appear at the southwest corner holding a dark colored pistol. The Subject pointed the gun in their direction, at which time Officer O fired four rounds. Officer G was unable to determine if the Subject had fired his gun.

According to Officer W, he was positioned immediately east of Officer O in the doorframe of the armored vehicle. He was deploying Ferret rounds while Officer O provided lethal cover. Officer W heard the broadcast advising that the Subject was armed and moving west, which he communicated to Officer O. Officer W observed the Subject appear at the corner with a gun and look in his direction. At that time, he observed Officer O fire approximately five rounds from his rifle.

**Note:** There were no bullet impacts identified originating from the Subject's position, nor were there any expended cartridge casings found near the Subject's position at the time of Officer O's OIS.

After his encounter with Officer O, officers monitoring the camera observed and broadcast that the Subject had returned to the kitchen doorway and had taken a "braced kneeling" position. Officers Z and AA described the Subject's position as holding the gun in a two-hand grip with his right knee on the ground. At that point, the Subject pointed the gun toward the sky and appeared to be tracking the helicopter's orbit. According to these officers, the Subject then fired approximately three times into the sky before retreating into the residence, all of which was broadcast to the air unit. The airship acknowledged the related broadcast but was unable to see the Subject fire at them because their view was partially obstructed by trees; however, Officer K was able to see the Subject moving around the patio area.

**Note:** According to Officer AA, the Subject took the braced kneeling position on two occasions, firing two to three times toward the helicopter on each occasion. Officer Z described the Subject as firing one volley of three to four rounds toward the helicopter.

The investigation identified a total of seven expended cartridge casings that were fired from the Subject's weapon. Four of these casings were recovered inside the residence (noted previously) and three were recovered outside by the patio furniture, east of the kitchen doorway.

**Note:** Officer K was asked if he had inspected the aircraft for bullet impacts after the incident. According to Officer K, "I did do a check of the benches and -- or the -- the -- the platform, [...] and the aircraft and there was none."

According to Officer X, he was positioned in the breezeway of the detached garage. Officer X heard gunfire but was unable to see the Subject. Afterwards, Officer Z brought the video screen to Officer X. He observed the Subject inside the kitchen holding what appeared to be dark-colored firearm in his right hand. He was moving his hands within a pocketed sweatshirt and waistband. He described him as having agitated and aggressive behavior. The Subject then retreated further inside the residence.

Sergeants C and E continued to utilize the bullhorn to broadcast warnings to the Subject. As they did so, officers continued to fire Ferret rounds into the residence. Since the Ferret rounds did not appear to be affecting the Subject, however, Sergeant C and Officer G requested approval to insert a stronger chemical agent into the residence. This request was approved by Captain B.

At this point during the incident, Commander B arrived and assumed the role of IC. The airship remained overhead until its crew had to return to the field for the purpose of conserving fuel.

Sergeant C and Officer G continued to develop tactical plans for the surrender of the Subject, which included the potential introduction of a more potent type of gas ("hot" gas) into the residence. As a precaution, LAFD was requested and a fire plan was developed. The plan included having a water-dropping helicopter standing by at a nearby location ready to respond in case a fire ignited.

**Note:** The deployment of hot gas was initially deemed not to be an option due to the associated risk of fire. As the incident progressed, Commander B authorized hot gas deployment. Lieutenant A advised Sergeant C that hot gas deployment was now approved and if a fire ignited, LAFD had an airship standing by with water-drop capabilities. However, as indicated by an exchange between Lieutenant A and Sergeant C over the radio, Lieutenant A also indicated that if the Subject was still armed, the LAFD airship would not deploy.

The Subject was visible to Officers Z and AA, who continued to monitor the robot camera, and they broadcast their observations. The Subject emerged from the location and, according to Officer Z, he was observed to be in possession of an object they believed was a gun. This resulted in the airship being redeployed overhead from field.

As Officer Z was monitoring the robot camera, he observed the following, "[The Subject] comes back out this door. He has his gun in his -- in the hand. He makes a motion, he comes over. I have [Officer X] on the left side of the door, [Officer BB] on the right side of the door." Officer Z further explained, "He fully extended one hand, right hand out."

While Officer AA was monitoring the robot camera, he observed the following, “[A]ll of a sudden, he -- he has his right hand on his waist and he came out so quickly, all I had to say was, ‘Here he comes, he’s coming again, he’s got,’ I go, this is exactly what I said, ‘He’s got his hand in his waist. He’s coming out again,’ just that quick. And a second or two later gunshots go off to my left.”

**Note:** A pistol was recovered inside the residence. The investigation determined that after the Subject was observed by officers to have fired at the air unit, he entered the residence with the gun. After a subsequent introduction of the gas, the Subject exited the house and never re-entered. As such, he did not possess a gun for the remainder of the incident. The investigation could not determine what object Officers Z and AA had reportedly observed. The investigation did not identify any additional weapons, nor any facsimiles of a weapon or other dark objects, that were possessed by the Subject after he had left the pistol inside the residence.

Officer X was positioned on the north side of the garage breezeway. He observed a heavy fog-like cloud emitting from the windows and door caused by the gas. Officer X heard a broadcast on the radio, “He’s coming out, he’s coming to the door. He’s -- he’s coming out. He’s got something in his right hand.” According to Officer X, the Subject then stepped into his line of sight. He added, “[H]e looks down the breezeway. I tell him, ‘Hey let me see your hands.’ He turns in our direction he takes an aggressive stance. His feet are facing towards side three. His eyes and his hands are twisting towards our location with his arm extended out. I believe at that point he’s going to engage with myself.”

Officer X demonstrated the Subject’s position as moving east then turning his torso and head in a southern direction, raising and extending his right arm horizontally behind him pointed at Officer X. Officer X continued, “I see a dark object in his right hand. And there’s also a very thick heavy cloud of gas that’s permeating out of that location and a thick fog. So I know he has something in his hand, in his right hand. I believe it’s a gun. [...] I was afraid at that time that he was going to start to discharge rounds on myself and the officers around me, and that one of us was going to be either fatally struck or hurt pretty bad. The other concern in my mind was he was going to break this perimeter and continue his crime spree on other innocent victims.” Officer X, fired four rounds at the Subject from his rifle.

Officer BB was positioned inside the detached garage. He was monitoring the robot with Officer AA and had previously observed the Subject exit the residence, engage with Officer O, and fire at the airship. Officer BB had since relieved Officer Y and was now standing on the south side of the breezeway of the detached garage.

Officer BB heard Officer AA broadcast that the Subject had exited the residence and was using his right hand to hold a dark object on the right side of his waistband. Officer BB observed the gas emitting from the residence. The Subject presented himself in the middle of the courtyard in view of Officer BB. The Subject ran in a northerly direction,

near the patio furniture, then turned and ran east. According to Officer BB, the Subject turned toward his right, looking in Officer BB's direction over his right shoulder, while holding a dark object in his hand.

Officer BB described the Subject's actions as follows, "[W]hen the [Subject] ran out, he basically ran like in a northern direction at first. [...] And then like he was running away and while he was running away is when he spun and turned to -- in our direction. And continued to run that way." Officer BB demonstrated the Subject's motions by turning his upper torso, outstretching his arm, and pointing it in his direction, while looking over his shoulder as he ran. According to Officer BB, "[H]e presented himself and he started running and then he looked back in our direction, it was posing a threat for me."

Those factors, coupled with the Subject's previous deadly actions, which included firing at officers and the airship, led Officer BB to fear for himself as well as the community. He fired two rounds from his rifle at the Subject from an approximate distance of 40 feet. According to Officer BB, he fired nearly simultaneously with Officer X. The Subject then moved behind the patio furniture, against the house.

Moments later, according to Officers X and BB, they heard gunfire from the airship and then saw the Subject retreat to a small shed attached to the northeast corner of the residence.

Officer M was on board the airship and, as they approached the location, overhead trees partially blocked his view of the residence. As they cleared the trees on their first or second orbit he observed the Subject. According to Officer M, "So on that iteration, as I come around, I see the [Subject] come out from the trees, and I see a -- I see a gun in his hand, in his right hand." Officer M further stated, "[W]hen he came out in an aggressive manner, he's already showing aggressive behavior towards the police and shooting the air unit, he's moving aggressively towards the [...] side. I believe he is maneuvering, trying to get a position to take shots on our, on my, on my partners and looking at me at the same time. I see what I observe to be that pistol in his right hand, making a B-line for the [...] side, I was in fear for my life and for my partner's life so I engaged the [Subject]."

Per Officer M, based on his observations and the broadcasts of the Subject's prior actions of firing at the helicopter while in a braced kneeling position, he believed the Subject was armed with a pistol and a danger to him as well as the officers on the ground. He therefore fired downward at the Subject's torso from his rifle from an approximate distance of 75 to 85 yards.

According to Officer L, who was also on board the airship, he observed the Subject running east along the rear of the residence with what appeared to be something dark in his hand. Officer L was aware that east containment had advised they did not have line of sight to the rear of the residence due to the terrain. Officer L stated, "He, at one point, kind of looks back like he's looking for containment, and continues running down the side of the house." He continued, "[B]ased on my observations, the communication from the ground crew as far as the fact that he was armed with a handgun, the fact that

he had already fired at officers on the ground, as well as us in the air, from the opinion that he had a handgun in his hand.”

As Officer L started to come up on target to fire, he heard Officer M fire five to seven rounds. Officer L then observed the Subject near the doorway of the shed east of the patio furniture and lost sight of him as they continued to orbit.

Officer L stated, “[The Subject’s] behavior, burglary suspect, hot prowler, entered a house with -- with a resident or -- or a victim inside. Refused to leave. Burglary at first, but obviously, at the point he makes the statement that you’re all going to die, and obviously, begins engaging officers, he’s, you know, in my mind now he’s attempted the murder of police officers. Several police officers, in fact. And part of our thought process in covering that ravine was that [the Subject] could not be allowed to exit that area. And in my mind, he met the -- the exact definition of a fleeing felon, violent felony, armed with a weapon, engaging police officers, multiple police officers, as well as the airship.”

Officer L further stated, “We continue to round in that orbit. As we came back to roughly the same location [...] now I see the [Subject], and he’s seated near that open doorway that I’m talking about. He’s looking in our direction. His hands are down to his side, and he kind of reaches behind him again. It appears he’s got something dark in his hand and he starts to come up.”

For his safety, as well as for the safety of the officers on the aircraft, Officer L fired one round from his rifle at the Subject’s torso from an approximate distance of 75 to 100 yards. This occurred as Officer M fired his second volley.

Officer M had also lost sight of the Subject through the trees, but on a tighter orbit, he again observed the Subject and described him as, “So he’s kind of upright or sitting in a sitting position. I his -- I see his right hand, and I see -- I see a gun in his right hand aiming up at us as we were doing our rotation.” As Officer M observed the Subject pointing what he believed to be a gun in his direction, and armed with the knowledge that he had previously fired at the airship, Officer M fired additional rounds from his rifle from an approximate distance of 75 to 85 yards. During the two engagements, Officer M fired a total of fourteen rounds.

Officer J was the designated pilot and he relied on Officer K to communicate both verbally and nonverbally to guide the orbit patterns. Upon their second launch above the property, Officer K relayed that the Subject was running. Officer J looked and observed the Subject running between the back wall and residence. Officer J was directed to make a tighter orbit, at which time he heard shots, which he described as more than two, from the officers on the airship. Officer J was not able to see which officer fired.

According to Officer K, the helicopter orbit transitioned from wide to tight to keep the Subject confused as to where the helicopter would appear on each orbit. After they launched from the nearby field, they had completed a few orbits over the property when

he observed the Subject near the patio furniture, moving east. "So, from the red furniture, the patio area kind of behind the foliage he's running that was. And then, again going back and forth with [Officer J], the terrain, the wind, back to him, [Officer M] and I -- I couldn't really see [Officer L] so I saw [Officer M] shooting." Officer K then observed the Subject fall between the patio furniture and the shed. Officer K directed Officer J to fly a tighter orbit and continued, "And he gets up and I see that he's kind of crawling or pushing himself back in this door but I don't -- it was -- I thought it was his left hand up this way and then seeing [Officer M] and, again, I don't know if [Officer L] is engaging because I can't see him, but [Officer M] is engaging again."

After the engagements, the Subject retreated and entered a partially enclosed shed on the northeast corner of the residence, out of the officers' view. Officer K directed Officer J to fly to a position where he could look into the shed. Officer K observed the Subject crouched in the corner and monitored the shed entry until the robot was able to be placed inside.

The shed was under construction and attached to the northeast corner of the residence. The northern portion did not have a door and was open. There was a door to the east, which was closed during the incident. There was a window and a door in the southwest corner, but it had been sealed closed.

At this time, the battery of one of the robots had been depleted so an additional robot was deployed to verify the status of the Subject and to determine if medical aid was necessary. Officer Y remotely operated the robot as it moved to the shed. He observed the Subject lying on his left side and facing toward the shed's opening. The Subject's hands were not visible, his eyes were opening and closing, and he was moving his legs. Through the monitor, Sergeant C and Officer Y observed that the Subject's legs had been injured and there was blood on them. They did not observe any pooling of blood on the ground. Sergeant C directed Officer Y to bump the Subject with the robot, at which time the Subject lifted his right leg and bent his knee.

Unsure if the Subject was lying in wait and believing it was unsafe to approach the confined space, Sergeant C and Officer G requested a team to deploy a Sting Grenade near him.<sup>2</sup> Officer N held a ballistic shield while Officers U, X, and AA provided cover. According to Sergeant C, additional warnings were not issued at this time as the tactical planning was fluid and due to the robot's battery running low.

Officer BB deployed the Sting Grenade and Officer Y observed, through the robot's camera, the Sting Grenade land near the Subject's feet. Officer Y stated, "[H]e immediately, right after he jumped, he looked towards the opening of the door like he was hoping to see somebody, expecting to see somebody there, like he was maybe, in my opinion, after seeing what I saw in his reaction, it was my opinion he was lying in wait."

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<sup>2</sup> A Sting Grenade is a less-lethal device containing 80 rubber balls.

Sergeant C and Officer G then requested to move the team into the house adjacent to the Subject's position where a window was observed on camera. Since officers were going to be inside the residence, Sergeant C discussed crossfire issues and rules of engagement with the containment officers. It was also explained that the team would deploy an additional Sting Grenade into the shed, along with hot gas. Sergeant C, from his position at the detached garage breezeway, utilized the bullhorn to offer the Subject medical attention upon his surrender, as well as warnings about the possible use of force; however, there was no response.

An additional APS air unit, piloted by Sergeant F and Officer EE, was directed by Lieutenant A to launch. Also on board was APS-certified Officer FF. This airship was advised that officers would be inside the residence.

Officer G updated the containment officers via the radio, "[...] right now our [Subject] is still moving, he is still lying on top of an object in his right hand and the last deployment of the stinger round only gave us head movement from the [Subject]."

A team made up of Officers N, U, X, Z, AA, and BB entered the kitchen and proceeded to the living room window, adjacent to the shed. Officer Z requested the deployment of 40mm sponge rounds to break the glass window. The request was approved by Commander B. Officer U fired two 40mm sponge rounds that were ineffective on the thick plexiglass. At that point, Officer AA threw a cast iron lid from the kitchen and broke the window. Officer N then dropped the Sting Grenade into the shed as Officer BB deployed the hot gas.

Officer Y observed the Sting Grenade and gas being deployed and then observed as smoke levels began to rise inside the shed. Almost immediately, the Subject sat up in the corner and attempted to cover his face. According to Officer Y, he observed the Subject reach with his right hand into his waistband area but was unable to see his hand. Officer Y continued to relay his observations on the radio. He observed the Subject sit up, then stand and move out of the shed. Officer Y voiced his observations to the surrounding officers.

**Note:** According to Officer Y, "And I'm putting out, 'Okay, he's on his feet.' And I back the camera up just a little bit and I toggle so could see his full body. And I've got -- but I've got a little bit of smoke from the hot gas that's -- that's remained in there. It's not crystal clear but I can see what he's doing. Now he's standing up. And then I see his right hand go into his right pocket waistband area. And I'm putting it out, 'Okay, I can't see his right hand. Put it down by his right waistband.'"

The Communications Division recording captured the following broadcasts by Officer Y: "The stinger is in. He's moving around. He's looking toward the window. He's up on his butt. He's gonna scoot out. Alright, he is on the corner sitting up. The gas is affecting him. He -- he's screaming, trying to get away from the gas. He's on his feet. He's on his feet. He's in the ravine. He's in the ravine."

At this point, Officers T and CC relieved Officers X and BB in the garage breezeway, with Officer T positioned on the north side of the breezeway and Officer CC on the south.

Officer T observed the Subject emerge from the shed and recalled, “[A]s he was coming out toward the sidewalk, he looked in my direction and he continued to have that -- tight fist with his right hand, and he placed his left hand on the cement or concrete and rolled in -- in my direction and my partner’s direction, and I saw the barrel of a gun, and that’s when I engaged.”

**Note:** Officer T further described the Subject's rolling movement as, "He was -- he was rolling in a -- if you had imagined, chest being on the ground, he was rolling, pushing his left side up, and then extending his right side from underneath to face me."

Officer T fired one round from his rifle toward the area just under the Subject’s left arm and upper left torso from an approximate distance of 50 feet. According to Officer T, he observed his rounds strike the Subject.

Officer CC stated that after the gas was deployed, he heard yelling then observed the Subject fling himself from the shed. He stated the Subject “landed with his right arm, like, underneath his shirt and his waistband, as if he was holding a pistol, and landed on his knees and his -- and his left -- left arm. So, as he did that, he turned toward us and he brought his hand from underneath his waistband and he had it -- his hand, like, in a pistol grip, holding a dark object.” Officer CC added, “He immediately looked in our direction and then started to turn and then brought that hand out from underneath holding a dark object, I believe was a gun.” According to Officer CC, fearing for his life, as well as the lives of his partners, he fired two rounds from his rifle at the Subject’s upper left torso from an approximate distance of 50 feet. Officer CC believed he struck the Subject as he observed movement in his clothing.

Immediately after Officers T and CC fired, the Subject was observed by Officer Y, who continued his broadcasts, going over the retaining wall into the ravine. The retaining wall was flush with the walkway where the Subject went into the ravine and there was an approximate six-foot drop to the ground below the wall.

According to Officer FF, who was in the airship, “[W]e’re now [...] doing a counterclockwise circular turn. What I observe is the [Subject] exit, and then what I quickly see his -- punch out -- I believe it’s his right hand towards the one side over here. Now, at this time, I did feel that he was pointing a possible handgun or some sort of object toward the [...] officers, but I did not engage because our original plan was I knew there was [...] officers inside.” Officer FF then observed the Subject go over the edge of the wall.

**Note:** Officer FF did not specify the basis for the feeling he described regarding the Subject pointing a “possible handgun or some sort of object.”

**Note:** Television news footage captured the Subject roll off the walkway and into the ravine.

According to Officer G, he had moved into the garage with Officers T, Y, and CC. Officer G was positioned behind Officer T. He observed the Subject exit the shed in a crouched position and Officers T and CC engage. His attention was then diverted to the officers and as a result, he did not see the Subject’s actions.

Officers GG, HH, and II responded to the location to assist. When Officer GG arrived, he was immediately directed to respond to the roadway below the ravine. From this position they could view a portion of the right side of the property.

According to Officer GG, he determined that his police dog would be an ineffective tool in the ravine. He explained that in order to watch his dog search he would have to leave cover, which would be unsafe to do. Additionally, due to the distance and sizable search area, Officer GG would not be able to communicate with his dog.

Officer Q, one of the team leaders, joined Officers GG and II, followed shortly thereafter by Officer HH. According to Officer Q, he took a team leader role for their location and discussed their tactical plans. Officer Q monitored the residence with binoculars and listened to the incident unfold on the radio. The officers discussed the immediate danger to the community, as well as officers, if the Subject were able to escape their containment. They also discussed Officer GG’s concerns around using a dog search in the ravine. The officers established a containment plan, which included Officer Q joining the patrol officers that were stopping and directing traffic approximately 100 yards away on the roadway. Officer GG provided the patrol officers with a radio capable of monitoring the incident’s radio communications.

According to Officer Q, “The plan was at -- after the [Subject] shot at the officers, shot at the helicopter, shot inside the house, in my mind and in the officers -- speaking with the [...] officers, in my mind this individual is a danger not only to the officers there obviously, but the community at large.”

**Note:** Regarding the plan, Officer Q continued, “So our role in our communication was that the [Subject] was not to get out of that inner perimeter. If he got into the ravine, it would be a lot difficult for us to contain him. So we would either utilize K-9 dogs or ourselves to not allow him to get into community. So we were going to deploy, you know, on the east and the west side of the -- of the hillside if possible and contain him and keep him from moving and leaving that ravine where the [Subject] was at.”

According to Officer GG, he observed the Subject emerge from the shed followed by the sound of gunfire. He described what he observed, "I could see him. And then I could hear and see another exchange of gunfire. I can only see maybe three quarters of his upper body, but it looked like he was pointed towards the one side at the officers."

Officer GG stated he observed the Subject go over the wall and hit the ground. Officer GG used the one-power magnification optic on his rifle and observed the Subject stand and begin to move down the hillside. Officer GG observed a dark object in his right hand, which was outstretched behind him and pointing toward the residence. The Subject slid down the hillside in that position for approximately ten to twelve feet. According to Officer GG, he observed the Subject looking back toward the officers approaching the ledge above him.

Officer GG then stated, "At that point, I immediately feared that another engagement was going to reoccur because he did have what I believed to be a gun in his hand. He had a gun the entire time during from basically start to finish. He had already engaged officers in multiple gunfire, was believed to be injured and he was still attempting to escape and engage police officers."

Officer GG believed the Subject was going to shoot at the officers above him. Having the hillside as a safe background and the officers above but not in the line of fire, Officer GG fired one round from his rifle from an approximate distance of 189 yards aiming at the Subject's body.

Officer GG assessed and observed the Subject had moved his stance and was continuing downhill. Officer GG stated he observed the Subject's right hand appeared to still be holding an object, and he fired a second time from his rifle. He fired this second round from an approximate distance of 189 yards, aiming at the Subject's body as the Subject moved toward some shrubbery.

According to Officer GG, still fearing there was a threat to the officers above, he fired a third round from his rifle from an approximate distance of 189 yards toward the Subject, aiming at the Subject's body. The Subject then collapsed.

Officer II stated he heard a volley of gunfire from the residence. He observed the Subject atop the wall wearing a black long-sleeved shirt with tan pants. According to Officer II, "It looks like he's scrambling with his head towards one of the teams, and it looks, from out distance, that he's making like looking towards them. But you can't, I can't really see his hands." He continued, "He scrambles around, like squirms around on top of that wall. And now I'm like, okay, this guy is shooting it out with the officers."

According to Officer II, based on the prior discussions with his team and the Subject's previous actions that included shooting at officers on the ground and in the air, he determined the Subject would be a danger if he entered the ravine still armed. "He'd have the drop on us because we couldn't see him anywhere in there. The dog wouldn't help. Less lethal wouldn't help. It would just be chaos for us. And we'd be out in the open. Patrol was with us. They'd be in the line of fire also. Or if he got in that brush

too, he could scoot to the left or right and enter the community, break into another location.” Officer II believed the Subject posed a threat to the community and was not going to surrender peacefully, as he heard what he believed to be an exchange of gunfire from above.

Officer II observed the Subject on the wall, then jump over into the ravine with his right hand covered by clothing. According to Officer II, the Subject then stood up with his right hand pointing to the south and his left arm pointing in a northern direction toward the bottom of the ravine, which he viewed both with and without his rifle optic with zero magnification. The Subject looked around as he slid sideways down the hill, his right arm extended out toward the residence. Believing the Subject was armed and would continue shooting at officers, Officer II fired two rounds at the Subject from his rifle at the Subject’s center body mass from approximately 189 yards. The Subject then collapsed into the shrubbery.

Officer HH observed the following, “[H]e just kind of showed up from my vantage point on top of the cinder block wall, at which time, it appeared to me there was an ongoing gun battle between the [Subject] and the folks at the top of the hill. I couldn’t tell where the gunfire was coming from. I could just hear it and I could see the – some impacts and smoke. Moments later, the [Subject] fell off the concrete wall. He had what appeared to me to be a dark object in his right hand as he landed on the hillside and began to slide down the hillside.”

Initially, as the Subject slid down the hillside, Officer HH believed he was injured. As he continued down the hill, he then observed the Subject gain a foothold, at which time he began to use his zero-magnification rifle optic. According to Officer HH, the Subject deliberately continued down the hillside appearing to be in control of his movement. Officer HH observed the Subject’s hand was near his waistband and the dark object was no longer visible.

According to Officer HH, the Subject was making an active attempt to make it down the ravine while still armed. He believed the Subject posed a significant threat to the public, as well as all the officers, which he described as follows, “[W]ith the ongoing circumstances, the multiple volleys of gunfire, and the -- the information I had received, not only first hand from officers on scene but from my own observations and the statements going on, it was my belief that this [Subject] was of the utmost danger level, that he basically was committed to shooting his way out and basically, killing a police officer as opposed to ever being taken into custody.”

Officer HH believed the Subject was on the verge of escaping the containment or engaging with officers. Due to the threat shown by the Subject to the public, as well as officers, Officer HH fired two rounds from his rifle at the Subject’s center body mass from approximately 189 yards.

**Note:** Officers GG, II, and HH each described their shooting background as the hillside below the retaining wall on the property. According to Officer Q, Officers GG, HH, and II fired at the same time.

Officers E, JJ, KK, LL, MM, and NN were positioned on the mountain top, utilizing a large wooden box for cover, with their team leader, Officer P. The designated cover officers were Officer NN to the north and Officer KK to the south. Officers LL and MM were designated to be flanking officers.

When the Subject was in the shed, Officer P informed Officer G via radio of their location. Since Officer P's team had no visual of the north side of the residence, he and Officer G discussed any potential crossfire issues. After the deployment of gas, they heard the broadcast of the Subject emerging from the shed. According to Officer P, he heard an exchange of gunfire between a large caliber weapon and a smaller caliber weapon.

After the gunfire, Officers P, JJ, LL, and MM searched for the Subject by flanking the ravine alongside the ridgeline. Officer P observed a shed-like homeless encampment in the ravine. According to Officer P, as they were moving along the ridge, he reminded his team that the Subject could not break their containment due to the severity and violence of his actions and the threat he posed to the community as a fleeing felon.

The officers observed the Subject on the hillside, stopped approximately 25 yards below the residence. The Subject was looking up toward the residence and his knees were underneath him in a crouched position. The Subject's right hand was underneath his body, out of their view, with his left arm outstretched up toward the residence. According to Officer MM, he observed, "[The Subject] started moving with what looked to me, his right shoulder dipping down toward the ground, and his left shoulder slightly dipping up." He added, "I just saw that part from him, and a slight movement of the head at the same time." Due to the vegetation, he was unable to see the Subject's left hand, which was in a southern direction while the right hand remained concealed underneath his body. Officer MM continued, "Based on my training and experience, the [Subject's] violent-deadly behavior that he exhibited beforehand, that he had fired at officers before, he also had fired at the police helicopter and was willing to shoot at police officers, and knowing the arrest team is going to be in danger, I fired at the [Subject] in fear for their lives as they came up." Officer MM fired three rounds at the Subject from his rifle in a kneeling position from approximately 56 yards away.

According to Officer LL, he believed the Subject was still armed, based on what he believed to be an exchange of gunfire prior to the Subject entering the ravine. Officer LL stated, "I saw slight movement of the [Subject]. I believe that he was going to use his weapon to discharge at the officers on that -- on the property grounds that were at the ledge." Officer LL described the movement as a slight body movement, rolling toward his right shoulder, which opened the left area to a shooting platform. Officer LL fired one round from his rifle at the Subject from approximately 56 yards.

Officer JJ stated, "[T]here was smoke from the [gas]. There was frantic calls on the radio, 'we cannot see where he's at,' I just heard gunshots. I know for a fact that he was shooting at us. I know, also, that he had a handgun." He further added, "[H]e was in a kneeling position again, and his left arm was extended out in a shooting position,

and his right arm was underneath his chest, but there was a gap of, of brush or what I perceived to be the ground in which he could easily be manipulating a weapon.”

**Note:** During this time of hearing gunfire, Officer JJ was positioned behind the wooden box on the east side of the residence. His perception was based on the information he was receiving on the radio and the audible gunfire.

According to Officer JJ, he observed that the officers were approaching and exposed to possible gunfire from the Subject. Officer JJ stated, “[A]s soon as he got into what I believe was a kneeling position, I perceived a deadly threat, and that deadly threat was in a total accumulation, totality of the circumstances that this guy was going to shoot at my teammates.” Officer JJ fired three rounds, from a kneeling position, from his rifle at the Subject’s torso from approximately 56 yards.

**Note:** Officer JJ was asked if he ever saw the [Subject] holding a weapon when he fired his rounds. According to Officer JJ, “I did not see a weapon from my vantage point. It was the totality of circumstances. However, something I'd like to add is as his left arm was extended in a kneeling position where I should have seen skin, was black. And to me, that raised an -- a possibility -- well, not a possibility, but I -- I knew in my mind, I perceived that as potentially being a handgun because I could not see skin. It was just a black-type object in his left hand.”

**Note:** Officers JJ, LL, and MM were using zero-magnification optics when they observed the Subject on the hillside.

**Note:** The Communications Division recording captured communications by Officer G regarding the approach of an arrest team, and indicating that the arrest team was holding its position at the time Officers JJ, LL, and MM fired their weapons. Statements made to investigators by Sergeant C also support that this was the case, and that the arrest team did not move to the edge of the ravine until all gunfire had ceased.

According to Sergeant C, “Our -- this team right here in the garage is moving over to the fence line, and I'm kind of like in the back of it. Somewhere as I'm getting to the threshold of coming out into the backyard, I hear more engagement. Now, I do know at this time that [Officer P] had taken some guys over [...] far away into the ravine because [Officer G] was coordinating that with [Officer P] that when he -- when the [Subject] broke and went over the fence, there was some chatter on the radio between those two, 'Hey, I'm going to take some guys over there to flank him and -- and cut off his path here.' So when I heard those rounds, those additional rounds being fired, my initial thought was it's either coming from them or possibly from our guys now coming out here. And my concern then was some command and control issues. And I just hear several rounds going off. And my concern is that I got all these guys here,

like 14 guys now that are just all shooting. So I actually get on the radio and say something about hold. I try and put some command and control. Everybody hold. Everybody hold. And I start designating some lethal coverage. Because the last thing I want is 14 shooters in a place like this. I want one or two. So I got on the radio and I designated two individuals. [...] By this time, now that we get to the fence line, all shooting, lethal shooting has -- has ceased. And I get to a point where I can see him, and he's 20, 30 yards down the ravine, and which is probably a good 30, 40 feet down."

**Note:** The radio communications timeline provided below indicates when each of the officer-involved shootings, as well as the reported shooting at the helicopter by the Subject, occurred in the course of the incident. The evidence related to whether the Subject was armed at the time is also indicated for each officer-involved shooting:

- 1305 hours: "We have an OIS, unknown if [the Subject] was hit." (Officer O's shooting had just occurred at this point. The evidence established that the Subject was armed at this time.)
- 1308 hours: "Hey guys, I copy the brace kneel and we're going to widen it out on this one." (This broadcast was related to the Subject taking a braced kneeling position and, according to officers' statements, firing rounds at the airship.)
- 1348 hours: "[...] we got multiple shots fired. Multiple shots fired." (Officers X and BB' shootings, followed shortly by Officers M and L's shootings from the airship, occurred at this point. The evidence established that the Subject was not armed at this time.)
- 1440 hours: "He's on his feet. He's on his feet. He's on -- He's in the ravine. He's in the ravine." (Officers T and CC's shootings occurred at this point. Officers GG, HH, and II's shootings occurred moments later, as the Subject went down the ravine. The evidence established that the Subject was not armed at this time.)
- 1442 hours: "Alright, he tried to break containment. All three of my [designated cover officers] here. [The Subject] started to move. We -- we put him down. I believe he's down now." (Officers JJ, LL, and MM's OISs occurred at this point. The evidence established that the Subject was not armed at this time.)

Officer P was positioned directly behind Officers MM, JJ, and LL, with his rifle slung as he designated Officers MM, JJ, and LL as cover officers. According to Officer P, "[A]s he falls, he starts to make a small move to the right and I cannot see his hands." He continued, "At that point I simply say, 'he's moving' and no sooner do I say he's moving when the three individuals that are lined up in front of me initiate."

**Note:** According to the officers, they used a combination of their eyesight and their optics to locate the Subject as they came up on target.

After the Subject had entered the ravine and the gunfire had stopped, Officer G led Officers T, Z, and CC toward the fenceline from the detached garage. Officer G observed the Subject approximately 30 to 40 feet below, lying on his stomach with his right arm concealed underneath him. Unsure if the Subject was lying in wait, he requested the deployment of less-lethal rounds. No warnings were issued as Sergeant C believed there had just been an exchange of gunfire and he did not want to alert the Subject. With Sergeant C's approval, Officer U fired four less-lethal rounds, striking the Subject with no reaction.

Since the Subject's right hand was still not visible, Officer G requested Officer OO to bring his police dog for a directed deployment in order to move the Subject and uncover his right hand.

According to Officer OO, he, along with Sergeant G, utilized the long-leash for a directed deployment, "[W]e would use the dog in the long-line configuration, and I'd go down with the team so I could send the dog ahead, because the position he was in, you couldn't really see his hands. And we were going to see if we could get the dog to maybe take a bite hold where I could manipulate the [Subject] and make him move so we could see his hands."

Officer OO and Sergeant G entered the ravine through a break in the fence, without alerting the Subject to their presence. Officer OO directed his dog to make contact with the Subject. As the dog neared the Subject, he rolled downhill a short distance. Officer OO was unable to determine if the dog had bitten the Subject or nudged him. Once the Subject rolled over, his arms were exposed and Officer OO recalled his dog, allowing the arrest team to approach.

An arrest team was assembled and entered the ravine by cutting a portion of the fencing. Officers S and U were the less-lethal officers, Officers PP and QQ were the arrest team, and Officer T was the lethal cover officer. Officers PP and QQ approached the Subject. Officer QQ observed the Subject's sweatshirt was pulled over his entire right hand as he placed the flex-cuff on it. Officer PP placed the flex cuff on the Subject's left wrist while Officer U conducted a cursory search of the Subject's clothing. They then requested TEMS to respond and provide medical attention to the Subject.

The LAFD FF/PMs responded and observed the Subject lying on his stomach. They assessed the Subject's injuries by cutting his clothing and noted multiple gunshot entry and exit wounds. The Subject showed no signs of life and they determined him to be deceased at 1458 hours.

Additional LAPD resources later responded and conducted an extensive search of the hillside with metal detectors, but the search did not yield any weapons.

**Note:** In addition to no weapons being recovered from the hillside, no dark objects were recovered.

## **Los Angeles Board of Police Commissioners' Findings**

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

### **A. Tactics**

The BOPC found Commanders A and B, Captain B, Lieutenant A, Sergeants C and G, and Officers J, K, L, M, N, O, T, U, X, BB, CC, GG, HH, II, JJ, LL, MM, and OO's tactics to warrant a Tactical Debrief.

### **B. Drawing/Exhibiting**

The BOPC found Officers L, M, N, O, T, U, X, BB, CC, GG, HH, II, JJ, LL, and MM's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Officers N, U, and BB's use of less-lethal force to be in policy.

### **D. Lethal Use of Force**

The BOPC found Officer O's use of lethal force to be in policy. By a vote of 3-1, the BOPC found Officers L, M, T, X, BB, CC, GG, HH, II, JJ, LL, and MM's use of lethal force to be out of policy.

### **E. Deployment of K-9**

The BOPC found the K-9 deployment to be consistent with established criteria.

### **F. Contact of K-9**

The BOPC found the K-9 Contact to be consistent with established criteria.

### **G. Post K-9 Contact Procedures**

The BOPC found the Post K-9 Contact Procedures to be consistent with established criteria.

## **Basis for Findings**

- **Detention**

Officers were requested to respond to a barricaded suspect with access to multiple firearms and ammunition. The officers' actions were appropriate and within Department policies and procedures.

### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Crossfire

Officers on containment were placed in a position of cover at two corners of the residence to provide soft containment. The officers' locations potentially placed them in each other's line of fire.

In this case, the officers communicated their positions to each other and formulated a tactical plan, assigning areas of responsibility to ensure that crossfire issues were minimized. However, the investigation revealed a possible bullet hole through the wood shed that officers were using for cover. The investigation could not determine who potentially fired the round or when the possible round was fired.

Based on the totality of the circumstances, the BOPC determined that the officers' actions were consistent with approved Department tactical training.

2. Tactical Planning and Communication

Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers, when faced with an ongoing tactical situation, must remain alert to 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, while personnel developed a tactical plan, involving tear gas and Sting Grenades, to get the Subject to exit the residence, a specific plan was not formulated to take the Subject into custody once he exited.

Additionally, multiple radio communications discussed Rules of Engagement and stated the Subject cannot escape containment. However, the specific rules of engagement were not articulated. In addition, the means by which to prevent escape or the actions to take should the Subject make such an attempt were not specifically discussed.

Based on the totality of the circumstances, the BOPC determined that the officers' actions were consistent with approved Department tactical training.

- 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.

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.

In conclusion, the BOPC found Commanders A and B, Captain B, Lieutenant A, Sergeants C and G, and Officers J, K, L, M, N, O, T, U, X, BB, CC, GG, HH, II, JJ, LL, MM, and OO's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

After the Subject was determined to be an armed barricaded suspect, specialized unit personnel responded and relieved the patrol officers. As Officers L, M, N, O, T, U, X, BB, CC, GG, HH, II, JJ, LL, and MM assumed their positions at the location, they drew/exhibited their respective weapon systems.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers L, M, N, O, T, U, X, BB, CC, GG, HH, II, JJ, LL, and MM, when faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers L, M, N, O, T, U, X, BB, CC, GG, HH, II, JJ, LL, and MM's drawing and exhibiting of a firearm to be in policy.

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

- **Officer U – (37mm Launcher, four Sage Impact Rounds)**

According to Officer U, Sergeant C advised the officers on containment that less-lethal ammunition would be used to see if the Subject would react. He fired four less-lethal rounds at the Subject, striking him on the left side of his torso.

Officer U recalled, "And I then proceeded to fire four rounds, hitting -- hitting the [Subject] on the left side of his torso, and I did not observe any reaction by the [Subject]."

When asked why he fired four rounds, Officer U recalled, “You know, I -- I can’t really answer that, other than each time I fired, I -- in my mind, I was thinking he might react. I just wanted to be a hundred percent sure before any of us put ourselves in harm’s way. And in my mind, that was the best way and the safest way to do it. So I fired four and then [Sergeant C] said, you know, we’re good. It doesn’t look as if he’s responding to being hit by the [less-lethal rounds].”

- **Officer BB – (Sting Grenade)**

According to Officer BB, a tactical plan was developed to approach the Subject’s location and deploy a Sting Grenade to see if the Subject could get up or move. He deployed the Sting Grenade and then walked back to cover.

Officer BB recalled, “So at that time a plan was made to approach -- approach where the [Subject] was at with the shield, with lethal cover, less lethal cover and I was going to deploy the Stinger grenade [...] So maybe -- it’s like -- it’s basically a device to, you know, see if the guy, you know, can get up, if he can move, if he was playing possum. If that would get him to, you know, to give up or, you know, anything like that. So we moved up. I threw the flash bang in the room and we came back, walked back to cover. The Stinger grenade went off, really with no effect.”

- **Officer N – (Sting Grenade)**

According to Officer N, a tactical plan was formulated to break out the window, deploy a Sting Grenade, and to introduce hot gas into the Subject’s location. He entered the residence and was assigned to deploy the Sting Grenade. Officer AA threw the cast iron skillet lid through the window, and Officer N then deployed the Sting Grenade while Officer BB deployed the hot gas through the window.

Officer N recalled, “So, at that point, we just found something heavy in the kitchen area, and [Officer AA] threw a cast iron skillet lid through the window which gave us a big enough hole in the window, and then, at that point, I deployed a Stingball grenade in the area where the [Subject] was down at the same time [Officer BB] deployed the [...] gas delivery system in the patio area.”

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers U, N, and BB, when faced with similar circumstances, would believe that this same application of less-lethal force would be reasonable to effect the Subject’s arrest.

In conclusion, the BOPC found Officers U, N, and BB's use of less-lethal force to be in policy.

#### **D. Lethal Use of Force**

- **Officer O – (rifle, six rounds)**

### First Sequence

According to Officer O, he heard a broadcast that the Subject was on the side of the residence walking toward his location with a gun. He was assigned as a cover officer and was using the armored vehicle as cover. He directed his attention to the corner of the residence and observed the Subject turn the corner. He then observed that the Subject was holding a blue steel handgun in his right hand, and was facing him with his hand extending out. To prevent serious bodily injury to himself and the other officers, Officer O fired two to three rounds from his rifle at the Subject.

### Second Sequence

According to Officer O, after firing his first rounds, the Subject stepped back and out of his view. He then moved slightly to his right and observed that the Subject was doing the same thing and fired at least one round at him. He returned fire and then the Subject stepped back out of view.

The BOPC found Officer O's use of lethal force to be objectively reasonable and in policy.

- **Officers L, M, T, X, BB, CC, GG, HH, II, JJ, LL, and MM**

In its review of the uses of lethal force by Officers L, M, T, X, BB, CC, GG, HH, II, JJ, LL, and MM, the BOPC considered the high level of threat the Subject posed during the portion of the incident when he was armed with a pistol. The threatening actions carried out by the Subject included remaining armed and barricaded despite being given instructions to exit the residence and surrender; the issuance of verbal threats to officers; and both brandishing and discharging a pistol. Based on these threatening actions, it is expected that officers would perceive the Subject as presenting a potentially high level of threat during subsequent encounters with him. Nevertheless, there is a duty to continually assess and reassess the level of threat posed by an individual when deciding whether to employ lethal force. Although prior actions may constitute one element of the context in which such decision-making occurs, the fact remains that lethal force is authorized only when there is an objectively reasonable belief that an individual presents an imminent threat of death or serious bodily injury, or that the circumstances meet the narrowly-defined criteria for a fleeing felon who is subject to the use of lethal force. As such, a determination by an officer that lethal force is warranted must be based on an assessment that gives due weight to present circumstances, in addition to any context that may have been established by past events.

In this case, the investigation revealed that the Subject was no longer in possession of a pistol, nor any other weapon or dark object that could have been construed as the weapon he had previously possessed, during all OISs subsequent to the shooting involving Officer O.

Officers L, M, T, X, BB, CC, GG, HH, and JJ all cited observations of a gun or dark object being held or presented by the Subject in articulating their rationales for determining that the Subject presented a threat warranting the use of lethal force. The evidence in this case does not support the reasonableness of any of these reported observations. There were no firearms recovered outside the residence and there were no dark objects identified that could be construed as weapon. Absent such evidential support for the officers' reported observations of a weapon or possible weapon, the available evidence does not support a finding that the lethal force employed by these officers was consistent with Department policy.

Officers GG, HH, and II and were assigned a containment position approximately 189 yards away on the roadway, looking up the hillside. The officers' observations of the Subject were made from a considerable distance, which would have limited their ability to accurately observe and assess the Subject's actions as constituting an imminent deadly threat. Moreover, the relative proximity of the officers at the residence and APS officers to the Subject was such that it was not reasonable for these officers, from their distant location, to believe their intervention with lethal force was warranted.

By a 3-to-1 vote, the BOPC found Officers L, M, T, X, BB, CC, GG, HH, II, JJ, LL, and MM's use of lethal force to be out of policy.

- Specific information regarding each of these officers' uses of lethal force follows:
- **Officer X** – (rifle, four rounds)

Officer X was positioned in the breezeway of the converted garage area and was designated to cover the corner of the residence. According to Officer X, when the Subject exited the residence, "I see a dark object in his right hand. And there's also a very thick heavy cloud of gas that's permeating out of that location and a thick fog. So I know he has something in his hand, in his right hand. I believe it's a gun." Officer X also stated, "When he stepped out onto the patio and was within my view, he looked in my direction with his arm extended, pointed at me, appearing to want to fight and flee. And I was afraid at that time that he was going to start to discharge rounds on myself and the officers around me, and that one of us was going to be either fatally struck or hurt pretty bad. The other concern in my mind was he was going to break this perimeter and continue his crime spree on other innocent victims. And at that point, I made the decision in my mind to utilize deadly force and stop that threat from occurring."

The investigation determined that after the Subject reportedly fired rounds at the airship at approximately 1308 hours he entered the residence, and that he next exited the residence at approximately 1348 hours. At this point in the incident, the Subject had discarded the pistol inside the residence and was no longer armed.

Upon seeing the Subject, Officer X issued an order: "Let me see your hands." Officer X then described seeing a dark object in the Subject's right hand, which he

believed was a gun, and he fired a total of four rounds with his rifle from a distance of approximately 40 feet.

The BOPC noted that Officer X's perception of the Subject displaying a dark object was not corroborated by any physical evidence. There were no firearms recovered outside the residence, and there were no dark objects identified that could be construed as weapon. The available evidence does not establish a basis upon which Officer X could form a reasonable belief that the Subject was displaying a pistol. As such, Officer X's use of lethal force was not objectively reasonable and was out of policy.

- **Officer BB** – (rifle, two rounds)

Regarding the moments before Officer BB's OIS, Officer BB stated, "So at one point [Officer AA] said, 'The [Subject's] coming out. He's running out. He's got he's holding his waistband on the right, like he had a dark object or he's holding something.' The [Subject] ran out into the middle of the courtyard where the couches were and he came into our view and at that time he turned to his right and it appeared that he was holding a dark object in his right hand and pretty much simultaneously, [Officer X] and I fired several rounds at him."

The investigation determined that after the Subject reportedly fired rounds at the airship at approximately 1308 hours he entered the residence, and that he next exited the residence at approximately 1348 hours. At this point in the incident, the Subject had discarded the pistol inside the residence and was no longer armed.

Officer BB described seeing a dark object in the Subject's right hand as he made a turning motion toward the officers, and an OIS ensued with Officer BB firing two rounds with his rifle from a distance of 40 feet.

The BOPC noted that Officer BB's perception of the Subject having a dark object in his hand was not supported by any physical evidence. There were no dark objects recovered during the investigation that could be construed as weapon. The available evidence does not establish a basis upon which Officer BB could form a reasonable belief that the Subject was displaying a pistol. As such, Officer BB's use of lethal force was not objectively reasonable and was out of policy.

- **Officer M** – (rifle, 14 rounds)

Officer M was assigned to the airship along with Officer L. Shortly after the OIS involving Officers X and BB, Officer M stated, "And I -- I can't remember if it -- if it was my first or my second iteration around. And mind you, there was there was trees that are in that are blocking some of the house. So what I saw was [the Subject] came out from under the -- from the trees, so I think there was a door, something that came out that -- I didn't see him exit. I hear more person -- more personnel saying he has a gun in his hand. And -- and like I said, it seemed like anytime he saw the helicopter, that would almost prompt him to come out and shoot

at the at the helicopter. There was even one broadcast of he's taking a brace kneel position shooting at in an upward angle toward the helicopter."

The broadcast indicating that the Subject "has a gun in his hand" occurred at approximately 1305 hours, just before Officer O's OIS. The broadcast regarding the Subject taking a "brace kneel" position occurred at approximately 1308 hours. The Subject was not seen again by Officer M until approximately 1348 hours, and it was at this time that Officer M discharged his weapon.

Officer M further described, "So on that iteration, as I come around, I see the [Subject] come out from the trees, and I see a see a gun in his hand, in his right hand." He also stated, "So when I see him come out from under the trees, I see a pistol in his hand, and based on all the circumstances and his movements, because he's moving -- he's not moving very deliberate. He's moving with some purpose. I know I can see our guys on the [...] side. I -- I believe he was trying to maneuver to try to get rounds on -- on them, and then at the same time, looking at us in our direction with the pistol in his right hand." Officer M additionally said, "And looking at me at the same time, I see what I observe to be that pistol in his right hand, looking in my direction, making a B-line for the [...] side, I was in fear for my life and for my partner's life so I -- I engaged the [Subject]."

Officer M fired several rounds and stopped when his view was blocked by trees. When the airship came around again, Officer M stated, "So he's kind up upright or sitting in a sitting position. And his -- I see his right hand, and I see -- I see a gun in his right hand aiming up at us as we were doing our rotation. As that happens, I then engage the [Subject] again. And I engage the [Subject]. And then shortly after that, again, the trees got in the way." Officer M fired a total of 14 rounds in two volleys with his rifle from a distance of approximately 75 to 85 yards.

The investigation determined that after the Subject reportedly fired rounds at the airship at approximately 1308 hours he entered the residence, and that he next exited the residence at approximately 1348 hours. At this point in the incident, the Subject had discarded the pistol inside the residence and was no longer armed.

The BOPC noted that Officer M's account of seeing a gun in the Subject's right hand was not supported by any physical evidence. There were no firearms recovered outside of the residence. The available evidence does not establish a basis upon which Officer M could form a reasonable belief that the Subject was displaying a pistol. As such, Officer M's use of lethal force was not objectively reasonable and was out of policy.

- **Officer L** – (rifle, one round)

Officer L was assigned to the airship along with Officer M. Shortly after the OIS involving Officers X and BB, Officer L observed the Subject with a dark object in his hand which he believed was a handgun. According to Officer L, "And he's running straight down [the side of the residence]. As he's doing that, he's running, it appears

he has something dark in his hand. He, at one point, kind of looks back like he's looking for containment, and continues running down the side of the house. And again, some other intel that came in prior to that, the officers that were on [one side of the residence] were behind a position of cover, but they had indicated that they would not be able to see that Subject due to the terrain until he was right up on top of them. So based upon my observations, the communication from the ground crew as far as the fact that he was armed with a handgun, the fact that he had already fired at officers on the ground, as well as us in the air, form the opinion that he had a handgun in his hand." Officer L also said, "So as he's running down that side, I see a dark object in his hand. He's running. His arms are moving. He appears to turn around and look behind him, so, obviously, it looks like he's looking for containment positions behind him. And he, as well, he's running directly towards the containment officers [...]. Obviously, at that point, I determined that he was a threat. Started to come up to engage, but Officer M engaged him before I did. And the [Subject] immediately went down."

According to Officer L, "We continued to round in that orbit. As we came back to roughly that same location, [...], now I see the [Subject], and he's seated near that open doorway that I'm talking about. He's looking in our direction. His hands are down to his side, and he kind of reaches behind him again. It appears he's got something dark in his hand and he starts to come up. I fired one round from my rifle in immediate defense of my life, as well as those on the aircraft. And -- and also, [Officer M] engaged the [Subject] again. I believe he fired again five to seven rounds. Continued to round on that orbit, because obviously, the airship is continuing to move so you're constantly reevaluating as you're going around. As we came back around after the shots were -- after the shot that I fired, the [Subject] was gone again." Officer L fired a total of one round with his rifle from a distance of approximately 75 to 100 yards.

The investigation determined that after the Subject reportedly fired rounds at the airship at approximately 1308 hours he entered the residence, and that he next exited the residence at approximately 1348 hours. At this point in the incident, the Subject had discarded the pistol inside the residence and was no longer armed.

The BOPC noted that Officer L's account of seeing a dark object which he believed was a gun in the Subject's right hand was not supported by any physical evidence. There were no firearms recovered outside of the residence, and there were no dark objects recovered that could be construed as a weapon. The available evidence does not establish a basis upon which Officer L could form a reasonable belief that the Subject was displaying a pistol. As such, Officer L's use of lethal force was not objectively reasonable and was out of policy.

- **Officer CC** – (rifle, two rounds)

Immediately after the OIS that occurred at approximately 1348 hours involving Officers M and L, who were on the airship, the Subject was seen by officers crawling into a doorway of a shed that appeared to be under construction. The Subject

emerged from this area approximately an hour later, at 1439 hours, after the hot gas and second Sting Grenade were deployed.

According to Officer CC, "And after the hot gas went off, the su -- I could immediately hear the [Subject] yelling, like, unintelligibly, and he suddenly almost, like, jumped out of the opening to that covered patio area, and, again, landed with his right arm, like, underneath his shirt and his waistband, as if he was holding a pistol, and landed on his knees and his -- and his left -- left arm. So as he did that, he turned toward us and he brought his hand from underneath his waistband and he had it -- his hand, like, in a pistol grip, holding a dark object, and he turned his left shoulder upward and toward us. And at that point, I -- fearing for my life and the lives of my partners that were behind me and the other officers on containment, I fired my weapon two times at the [Subject's] left upper torso. I could see -- I could see my bullets hitting his shirt. His shirt was -- was moving, and the [Subject] reacted. He was going, 'Agh Agh.'"

When asked to describe the Subject's movement while he was on the ground in greater detail prior to the OIS, Officer CC stated, "Almost like you were on all fours, except your right hand is at your waistband underneath your shirt. And it was quick. He immediately looked in our direction and then started to turn and then brought that hand out from underneath holding a dark object, I believe was a gun, and based on everything I just -- just described, his numerous refusals to surrender, his verbiage when he was asked to surrender, when we told him he wasn't going to be hurt and threatening to shoot us, and then subsequently doing just that, I believe that as to be shot at, and also, I believe that the -- the [Subject] was-- if we didn't shoot at him, he would have escaped down that that ravine. So for both of those reasons, I fired at the [Subject]." Officer CC also stated, "After that, he rolled over on to his back with objects still in his hand, and seeing where my hits were on the [Subject], I believed they were -- they were lethal hits, and it appeared to me that he continued to roll and rolled off the edge of the retaining wall down to the hillside." Officer CC fired a total of two rounds from his rifle from a distance of approximately 50 feet during this incident.

The BOPC noted that Officer CC's account of seeing a dark object, which he believed was a gun, in the Subject's right hand was not supported by any physical evidence. There were no firearms recovered outside of the residence, and there were no dark objects recovered that could be construed as a weapon. The available evidence does not establish a basis upon which Officer CC could form a reasonable belief that the Subject was displaying a pistol. As such, Officer CC's use of lethal force was not objectively reasonable and was out of policy.

- **Officer T** – (rifle, one round)

Immediately after the OIS that occurred at approximately 1348 hours involving Officers M and L, who were on the airship, the Subject was seen by officers crawling into a doorway of a shed that appeared to be under construction. The Subject

emerged from this area at approximately 1440 hours, after the Sting Grenade and hot gas were deployed.

According to Officer T, "The distraction device was placed on the [Subject]. He did react, he got up, went down to his knees, came -- came out that opening towards the sidewalk. And as he was coming out toward the sidewalk, he looked in my direction and he continued to have that -- that tight fist with his right hand, and he placed his left hand on the -- the cement or concrete and rolled in -- in my direction and my partner's direction, and I saw the barrel of a gun, and that's when I engaged. I fired one round in his direction. My point of aim was just under his left arm in the left-upper torso, and I saw impact in his body, and he dropped to his side momentarily, and then a second passed, and he rolled himself up and over the edge of the -- the bank onto the hillside out of my view." Officer T fired a total of one round with his rifle from a distance of approximately 50 feet.

The BOPC noted that Officer T's account of seeing a gun in the Subject's possession was not supported by any physical evidence. There were no firearms recovered outside of the residence, and there were no dark objects recovered that could be construed as a weapon. The available evidence does not establish a basis upon which Officer T could form a reasonable belief that the Subject was displaying a pistol. As such, Officer T's use of lethal force was not objectively reasonable and was out of policy.

- **Officer GG** – (rifle, three rounds)

Officer GG was assigned to take a containment position on one side of the residence along with Officers HH and II. They were positioned on the roadway approximately 189 yards away, looking up a steep hillside.

After the Sting Grenade and hot gas were deployed, Officer GG heard what he believed to be an exchange of gunfire. He then saw the Subject slide over the edge of a wall into the ravine. According to Officer GG, "At that point, he started -- the only way I can describe it was he was -- it looked like he was surfing down the side of the mountain. He was coming down sideways, left side first, with his hand out kind of balancing himself." Officer GG continued, "And then I could see his right hand. Something dark, but I couldn't tell if it was a weapon or not. But that one was kind of behind him like he was doing the hard could describe on video but doing the 'I'm balancing myself with my arms' thing. So I could not see his right hand and I could not see exactly what was in his right hand. He surfed, if that's what you want to call it, down the mountain for maybe 10 to 12 feet. And at that point, I could see, still see officers to my far right, and I knew from the prior before any of the officer-involved shootings, that there was a team to the far, far left of me. So I know I didn't have any officers immediately in front of me. But as he slid down, now I could see that he was looking back at the officers that were above him. At that point, I immediately feared that another engagement was going to reoccur because he did have what I believed to be a gun in his hand."

Officer GG also stated, "At that point, my background was the hillside. Believing that the [Subject] was going to reengage those officers, and believing that if he got into that ravine and immediately out of sight because of ravine was so heavy heavily covered with trees and shrubs that he was going to pose an immediate threat to anybody, other officers that were going to still have to go down and -- and apprehend him. Or because we didn't have a hard containment, it was only a visual containment, that he would be able to escape and then somehow get back into the community and put other people in danger. At that point, I decided to use lethal force. I spotted him in my [...] scope, which is a one-power, so I did have a little bit of magnification on him. And I fired one round, not knowing if I if I hit the [Subject] or not. I did notice when I reassessed that he had switched his stance, and he was no longer sliding left foot forward. He had kind of switched, and now he was heading down the hill in a fast-moving feet. So almost he started moving towards the right but running with his feet, trying to keep his feet up underneath him. I could see that his hand came around. And it still looked like he had something in his hand. And believing that he still -- still had the firearm from before, I fired a second round, again, not knowing if I hit him. And he continued -- and at this point, he was getting into what looked like thick shrubbery to me. I was about to lose visual on him. And since he wasn't down, he still a threat to the officers above, as well as the officers down below if he gets into that shrubbery, I fired a third round. However, at pretty much simultaneously as I fired my third round, I observed him slump forward head first and then begin to tumble. So I was able to observe that in my in my scope. And I'd say he tumbled -- he didn't tumble far. Maybe just a few feet. And then he came to rest in some in some shrubbery. Like there's a patch of green shrubbery, and he came to rest kind of in a patch of green shrubbery and in a patch of dried shrubbery. At that point, I said -- I let my off -- my partner officers know that he was down and I could see no movement." Officer GG fired a total of three rounds with his rifle from a distance of approximately 189 yards.

The BOPC noted that Officer GG's observations of the Subject were made from a considerable distance, which would have limited his ability to accurately observe and assess the Subject's actions as an imminent deadly threat. Moreover, the relative proximity of the involved officers at the residence to the Subject was such that it was not reasonable for the officers in their distant location to believe their intervention with lethal force was warranted. Additionally, Officer GG's account of seeing an object which he believed was a gun in the Subject's right hand was not supported by any physical evidence. There were no firearms recovered outside of the residence, and there were no objects recovered that could be construed as a weapon. The available evidence does not establish a basis upon which Officer GG could form a reasonable belief that the Subject was displaying a pistol. As such, Officer GG's use of lethal force was not objectively reasonable and was out of policy.

- **Officer II** – (rifle, two rounds)

Officer II was assigned to take a containment position along with Officers HH and GG. They were positioned on the roadway approximately 189 yards away, looking up a steep hillside.

Officer II saw the Subject running down the side of the residence and, although he could not see his hands, he believed "this guy is shooting it out with the officers." Officer II then saw the Subject as he entered the ravine. According to Officer II, "So as he jumps down, I see that I still can't see his hand. It looks like he's sliding down the hill and his right hand behind him. I made a determination that he's either going to hurt other officers or escape into that brush area I told you about. Either and like I said, injuring other off -- officers or if he got into that brush area then he would be injuring us. I believe he was still armed. So I fire two rounds, center mass, from I believe it was like 150 to 200 yards away with my rifle. He -- it looked like he -- he stopped moving, like he just became limp, and fell behind some shrubbery. I can just see, it looked like black with tan. And I don't know if it was his head or his tan pants or his arm or what, but I couldn't figure it -- I couldn't see it from that distance." When asked additional questions about why he believed the Subject was still armed when he couldn't see his hand, Officer II stated, "I didn't know if he was covering the sleeve with it on purpose or if it was just long. I don't know. Just -- just his actions of what -- how he jumped out of that landing, or that wall after the exchange of gunfire. From our distance, it looked like he was in a gun battle with [the officers]." Officer II fired a total of two rounds with his rifle from a distance of approximately 189 yards.

Officer II's observations of the Subject were made from a considerable distance, which would have limited his ability to accurately observe and assess the Subject's actions as an imminent deadly threat. Moreover, the relative proximity of the involved officers at the residence to the Subject was such that it was not reasonable for the officers in their distant location to believe their intervention with lethal force was warranted. Additionally, Officer II fired his rounds at the Subject when he still could not see the Subject's hands. As such, Officer II's use of lethal force was not objectively reasonable and was out of policy.

- **Officer HH – (rifle, two rounds)**

Officer HH was assigned to take a containment position along with Officers II and GG. They were positioned on the roadway approximately 189 yards away, looking up a steep hillside.

After the hot gas and Sting Grenade were deployed, Officer HH heard gunfire and believed there was a "gun battle between the [Subject] and the folks at the top of the hill." Officer HH then saw the Subject as he entered the ravine. According to Officer HH, "Moments later, the [Subject] fell off the concrete wall. He had what appeared to me to be a dark object in his right hand as he landed on the hillside and began to slide down the hillside. I actually thought he was down at that point, but after he -- he slid down about 10 to 15 feet, it looked as if he rolled and got back up on his feet and proceeded down the hill toward us a little bit more. At this point, I couldn't actually see the object anymore because his hand was close to his waistband, but I immediately realized that he was on the verge of escaping the containment into that danger zone that we refer to. He posed a significant threat to not only the public, but to us downrange, and the folks above him on the hill." Officer HH continued, "So at

the time I fired, it appeared to me that the [Subject] had gained a foothold, was able to, quote, unquote, 'stand upright.' I know it probably isn't accurate that he was completely standing upright due to the terrain, but he definitely was in control of his movements. He was looking not only downward, but at times would glance up and try to assess position of the officers above him, in my opinion. And he had his right hand down near his waistband holding -- I couldn't see at that point what the object was because the movement was so fast, but he appeared to be holding something by his right waistband. And at the time he had fallen off the wall, I saw what I believed to be a handgun in his right hand. I assumed that to be the same object he was still attempting to hold on his way down, making his way down the terrain." Officer HH also stated, "And in order to stop that threat, I fired two rounds from my police rifle in an attempt to stop the [Subject's] actions. Once the [Subject] -- once my second round was fired, I saw the [Subject] go down. I immediately assessed. I determined the -- I could see the [Subject] was still and no longer moving. I didn't see an additional threat so I placed my weapon on safe." Officer HH fired a total of two rounds with his rifle from a distance of approximately 189 yards.

The BOPC noted that Officer HH's observations of the Subject were made from a considerable distance, which would have limited his ability to accurately observe and assess the Subject's actions as an imminent deadly threat. Moreover, the relative proximity of the involved officers at the residence to the Subject was such that it was not reasonable for the officers in their distant location to believe their intervention with lethal force was warranted. Additionally, Officer HH's account of seeing a dark object which he believed was a gun in the Subject's right hand was not supported by physical evidence. There were no firearms recovered outside of the residence, and there were no objects recovered that could be construed as a weapon. The available evidence does not establish a basis upon which Officer HH could form a reasonable belief that the Subject was displaying a pistol. As such, Officer HH's use of lethal force was not objectively reasonable and was out of policy.

- **Officer MM** – (rifle, three rounds)

Officers MM, LL, and JJ were assigned a containment position on one side of the residence. They were instructed by Officer P to move north and take a flanking position if the Subject entered the ravine.

Officer MM heard an exchange of gunfire and a broadcast that the Subject had gone over the wall. According to Officer MM, "It sounded like our rifles shooting, and then it also sounded like a -- in my -- what sounded to me like a pop, pop of a smaller-caliber weapon firing back and forth, and not -- not one before the other, but back and forth." Officer MM then made his way to their predetermined flanking position and observed the Subject face down in a westerly direction with his left hand outstretched and his right hand underneath his body. Officer MM stated, "As that happened, the arrest team made notification that they were going to start walking -- making their way towards where the [Subject] had gone down the ravine. I saw the [Subject] move, and it appeared that he was dipping his -- it almost looked he was going to roll over basically. I couldn't see because of the vegetation anything in his -

- if he had anything in his left hand. And I couldn't see his right hand because it was tucked up underneath him." Officer MM also stated, "So the [Subject] is laying [...] to describe it -- in -- with his feet tucked underneath him, his right hand is underneath his -- his chest, his left arm was kind of out towards and so it's -- it's at an elevation too, so you have to kind of take that in mind, so his body's kind of canted slightly. His left arm was up towards the building, [...], and up towards the hillside. So, he -- what I -- what I observed was he started moving with what looked to me, his right shoulder dipping down towards the ground, and his left shoulder slightly dipping up, almost like he's -- I guess rolling. That rolling motion, I didn't see anything from his legs movement, I just saw that part from him, and a slight movement of the head at the same time when his body started rolling. That's what -- that's the movement I observed if that makes sense." Officer MM additionally stated, "Based on my training and experience, the [Subject's] violent-deadly behavior that he exhibited beforehand, that he had fired at officers before, he also had fired at the police helicopter and was willing to shoot at police officers, and knowing the arrest team was going to be in danger, I fired at the [Subject] in fear for their lives as they came up. I fired three times, each time in between, I do give a quick assessment, and at which point after my third shot, the [Subject] was no longer moving." Officer MM fired a total of three rounds with his rifle from a distance of approximately 56 yards.

The BOPC noted that Officer MM did not observe the Subject to be armed; and the Subject's movements, combined with the lack of exposure and any associated imminent threat to the arrest team, were insufficient to support a reasonable belief that lethal force was warranted. As such, Officer MM's use of lethal force was not objectively reasonable and was out of policy.

- **Officer LL – (rifle, one round)**

Officers LL, MM, and JJ were assigned a containment position on one side of the residence. They were instructed by Officer P to move north and take a flanking position if the Subject entered the ravine.

Officer LL heard what he believed was an exchange of gunfire. According to Officer LL, "From where I was placed, it sounded like two different weapon systems. I know that our guys typically use the same weapon system. There was an exchange of -- of rounds or it sounded like, there was probably, five to seven rounds maybe fired there. And so based on that, I formed the opinion that the [Subject] still had his gun. I could not see it, but in my mind, he was still armed with his weapon." Officer LL moved to his predesignated flanking position and observed the Subject in the ravine. According to Officer LL, "Believing that he still had that weapon, and actually to go back to the training we just received, one of the debriefs was on the Sergeant Owens from LASD when he got killed in Lancaster, and they were talking about the shot that the guy took, and it just it -- it flashed in my head when I was at that position that basically he described -- the officer giving the debrief described the shot as just right under his arm, no reaction time, no nothing. So that popped in my head, I saw slight movement of the [Subject]. I believe that he was going to use his

weapon to discharge at the officers on that on the property grounds that were at the ledge, so I fired one round. I reassessed, and the [Subject] was not moving, and that was the end of my involvement in terms of shooting.” Officer LL further described, “It -- it appeared that he just kind of rolled slightly towards his right shoulder, so almost like he was going to roll down the hill, roll slightly and at that point, I fired my one round.” Officer LL fired one round using his rifle from a distance of approximately 56 yards.

The BOPC noted that Officer LL did not observe the Subject to be armed; and the Subject’s movements, combined with the lack of exposure and any associated imminent threat to the arrest team, were insufficient to support a reasonable belief that lethal force was warranted. As such, Officer LL's use of lethal force was not objectively reasonable and was out of policy.

- **Officer JJ – (rifle, three rounds)**

Officers JJ, LL, and MM were assigned a containment position on one side of the residence. They were instructed by Officer P to move north and take a flanking position if the Subject entered the ravine.

According to Officer JJ, after hearing gunfire, “There was frantic calls on the radio, ‘We cannot see where he's at.’ I just heard gunshots. I know for a fact that he was shooting at us. I know, also, that he had a handgun. In my mind, at the time, and I knew that he did all these things and I was thinking several things, first of all, safety of the team. Because as [Officer G's] team was approaching, I could visualize that, with the smoke and then losing him, that he could be laying in wait for them. At this time, the -- the [Subject] had an advantage, in my interpretation of the events, because trying to think about put myself in the mind of what those officers were going through as they were trying to approach, where they think he's at, he's no longer at, and that's -- that's a horrible situation to feel as far as a fear for your own safety because now you're expecting an individual to be there and now nobody knows where he's at, and they're exposed in a sense where, just at the top of this on this ridge or this ravine, this property target location had a small wall and that wall only covers so much. And the team was exposed at the top for potential gunfire. As I was able to get there, I'm able to see him and the way in which he was positioned, I'll never forget. And the reason I know that is because, earlier, they mentioned on the radio that he was take a kneeling position. Kneeling position, to me, indicates that this individual might have prior training or might have determination more than a normal civilian in trying to harm us or trying to do tactics against us.”

Officer JJ continued, “When I saw him on the as soon as I landed on the ridge, he was in a kneeling position again, and his left arm was extended out in a shooting position, and his right arm was underneath his chest, but there was a gap of -- of brush or what I perceived to be the ground in which he could easily be manipulating a weapon from my vantage point. In addition to that, the team was exposed, and as soon as I got into what I believe was a kneeling position, I perceived a deadly threat, and that deadly threat was in a total accumulation -- totality of the circumstances that

this guy was going to shoot at my teammates who did not know where he was at. I felt like I was a critical moment where I had to take action to preserve the life of my partners or prevent from serious -- serious bodily injury from an individual who exhibited all signs of wanting to take this to -- to the end. And I focused my sights, and I deployed one round from my rifle, assessed he was still in that shooting position. I fired again believing that he was going to fire a second time, assessing between each position, each shot and deployed another round the third time. And at this time, after that last assessment, myself, I believe that the team knew where he was at, and now they were set up behind cover, and that was the end of my three shots that I fired in defense of my teammates' lives."

When Officer JJ was asked whether he saw a weapon in the Subject's hand, he stated, "I did not see a weapon from my vantage point. It was the totality of circumstances. However, something I'd like to add is as his left arm was extended in a kneeling position where I should have seen skin, was black. And to me, that raised an -- a possibility -- well, not a possibility, but I -- I knew in my mind, I perceived that as potentially being a handgun because I could not see skin. It was just a black-type object in his left hand." Officer JJ fired a total of three rounds from his rifle from an approximate distance of 56 yards.

The BOPC noted that Officer JJ indicated he fired his rounds in defense of the team of officers near the residence, who were exposed to potential gunfire. However, the preponderance of the evidence established that the officers had not reached the ledge at the time Officer JJ fired, and thus that these officers were not in a position of imminent danger. The BOPC also noted that Officer JJ described seeing a dark object, which he believed to be a gun, in the Subject's left hand. The Subject's holding of a dark object was not corroborated by the physical evidence. There were no firearms recovered outside the residence, and there were no dark objects identified that could be construed as weapon. As such, Officer JJ's use of lethal force was not objectively reasonable and was out of policy.

#### **E. Deployment of K-9**

According to Officer OO, after the Subject was in the ravine and not moving, less-lethal munitions were used in an attempt to elicit movement from the Subject. the Subject did not move; however, the officers could not see his hands. A tactical plan was formulated to use a K-9 to conduct a directed deployment to roll the Subject over to see his hands. At the direction of Sergeant C, Officer OO utilized his dog to conduct a directed deployment.

The BOPC found that the deployment of the K-9 resources was consistent with established criteria.

#### **F. Contact of K-9**

According to Officer OO, he used a long-line and directed his dog to contact the Subject. It appeared that the dog took a bite hold on the Subject's left arm or

shoulder and pulled him to the side, revealing his hands. He then observed officers approaching the Subject to take him into custody and recalled his dog to his side.

The BOPC found the K-9 contact was consistent with established criteria.

#### **G. Post K-9 Contact Procedures**

After the K-9 contact, personnel handcuffed the Subject and requested LAFD TEMS personnel to respond to their location. Upon arrival, LAFD TEMS personnel assessed the Subject and pronounced him deceased.

The BOPC found that the post-contact procedures were consistent with established criteria.