

## INTRADEPARTMENTAL CORRESPONDENCE

March 29, 2018

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

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 036-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 036-17. A Use of Force Review Board (UOFRB) was convened on this matter on March 12, 2018. I have adopted the recommendations from the UOFRB for this incident and hereby submit my findings in accordance with Police Commission policy.

### SUMMARY

On May 17, 2017, Southwest Area Narcotics Enforcement Detail (NED) personnel received information of narcotics activity at [REDACTED] South Normandie Avenue. During surveillance of the location, NED officers observed narcotics activity at the location that resulted in the arrest of a suspect.

Officer [REDACTED], Serial No. [REDACTED] Southwest Area NED, then obtained a Search Warrant and completed a Tactical Operations Plan for the location. The service of the search warrant would involve personnel from Southwest Area. The required notifications were made and the tactical plan was reviewed and approved by Lieutenant [REDACTED] Serial No. [REDACTED] Southwest Area Gang Impact Team (GIT), Officer in Charge (OIC).

On May 25, 2017, at approximately 1800 hours, a search warrant briefing was conducted at Southwest Area Community Police station.

The briefing included the following personnel:

Lieutenant [REDACTED] (Incident Commander, IC), Detectives [REDACTED], Serial No. [REDACTED], Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] along with Officers [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Southwest Area NED.

[REDACTED]

Sergeant [REDACTED] Serial No. [REDACTED] along with Officers [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED], Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Southwest University Park Task Force (UPTF).

Officers [REDACTED] Serial No. [REDACTED], Serial No. [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Southwest Area Violent Crime Task Force (VCTF).

**Note:** UPTF were attired in full police uniform. All members of NED and VCTF were wearing ballistic helmets and their tactical vests with Department approved police markings.

At approximately 1845 hours, the search warrant team arrived at the location and deployed in their assigned entry team positions, to the west sidewalk in front of a 6-foot high wrought iron fence with a pedestrian gate that surrounded the location.

According to Sergeant [REDACTED] upon arrival, [REDACTED] broadcast over the Southwest Area base frequency that the search warrant personnel were *Code Six at [REDACTED] South Normandie Avenue.*

According to Officer [REDACTED] drew [REDACTED] service pistol to a two-hand low ready position as [REDACTED] approached the pedestrian gate (Drawing/Exhibiting).

According to Officer [REDACTED] the pedestrian gate was locked, so Officers [REDACTED] and [REDACTED] utilized the hook and ram entry tools to breach the gate, which caused a *really loud bang.* [REDACTED] then observed that the target location's security screen door was closed but the interior door was open. [REDACTED] also heard several vehicles honking their horns, to *let the suspects know* that they were coming. Believing their operation had been *compromised,* [REDACTED] *yelled out compromise* to the other officers.

According to Officer [REDACTED] after breaching the pedestrian gate, they moved up the stairs to the front door of the target location. [REDACTED] *banged on the door and yelled in a loud voice, LAPD we have a search warrant. Open the door.*

**Note:** Multiple witnesses reported hearing the officers identifying themselves as the *police* and stated they knew they were the police because of their uniforms.

According to Officer [REDACTED] after waiting approximately *30 seconds* with no response from inside the location, Officers [REDACTED] and [REDACTED] utilized the hook and ram to breach the front security screen door.

Upon breaching the door, Officer [REDACTED] entered the apartment first armed with a shotgun, followed by [REDACTED] and Detective [REDACTED] all of whom had their service pistols drawn.

According to Officer [REDACTED] as [REDACTED] entered the residence, [REDACTED] observed *what looked like a living room* that was *made into a makeshift room* with a large blue tarp hanging *adjacent* to the north

wall of the apartment. The tarp created a narrow hallway, where there were also many large personal items, making it difficult for the officers to navigate through the location.

**Note:** Multiple officers on the entry team stated they yelled *LAPD Search Warrant* and *Police* upon entering the residence.

According to Officer [REDACTED], as [REDACTED] moved down the tarped hallway, [REDACTED] used [REDACTED] left hand to feel for an opening in the tarp while holding [REDACTED] service pistol in [REDACTED] right hand. [REDACTED] then located an opening in the tarp near the west interior wall. Knowing Officer [REDACTED] was going to be right behind [REDACTED] moved the tarp to [REDACTED] left and stepped into the opening.

Upon entering, [REDACTED] observed a bed *butted up against* the west wall of the *makeshift room*, that was underneath and perpendicular to the top portion of a bunkbed. However, [REDACTED] could not see under the top portion of the bunkbed due to a large mattress that was affixed in an upright position at the north end of the bunk bed.

According to Officer [REDACTED], a male, later identified as B. Perlera, then appeared from underneath the bunkbed and *grabbed* a machete near *the end of the bed*. Perlera then removed the machete from a sheath, held it with his right hand, and swung the machete in a *figure eight* motion *two or three times*.

According to Officer [REDACTED] started yelling at Perlera to drop it as Perlera stepped off the bed and lunged towards [REDACTED] with the machete extended in his right hand. Believing that [REDACTED] life was in serious danger of great bodily injury or death [REDACTED] redeployed backwards but collided with the officer behind [REDACTED]. Fearing that [REDACTED] was going to be struck with the machete, [REDACTED] brought [REDACTED] gun towards [REDACTED] body, while utilizing a close contact shooting position and fired two rounds from [REDACTED] service pistol at Perlera to stop his attack (Lethal Use of Force).

**Note:** Multiple officers inside the residence recall hearing Officer [REDACTED] stating *drop it or put it down* prior to the OIS.

According to Officer [REDACTED] after firing the two rounds, Perlera let the machete go and recessed back under the bunk bed, out of [REDACTED] view. A small child then appeared from under the bunk bed area, at which time [REDACTED] holstered [REDACTED] service pistol, *grabbed the child* and walked [REDACTED] out of the residence to get him away from any threats. Other officers then entered the room and took the suspect into custody without further incident.

According to Sergeant [REDACTED] after hearing the shots fired, [REDACTED] notified Communications Division (CD) by broadcasting, *3F70, we have shots fired, [REDACTED] Normandie* (Additional Tactical Debrief Topic – Radio Communications).

Detective [REDACTED] separated, monitored and obtained a Public Safety Statement (PSS) from Officer [REDACTED]. Lieutenant [REDACTED] ensured that all officers were separated and monitored.

**Note:** At the completion of the warrant service, the named subject of the search warrant was taken into custody and subsequently arrested for 29800(A) 1 Penal Code (Felon in possession of a firearm).

## FINDINGS

**Tactics** – Tactical Debrief, Officer [REDACTED]

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

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

## ANALYSIS

### **Detention**

The officers obtained a search warrant for narcotics activity at a residence. During the service of the search warrant, a suspect produced a weapon, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

### **Tactics**

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

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

### Tactical De-Escalation

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

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

[REDACTED]

In this case, during the service of a search warrant a suspect inside the residence armed himself with a machete and advanced toward one of the officers. The officer gave the suspect commands to drop the weapon and attempted to redeploy back, but collided with another officer behind him in the small, confined space. The suspect ignored the officers' commands and continued toward the officer with the machete in his right hand.

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

### **Additional Tactical Debrief Topics**

**Radio Communications** – The investigation revealed multiple personnel broadcast conflicting information on Southwest Area base frequency after the OIS, rather than allowing the designated communications officer to be the sole person to broadcast. I will direct that this be a topic of discussion during the Tactical Debrief.

**Beanbag Shotgun** – The investigation revealed that Officer [REDACTED] who was assigned as the less lethal officer, handed the beanbag shotgun to an officer outside the residence after [REDACTED] heard the OIS. I would have preferred that Officer [REDACTED] maintained the beanbag, utilizing a sling to transition to his service pistol, in the event that less lethal was needed during the remainder of the search. I will direct this be a topic of discussion during the Tactical Debrief.

### **Command and Control**

Lieutenant [REDACTED] assumed the role of IC. [REDACTED] separated and monitored all of the involved officers and ensured that a PSS was obtained from Officer [REDACTED].

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

### **Tactical Debrief**

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

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

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

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;

- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### General Training Update (GTU)

Officer [REDACTED] attended a GTU on June 21, 2017. All the mandatory topics were covered including Warrant Services, Edged Weapons, Undercover Operations, and OIS Protocols.

### Drawing/Exhibiting

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

According to Officer [REDACTED], while serving a narcotics search warrant, [REDACTED] drew [REDACTED] service pistol to a two-hand low ready position as they approached the location.

Officer [REDACTED] recalled,

*When the stick, the entry team gets set up, right when we get set up and go to move is when I unholster. [REDACTED]*

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer [REDACTED] while 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.

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

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

### Lethal Use of Force

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

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*

[REDACTED]

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

Officer [REDACTED] – .40 caliber, two rounds in a southerly direction from an approximate distance of 5 ½ feet.

According to Officer [REDACTED], Perlera, appeared from underneath the bunkbed and then grabbed a machete near the end of the bed. Perlera then removed the machete from a sheath, held it in his right hand, and swung the machete in a figure eight motion two or three times. Believing that [REDACTED] life was in serious danger of great bodily injury or death [REDACTED] redeployed backwards but collided with the officer behind [REDACTED]. Fearing that [REDACTED] was going to be struck with the machete, [REDACTED] brought [REDACTED] gun towards [REDACTED] body, while utilizing a close contact shooting position and fired two rounds from [REDACTED] service pistol at Perlera to stop [REDACTED] attack.

Officer [REDACTED] recalled,

*When I step in and I see that, almost instantaneously, a male Hispanic comes out of the area that I could not see, which on here, Like I said, is the bunk bed area, where I imagine this full bed goes underneath. Almost instantly comes out of it. Reaches – is on his – on his knee. Reaches over and grabbed a sheath with a machete and pulls the machete out of the sheath.*

*As soon as he takes it out, and I'm yelling at him to drop it, he's swinging it like in a, I guess like a figure-eight a couple times, two or three times, and like I said, this happens within three or four seconds. And he's on the bed at that time on his knee, and he's swinging it in my direction. Right after he does that two or three times, he steps off the bed and lunges towards me.*

*And then when he stepped off the bed and lunged towards me, I jumped back into a close contact to get my hands away from machete being waved, and that's when I fired the rounds from a close contact [REDACTED]*

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

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

[REDACTED]

**Audio/Video Recordings**

**Digital In-Car Video System (DICVS) / Body Worn Video (BWV)** – Southwest Division personnel were not equipped with BWV at the time of this incident.

Southwest Division NED and VCTF police vehicles were not equipped with DICVS. Southwest Division UPTF police vehicles were equipped with DICVS; however, it was not activated during the service of the search warrant.

**CHIEF'S DIRECTION**

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

Respectfully,



CHARLIE BECK  
Chief of Police

Date: 3-29-18