

INTRADEPARTMENTAL CORRESPONDENCE

April 24, 2019

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 044-18

Honorable Members:

The following is my review, analysis and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 044-18. A Use of Force Review Board (UOFRB) was convened on this matter on April 8, 2019. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On July 7, 2018, at approximately 0449 hours, Officers [REDACTED], Serial No. [REDACTED], [REDACTED], Serial No. [REDACTED], [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED], West Valley Patrol Division, were in full uniform, driving marked black and white police vehicles. The officers responded to a radio call of an *attempt suicide* at [REDACTED] Victory Boulevard. The comments of the call indicated the *suspect, C. Terry was feeling suicidal and had access to a gun (Additional Tactical Debrief Topics – Situational Awareness).*

Note: The Person Reporting (PR) was later identified as Terry's [REDACTED]. [REDACTED]

According to Officer [REDACTED] had been partners with Officer [REDACTED] for approximately *three years* and they regularly discussed *scenarios and tactics*. While enroute to the radio call, Officer [REDACTED] was *designated* as the *contact* officer and Officer [REDACTED] was *designated* as the *cover officer*. Additionally, they formulated a plan to call Terry out of the residence and take him into custody. Officers [REDACTED] and [REDACTED] discussed that if Terry refused to exit the residence, they may need to notify the Metropolitan Division, Special Weapons and Tactics (SWAT) unit, for a *call out*.

According to Officer [REDACTED], they met with [REDACTED] who described Terry as *depressed and upset*. [REDACTED] advised them that Terry left the location with a handgun and was under the influence of alcohol. As the officers approached the residence to conduct a search for Terry, Officer [REDACTED] observed an *open* gun case on the ground of the stairwell that led to [REDACTED] residence. The gun

[REDACTED]

case contained *a magazine, but no gun*. Officer [REDACTED] drew [REDACTED] service pistol as [REDACTED] approached the rear of the residence in *anticipation of conducting a building search (Drawing/Exhibiting)*.

Note: The investigation revealed that Officer [REDACTED] requested an air unit to assist in the search for Terry, but one did not respond.

According to Officer [REDACTED], he utilized [REDACTED] cellphone to telephone Terry in an attempt to determine Terry's location. During this time, Officers [REDACTED], Serial No. [REDACTED], and [REDACTED], Serial No. [REDACTED] West Valley Patrol Division, responded to the incident and utilized their police vehicle to canvass the area in an effort to locate Terry.

According to Officer [REDACTED] was *searching* for Terry when [REDACTED] *observed him sitting midblock, in an east west alley, approximately 100 feet from the street*. Officer [REDACTED] *alerted the other officers* of Terry's location.

According to Officer [REDACTED], upon learning that Terry had been located [REDACTED] holstered [REDACTED] service pistol. Using [REDACTED] handheld radio, Officer [REDACTED] advised *all units* that Terry had been located and that he was *possibly armed with a firearm*. Additionally, Officer [REDACTED] broadcast a request for an air unit and a supervisor to respond.

According to Officer [REDACTED] drew [REDACTED] service pistol when [REDACTED] observed Terry seated in the alley. Officer [REDACTED] *advised other officers* of [REDACTED] observations and *determined that placing a police vehicle in the mouth of the alleyway would provide the officers with better cover*. Officer [REDACTED] directed Officer [REDACTED] to position his police vehicle in the mouth of the alley and to use the spot lights on the police vehicle to illuminate Terry (**Drawing/Exhibiting**).

Note: Officers [REDACTED] and [REDACTED] returned from canvassing the area and placed their police vehicle in the mouth of the alley, facing Terry, north of where he was seated.

According to Officer [REDACTED] estimated that Terry was *approximately 150 feet* away from him. Due to the *distance*, Officer [REDACTED] holstered [REDACTED] service pistol and deployed [REDACTED] patrol rifle. Using the *passenger side* door of the police vehicle, Officer [REDACTED] took a position of cover and set [REDACTED] patrol rifle on the *inside door jamb*. Officer [REDACTED] observed Terry in a seated position with the handgun on his *lap*. Officer [REDACTED] *verbalized* to the officers around him, relaying to them Terry's actions and the location of the handgun to them (**Drawing/Exhibiting and Additional Tactical Debrief Topic – Ballistic Helmets**).

According to Officer [REDACTED] had deployed the beanbag shotgun and positioned [REDACTED] behind Officer [REDACTED]. Upon hearing that Terry was armed with a handgun, Officer [REDACTED] *slung the beanbag and pulled his firearm from his holster (Drawing/Exhibiting)*.

According to Officer [REDACTED], after placing [REDACTED] police vehicle in the mouth of the alley [REDACTED] observed Terry with a *black object resembling a gun in his lap*. Officer [REDACTED] took a position of cover behind the driver side door of the police vehicle and drew [REDACTED] service pistol (**Drawing/Exhibiting**).

According to Officer [REDACTED], while speaking with Terry on the telephone, Terry disconnected the telephone line several times. Officer [REDACTED] continued to attempt to communicate with Terry on the telephone advising him *not to go for the weapon*. At one point, Terry *requested to speak with his [REDACTED]*. Hoping that [REDACTED] would have a *better rapport with Terry*, Officer [REDACTED] asked Officer [REDACTED] to bring [REDACTED] from [REDACTED] apartment to the alleyway. Once [REDACTED] arrived at the alleyway, Officer [REDACTED] handed [REDACTED] the telephone. Terry spoke with [REDACTED] briefly, but hung up the telephone (**Additional Tactical Debrief Topic – Involving a Citizen in a Critical Incident**).

Note: Officers [REDACTED], Serial No. [REDACTED], [REDACTED], Serial No. [REDACTED], West Valley Patrol Division, responded to the location. They remained at the location, behind cover, until after the OIS.

According to Officer [REDACTED], after Terry hung up the telephone on [REDACTED], he called Terry back and attempted to *de-escalate and establish a rapport with him*. Officer [REDACTED] asked Terry for the location of the handgun. Terry advised Officer [REDACTED] that he had put the handgun down and the officers “Didn’t have to worry about it.”

According to Sergeant [REDACTED], Serial No. [REDACTED] West Valley Patrol Division, he responded to the location and attempted to gain situational awareness. He was *quickly debriefed* by Officer [REDACTED] and directed the officers involved in the incident to don their ballistic helmets. Sergeant [REDACTED]’s priority was to *set up containment* on Terry and then to *put together a plan*.

According to Officer [REDACTED], after Sergeant [REDACTED] *ordered* officers to don their ballistic helmets, Officer [REDACTED] *relieved* Officer [REDACTED] on the driver side of the police vehicle and directed [REDACTED] to don [REDACTED] ballistic helmet. Officer [REDACTED] drew [REDACTED] service pistol and took a position of cover behind the ballistic door of the police vehicle (**Drawing/Exhibiting**).

According to Officer [REDACTED] holstered [REDACTED] service pistol as [REDACTED] went to the rear of the police vehicle to retrieve and don his ballistic helmet. While at the rear of the police vehicle, Officer [REDACTED] *heard shots fired*.

Note: A review of Officer [REDACTED] BWV captured [REDACTED] drawing [REDACTED] service pistol after the OIS. Officer [REDACTED] did not recall drawing [REDACTED] service pistol a second time (**Drawing/Exhibiting**).

According to Officer [REDACTED] observed Terry with the handgun *in his hand*, at which point Terry *lifted* the handgun in the officers’ *direction*. Officer [REDACTED] *ducked down and redeployed* to the rear of the police vehicle to *get better cover* as [REDACTED] *heard shots fired*.

According to Officer [REDACTED] observed Terry *get up and point the handgun* in their direction, at which point [REDACTED] *heard a round discharged* from Terry’s handgun. Officer [REDACTED] *ducked* behind the ballistic door of the police vehicle and stood up. Officer [REDACTED] *reacquired* [REDACTED] *sights* and fired what [REDACTED] believed was *seven to ten* rounds from [REDACTED] patrol rifle aimed at Terry to

stop the deadly threat (**Lethal Use of Force and Additional Tactical Debrief Topics – Fire Control/Fire Discipline**).

Note: The investigation revealed that Officer [REDACTED] fired nine rounds from [REDACTED] patrol rifle.

Additionally, the investigation revealed that Terry did not stand up prior to firing in the officers' direction.

According to Officer [REDACTED], while [REDACTED] and Terry were speaking on the telephone, Terry stated, "Do you want to see something? I'll show you something." Officer [REDACTED] looked down the alleyway and saw Terry point the handgun directly at [REDACTED] and the other officers. Officer [REDACTED] backed away from the mouth of the alley, put the telephone down and drew [REDACTED] service pistol. Officer [REDACTED] heard one round fired from Terry's direction and then observed Officer [REDACTED] fire [REDACTED] patrol rifle (**Drawing/Exhibiting**).

According to Sergeant [REDACTED] observed Terry aim something shiny in their direction. Sergeant [REDACTED] backed away from the mouth of the alley to regain cover and heard shots fired. Sergeant [REDACTED] broadcast Officer Needs Help over [REDACTED] handheld radio and requested for a Rescue Ambulance (RA) to stand by. [REDACTED] was attempting to formulate a plan when [REDACTED] observed at least four of the officers run toward Terry. Sergeant [REDACTED] was concerned for the officers' safety and yelled for them to get cover (**Debriefing Point No. 1**).

Note: A review of Sergeant [REDACTED] BWV captured that [REDACTED] called for the officers to "Helmet up," "Come back," and "Get cover."

According to Officer [REDACTED], after the OIS, [REDACTED] stood up and observed Terry rolling over. Officer [REDACTED] believed Terry was trying to get up and run. Officer [REDACTED] signaled to the other officers to follow [REDACTED] and stated, "Let's go." Officer [REDACTED] began running toward Terry to close the distance (**Debriefing Point No. 1 and Additional Tactical Debrief Topics – Running with Service Pistols Drawn**).

Note: Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] followed Officer [REDACTED] down the alleyway toward Terry.

According to Officer [REDACTED] saw officers moving up slowly and [REDACTED] moved up with them toward Terry. As [REDACTED] was drawing [REDACTED] service pistol, Officer [REDACTED] attempted to remove [REDACTED] handheld radio and dropped but it on the ground. Officer [REDACTED] left [REDACTED] handheld radio on the ground and continued running toward Terry (**Drawing/Exhibiting, Additional Tactical Debrief Topics – Maintaining Control of Equipment and Running with Service Pistols Drawn**).

According to Officer [REDACTED] unholstered [REDACTED] service pistol when [REDACTED] heard the shots fired. He moved down the alleyway with other officers in an attempt to triangulate on Terry (**Drawing/Exhibiting, Debriefing Point No. 1, and Additional Tactical Debrief Topics – Running with Service Pistols Drawn**).

According to Officer [REDACTED], [REDACTED] observed the other officers run down the alleyway and began *running* after them. Officer [REDACTED] heard Sergeant [REDACTED] say, "Get your helmet on. Get behind cover." Officer [REDACTED] stopped, holstered [REDACTED] service pistol and returned to the rear of [REDACTED] police vehicle. After donning [REDACTED] ballistic helmet, Officer [REDACTED] moved down the alleyway to join the other officers.

According to Officer [REDACTED], after hearing the OIS, [REDACTED] *assessed* and did not hear anyone broadcast a *Code 4*. Unsure if the shooting was *going to continue* and due to the *distance* between the officers and Terry, Officer [REDACTED] ran to [REDACTED] police vehicle and deployed [REDACTED] patrol rifle. Officer [REDACTED] then ran down the alley to *assist* the other officers who were making contact with Terry (**Drawing/Exhibiting**).

According to Officer [REDACTED], as they approached Terry, [REDACTED] observed the handgun *approximately five feet* away from Terry. Officer [REDACTED] ran to the handgun and *kicked it back to the officer behind [REDACTED]* to prevent Terry from *grabbing it*. Officer [REDACTED] holstered [REDACTED] service pistol and assisted with handcuffing Terry (**Additional Tactical Debrief Topics – Preservation of Evidence**).

Note: A review of [REDACTED] BWV revealed that as they approached, Officers [REDACTED], [REDACTED] and [REDACTED] ordered Terry not to move (**Additional Tactical Debrief Topics – Non-Conflicting Simultaneous Commands**).

According to Officer [REDACTED] observed Officer [REDACTED] *heel on* Terry's handgun. Officer [REDACTED] holstered [REDACTED] service weapon, picked up Terry's handgun *and set it aside* (**Additional Tactical Debrief Topics – Preservation of Evidence**).

Note: A review of [REDACTED] BWV revealed that when Officer [REDACTED] picked up the handgun, Officer [REDACTED] told [REDACTED] to leave the handgun for the FID investigation. Officer [REDACTED] then placed the handgun *back* down onto the ground.

According to Officer [REDACTED], Terry was *lying on his side, facing away* as the officers approached. Officer [REDACTED] holstered [REDACTED] service pistol and along with Officer [REDACTED], handcuffed Terry without further incident.

According to Officer [REDACTED] *helped* place Terry *on his side* by moving Terry's legs in a position that would be better for recovery (**Additional Tactical Debrief Topics – Initiating Physical Contact with Patrol Rifle Slung**).

Sergeant [REDACTED] monitored the officers as [REDACTED] waited for the RA's response and the arrival of additional supervisors (**Additional/Equipment – Protocols Subsequent to a Categorical Use of Force Incident**).

Sergeant [REDACTED], Serial No. [REDACTED], West Valley Patrol Division, arrived and obtained a Public Safety Statement (PSS) from Officer [REDACTED]. Additionally, Sergeant [REDACTED] secured Officer [REDACTED] patrol rifle.

Los Angeles Fire Department personnel responded and transported Terry to Northridge Hospital Medical Center for multiple gunshot wounds to the left side of his body. Terry was later transferred to Los Angeles County - University of Southern California Medical Center.

FINDINGS

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

Administrative Disapproval, Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

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

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

ANALYSIS

Detention

The officers responded to a radio call of a suicidal man armed with a handgun. After meeting with the subject's mother, the officers learned the subject had left the location with a handgun, was drunk and was feeling suicidal. The officers located the subject seated in an alley, in possession of the handgun and attempted to detain him. The subject pointed the handgun in the direction of the officers and fired resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief 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."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

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

[REDACTED]

Tactical De-Escalation

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

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

In this case, the officers were faced with an individual who was armed with a handgun, under the influence of alcohol and feeling suicidal. The officers utilized cover, distance and time and demonstrated patience and empathy as they worked to establish rapport with a despondent individual. The officers established a clear line of communication and made repeated telephone calls over a twelve-minute period in an effort to gain Terry's compliance to resolve the situation peacefully, without the use of force. The actions taken by the officers were consistent with our guiding value of Preservation of Life.

As the officers were attempting to obtain Terry's cooperation to surrender, Terry fired his handgun at the officers. Faced with an immediate threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

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

Debriefing Point No. 1 Utilization of Cover/Approaching an Armed Suspect (Substantial Deviation - Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED])

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

There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department Training Bulletin, Weapons Other Than Firearms, Volume XLVI, Issue 3, October 2017).

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

In this case, immediately following the OIS, Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] left their positions of cover and without formulating a tactical plan, ran toward an armed suspect who had just fired at them. The officers' failure to re-assess and maintain a position of cover, contrary to the direction of Sergeant [REDACTED], placed them at a tactical disadvantage and unnecessarily endangered their safety.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] decision to approach an armed suspect without the benefit of cover was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Situational Awareness – The investigation revealed Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] initially responded to a residential address different from the one provided in the radio call. The officers are reminded of the importance of maintaining constant awareness of their location, as well as the location of radio calls. I will direct that this be a topic of discussion during the Tactical Debrief.

Involving a Citizen during a Crisis Negotiation– The investigation revealed that after Terry requested to speak to his [REDACTED], Officer [REDACTED] contacted [REDACTED] and [REDACTED] from [REDACTED] apartment to the sidewalk adjacent to the active tactical incident. [REDACTED] was then allowed to contact Terry via telephone. Officer [REDACTED] is reminded that involving a civilian in a tactical situation should be avoided. The use of unvetted third-party negotiators (individuals other than law enforcement personnel, typically family members) is discouraged due to the inability to ensure that they will contribute to a peaceful outcome. While Officer [REDACTED] did an excellent job creating a rapport with Terry, I would have preferred he did not involve an untrained citizen in the process. I will direct that this topic be discussed during the Tactical Debrief.

Ballistic Helmets – The investigation revealed that the officers did not don their ballistic helmets during the initial stages of the tactical incident. All involved personnel are reminded of the importance of donning their ballistic helmets as soon as feasible while involved in a tactical situation with an armed suspect. I will direct that this be a topic of discussion during the Tactical Debrief.

Fire Control/Fire Discipline – The investigation revealed that Officer [REDACTED] fired a total of nine rounds during this incident. Officer [REDACTED] fired [REDACTED] patrol rifle in immediate defense of [REDACTED] life and the other officers present. Officer [REDACTED] is reminded of the importance of target acquisition, fire control and fire discipline. Officers are responsible for every round fired and the

importance of a thorough assessment throughout the lethal use of force is paramount in a rapidly unfolding incident. I will direct this be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment – The investigation revealed that while running down the alley, Officer [REDACTED] dropped [REDACTED] handheld radio and did not stop to retrieve the radio. Officer [REDACTED] is reminded, whenever tactically feasible, of the importance of maintaining control of [REDACTED] equipment. I will direct that this topic be discussed during the Tactical Debrief.

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

Preservation of Evidence – The investigation revealed that Officer [REDACTED] directed Officer [REDACTED] to kick the handgun away from Terry to prevent him from re-arming himself. Officers [REDACTED] and [REDACTED] are reminded that kicking a firearm may increase the risk of an unintentional discharge. Additionally, Officer [REDACTED] picked up Terry's handgun from the ground, but placed it back down when directed to do so by Officer [REDACTED]. Officer [REDACTED] is reminded, whenever tactically feasible, it is preferable to leave evidence undisturbed until FID investigators can properly document and preserve the scene. Additionally, Officer [REDACTED] is reminded that once evidence is moved, it should not be placed back into its former position. I will direct that this topic be discussed during the Tactical Debrief.

Initiating Physical Contact with Patrol Rifle Slung – The investigation revealed that Officer [REDACTED] assisted officers with rolling Terry onto his side while [REDACTED] patrol rifle was still slung. Officer [REDACTED] is reminded that when sufficient resources are available, initiating physical contact with a suspect while having a slung patrol rifle could create unnecessary risk of disarmament and inhibit an officer's ability to fully engage with the suspect. I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control³

Sergeant [REDACTED] arrived prior to the OIS and assumed the role of the Incident Commander. [REDACTED] met with the officers and with [REDACTED]. Sergeant [REDACTED] assessed the resources at scene and directed officers to don their ballistic helmets. Subsequent to the OIS, Sergeant [REDACTED] broadcast Officer Needs Help and requested a RA over [REDACTED] hand-held radio. As officers ran down the alley, [REDACTED] called out to them to "Come back" and "Get cover," and to don their ballistic helmets. When the officers approached the suspect, [REDACTED] directed the actions of the arrest team that approached and handcuffed Terry.

Sergeant [REDACTED], Serial No. [REDACTED] West Valley Patrol Division, arrived and obtained a PSS from Officer [REDACTED].

[REDACTED]

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

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] actions after the OIS, were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, I find Sergeant [REDACTED], along with Officers [REDACTED] and [REDACTED] tactics did not substantially deviate from approved Department tactical training.

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

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

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

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

General Training Update (GTU)

On July 19, 2018, Officer [REDACTED] attended a GTU. On August 15, 2018, Sergeant [REDACTED] along with Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered, including Force Option Simulator.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where*

deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

According to Officer [REDACTED] drew [REDACTED] service pistol prior to conducting a search for a possibly armed suspect. Once Terry was located in the alley, Officer [REDACTED] holstered [REDACTED] service pistol before the search of the residence was initiated.

Officer [REDACTED] recalled,

The first time I can recall unholstering my weapon is when I went to go -- we were going to go clear his residence when I saw the open gun case. In anticipation of searching the residence, somebody -- who could possibly in there be armed, I unholstered until I was told that he's on the phone with him.█

According to Officer [REDACTED], while on the phone with Terry [REDACTED] observed Terry point the handgun in [REDACTED] direction. Officer [REDACTED] stepped back behind cover and heard a gunshot fired from Terry's direction, so [REDACTED] drew [REDACTED] service pistol a second time.

Officer [REDACTED] recalled,

I stepped back from my position where I was quick peeking him on the phone. Once I saw the muzzle of it, I didn't want to, you know, talk on the phone at that point. He was pointing a gun at us.

I call out, "He's got the gun, he's got the gun," as soon as I came across that threshold of that -- that -- that corner, I heard one round come from his -- his direction.

After the rounds were fired, I ditched the phone, I -- I unholstered because he just fired rounds at us. He was armed with a firearm.█

According to Officer [REDACTED], [REDACTED] believed the situation may escalate to the point where the use of lethal force may be used or justified. [REDACTED] drew [REDACTED] service pistol when [REDACTED] located Terry in the alley. Officer [REDACTED] estimated that the distance between [REDACTED] and Terry was approximately 150 feet, so [REDACTED] holstered [REDACTED] service pistol and transitioned to [REDACTED] patrol rifle. Officer [REDACTED] recalled,

I thought that the situation may escalate to the point where deadly force is going to be used or justified.

Once I was advised that the subject was in the middle of the alleyway sitting down, we proceeded, or I proceeded to the west sidewalk of the alley or where the alley was. I drew my weapon and I advised the other officers that I could see him sitting down in the middle of the alleyway. He appeared to myself that he was approximately 150 feet in the alley.

[REDACTED]

As I was standing behind the door with my gun drawn on the subject, I realized that it was a very far distance away.

I ran and grabbed my UPR [Urban Police Rifle] from the rear of my shop. I put the magazine inside. I inserted the magazine. Racked a round in the chamber, and then ran back. I then deployed to the passenger side of the shop in the alleyway and set up on the inside door jamb with my UPR. ■

According to Officer ■ slung the beanbag shotgun and transitioned to ■ service pistol when ■ was made aware that Terry was armed with a firearm.

Officer ■ recalled,

And they stated that they -- they saw a firearm or a possible firearm in his hands. I switched over from less lethal to lethal due to the circumstances.

I pulled out my firearm from my holster. Well, it's a -- it's very -- what was it? A dangerous situation when you have a subject that's really -- he was a 390. It's unpredictable. There was comments that -- what was it? He was -- wanted to take his life. So it puts us officers in danger, and it's to protect ourselves, protect myself from -- protect my life, yes, from -- from him firing at us. ■

According to Officer ■ drew ■ service pistol because the incident involved a suicidal man armed with a handgun. Officer ■ believed the situation could escalate to the use of deadly force ■ replaced Officer ■ as the cover officer on the driver's side of the police vehicle as Officer ■ donned ■ ballistic helmet.

Officer ■ recalled,

I went over to the driver's side of the police vehicle to relieve Officer ■. I advised ■ to put on ■ helmet and that I will take the position of contact on the driver's side.

Well, the situation we were involved in I believed could escalate to the use of deadly force being that we had a suicidal male who was armed with a handgun. ■

According to Officer ■, ■ heard a gunshot and observed a muzzle flash. Officer ■ drew ■ service pistol and moved forward with the arrest team.

Officer ■ recalled,

And it seemed that -- that they had some -- some plan going just based off their formation at which point I heard one shot fired. I saw what appeared to be like a flash of light coming



Officer [REDACTED] recalled,

I was about 10 to 15 feet south of the alley, so I couldn't see what was going on. I heard Officer [REDACTED] talking on the phone with the suspect. Excuse me. All of a sudden, the shots are fired. Total of I'd say eight to nine shots. So I kind of assessed the situation. Nobody put out a Code 4 or nothing so I ran back to the shop.

Well, a shooting OIS just happened, and there was no Code four. I don't know if shooting's going to continue or -- and due to the distance, you know, UPR is way better weapon. [REDACTED]

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

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

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

Officer [REDACTED] – 5.56 mm, semi-automatic rifle, nine rounds in a westerly direction from an approximate distance of 175 feet.

According to Officer [REDACTED] observed Terry get up, point the handgun in the officers' direction and heard a round fired from Terry's handgun. Officer [REDACTED] ducked behind the ballistic door of the police vehicle, stood back up, reacquired his sights and fired what he believed was seven to ten rounds from his patrol rifle at Terry to stop the deadly threat.

[REDACTED]

Officer [REDACTED] recalled,

I then observed the gun on a lap. Shortly thereafter, I was constantly verbalizing, as well as other officers of the location and whereabouts of the gun and what the subject was doing with the gun.

He placed the gun down. He picked the gun back up, placed it in his lap. And then he stood up on both feet, faced our direction, presented the weapon in his hand towards us. I did not know which hand he was holding it. All I know is I'm seeing a gun pointed at me. He's facing us.

He then got up and pointed the weapon in our direction. I could hear my partner say that he had the gun and he was pointing in our direction. I then saw him with the gun pointing in our direction, and then heard a round discharge from his weapon. I ducked, reacquired my sights, and shot approximately seven to ten rounds towards the subject. I did so because I was in fear of my life, my partners' lives, anyone else's life. I did not want to die. Once I saw him go down, I stopped firing.

And due to the -- the -- my -- the fear of being shot at again, and having any one of my partners get injured or myself be injured, I fired.

He went down. He was no longer a threat anymore because, you know, I didn't feel that he was a threat anymore. I didn't feel I needed to fire any more rounds. [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 Terry'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.

Additional/Equipment

Body Worn Video Activation – The investigation revealed that Officer [REDACTED] activated [REDACTED] BWV late. Additionally, Officer [REDACTED] Serial No. [REDACTED] West Valley Patrol Division, deactivated [REDACTED] BWV prior to transporting Terry in the RA. These issues were addressed by Captain [REDACTED], Serial No. [REDACTED], Commanding Officer, West Valley Patrol Division, through divisional training and entered into the Learning Management System (LMS). The commanding officers of Operations Valley Bureau (OVB) and Office of Operations (OO) concurred with the above actions. Additionally, Deputy Chief [REDACTED] Commanding Officer, OVB, advised that [REDACTED] will ensure that audits will be completed on the involved officers for a 60-day period following the Tactical Debrief to ensure the officers are properly activating their BWV. As such, I deem no further action is necessary.

[REDACTED]

Protocols Subsequent to a Categorical Use of Force Incident – The investigation revealed that Sergeant [REDACTED] asked Officer [REDACTED] PSS-related questions while his BWV was still activated. Captain [REDACTED] was advised and addressed this issue through divisional training which was documented in LMS. The commanding officers of OVB and OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – West Valley Patrol vehicles were equipped with DICV. The investigation revealed that no DICVS captured the OIS.

Body Worn Video (BWV) – West Valley Patrol Division officers were equipped with BWV at the time of the incident. All personnel at scene had their BWV activated and captured portions of the OIS.

Outside Video – A surveillance camera video located at [REDACTED] Montgomery Avenue captured Terry walking in the alley holding a handgun. A surveillance camera located at [REDACTED] Victory Boulevard captured Terry walking in alley, sitting down and the OIS. A second surveillance camera at that location captured audio of the OIS.

Respectfully,


MICHEL R. MOORE
Chief of Police

Date: _____

4-24-19