

INTRADEPARTMENTAL CORRESPONDENCE

May 24, 2018
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 053-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 053-17. A Use of Force Review Board (UOFRB) was convened on this matter on April 23, 2018. I did not adopt the recommendations from the UOFRB in their entirety for Tactics.

In addition, the recommended findings were not unanimous with a minority opinion rendered regarding the Lethal Use of Force finding for Officer [REDACTED], Serial No. [REDACTED]. I have carefully weighed each opinion, considered the case in its entirety and adopted the recommendations of the minority opinion. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On July 14, 2017, at approximately 1655 hours, Hollywood Patrol Division uniformed personnel responded to a radio call of an *Assault with a Deadly Weapon (ADW) Suspect There Now at* [REDACTED]. The comments of the call indicated the suspect, later identified as E. Lepe, threatened the Person Reporting (PR) with a knife.

Note: The investigation revealed that the PR was the suspect's sister.

Upon arrival, Hollywood Patrol officers, along with Sergeant [REDACTED] Serial No. [REDACTED] confirmed that Lepe was alone inside the residence, armed with a knife and that the crime of *Criminal Threats* had occurred.

Hollywood Patrol officers formed a tactical plan, designating Lethal, Less-Lethal, and contact officers. The officers established containment around the residence and repeatedly attempted to initiate verbal contact with Lepe, directing him to exit the residence; however, he would not comply.

[REDACTED]

According to Sergeant [REDACTED], after their efforts to get the suspect to exit the residence failed, [REDACTED] identified the incident as a *barricaded suspect* and telephonically contacted Sergeant [REDACTED] Serial No. [REDACTED] Watch Commander, Hollywood Patrol Division. Sergeant [REDACTED] then notified Captain [REDACTED], Serial No. [REDACTED], Commanding Officer, Hollywood Patrol Division, personnel from Metropolitan Division and the Mental Evaluation Unit (MEU).

Note: According to Sergeant [REDACTED] Watch Commander's Daily Report, [REDACTED] contacted MEU at approximately 1750 hours, Metropolitan Division at approximately 1800 hours, and Captain [REDACTED] at approximately 1818 hours.

According to Sergeant [REDACTED] MEU was responding to the scene due to the *barricaded suspect* and also notified [REDACTED] that there were *multiple* prior contacts with Lepe where he was placed on *5150* mental evaluation holds. After speaking with Lieutenant [REDACTED] Serial No. [REDACTED] Metropolitan Division, Special Weapons and Tactics (SWAT), [REDACTED] was under the *impression* that SWAT would be conducting a *work-up of the location* and was also responding.

According to Captain [REDACTED], noting Sergeant [REDACTED] was a *probationary sergeant*, [REDACTED] instructed the watch commander to send Sergeant [REDACTED] Serial No. [REDACTED], Hollywood Area, Gang Enforcement Detail (GED), to the scene, a *senior sergeant* who was a Department Chaplain and had a *lot of experience dealing with people with mental illness*.

According to Sergeant [REDACTED] responded to the scene and was briefed by Sergeant [REDACTED] [REDACTED] assumed the role as Incident Commander (IC) and then requested Hollywood GED officers to respond to the scene to replace Hollywood Patrol officers.

Officers [REDACTED] Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED], along with additional Hollywood GED personnel, responded to the location.

Upon arrival, GED personnel were briefed on the incident and replaced Hollywood Patrol Division personnel in front of the residence. Officers [REDACTED] and [REDACTED] assumed containment positions in the driveway to the east of the residence, utilizing a Ford Explorer Sports Utility Vehicle (SUV) that was parked in the driveway as cover.

Note: The front door of [REDACTED] [REDACTED] faced east with an inner wooden door and a black wrought iron security screen door. The front porch leading to the door extended east to a north/south driveway and the SUV was parked in the driveway adjacent to the porch steps.

According to Officer [REDACTED], as [REDACTED] deployed outside Lepe's residence, who was reported to be armed with a knife [REDACTED] deployed the Department shotgun and assumed a position of cover to the rear of the SUV (Drawing/Exhibiting).

According to Officer [REDACTED] deployed the beanbag shotgun and assumed a position of cover over the hood on the driver's side of the SUV (Drawing/Exhibiting).

Upon establishing containment, GED personnel resumed efforts to initiate contact with Lepe, utilizing the public address (PA) system in a police vehicle in front of the residence. With the assistance from MEU personnel, multiple officers, including two different [REDACTED] officers and [REDACTED] were utilized in an attempt to establish a dialogue with Lepe; however, all of their efforts were unsuccessful.

According to the officers, Lepe was *yelling* and breaking items inside the residence but would not make contact with officers.

According to Sergeant [REDACTED] the officers gave approximately *eight or nine call-outs*. Lepe failed to respond to the officers, but could be heard *smashing items inside* the residence.

According to Captain [REDACTED] based on [REDACTED] preliminary conversations with Sergeants [REDACTED] and [REDACTED] did not establish whether the incident met the criteria of a barricaded suspect because *there were no weapons* involved and [REDACTED] questioned the occurrence of *a crime* (Debriefing Point No. 1).

Note: According to Sergeants [REDACTED] and [REDACTED], Lepe threatened to kill the victim, while armed with a knife and they both advised Captain [REDACTED] of the situation.

According to Sergeant [REDACTED] maintained *telephonic contact* with Captain [REDACTED] who was in contact with SWAT. After *consulting* with Captain [REDACTED], it was decided by the captain that they *would attempt to de-escalate* the incident and *try to exhaust every effort before they had SWAT* respond (Debriefing Point No. 1).

According to Captain [REDACTED] after multiple phone calls with Lieutenant [REDACTED] and based on all the information conveyed to [REDACTED] *thought process* was to *de-escalate* the incident. When [REDACTED] was advised that *all de-escalation techniques had been exhausted*, [REDACTED] contacted Lieutenant [REDACTED] *declared* the incident as a barricaded suspect and requested the response of SWAT (Debriefing Point No. 1).

Note: Investigation revealed that at approximately 2045 hours, Lieutenant [REDACTED] received a call from Captain [REDACTED] requesting SWAT's response for a barricaded suspect.

According to Lieutenant [REDACTED] had a *series of phone calls* with Captain [REDACTED] during which [REDACTED] explained to Captain [REDACTED] the incident was *clearly a barricaded* suspect. However, Captain [REDACTED] expressed *apprehension* for SWAT to respond. Ultimately, Captain [REDACTED] made the determination to *work the problem with Hollywood resources* (Command and Control).

According to Lieutenant [REDACTED] when [REDACTED] received a phone call from Captain [REDACTED] officially declaring the incident as a barricaded suspect at approximately 2045 hours, the SWAT team was already enroute to another incident in Hollenbeck Division. Consequently, [REDACTED] advised Captain [REDACTED] that SWAT's response would be delayed.

Sergeant [REDACTED] Serial No. [REDACTED] Assistant Watch Commander, Hollywood Patrol Division, and Lieutenant [REDACTED] Serial No. [REDACTED] Hollywood Division GED, Officer in Charge (OIC), responded to the scene.

Note: According to Sergeant [REDACTED] Lieutenant [REDACTED] allowed [REDACTED] to continue to *run the operation*.

According to Sergeant [REDACTED] assumed control of the tactical operation while Lieutenant [REDACTED] and Sergeant [REDACTED] operated the Command Post (CP).

According to Sergeant [REDACTED] assessed the roles of the officers at scene and ensured they donned their ballistic helmets.

According to Sergeant [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, [REDACTED] responded to the scene and was directed by Sergeant [REDACTED] to assume control of the tactical operation, so that Sergeant [REDACTED] could act as a liaison between [REDACTED] and the CP.

According to Sergeant [REDACTED] ensured the officers were aware SWAT was enroute, advised them their *assignment* was containment and to no longer attempt to make contact with Lepe.

According to Officer [REDACTED], after maintaining [REDACTED] shotgun in a low ready position to the rear of the SUV for approximately one and a half hours, [REDACTED] asked Officer [REDACTED] who was positioned to the right of Officer [REDACTED] with [REDACTED] service pistol drawn, *to switch* positions. Officer [REDACTED] holstered [REDACTED] service pistol, took control of the shotgun and assumed a position to the rear of the SUV. [REDACTED] then positioned [REDACTED] to the right of Officer [REDACTED], behind the A-pillar of the SUV and drew [REDACTED] service pistol (Drawing/Exhibiting).

Note: Officers [REDACTED] and [REDACTED] maintained their positions of cover in the driveway, behind the SUV, as they awaited the response of SWAT (Debriefing Point No. 2).

According to Officer [REDACTED], prior to Officers [REDACTED] and [REDACTED] *switching positions* Lepe had been quiet for approximately thirty minutes. Shortly after, [REDACTED] *heard things breaking again* and Lepe was *screaming louder than* previously.

According to Officer [REDACTED] Lepe then partially opened the inner door, moving it back and forth as if *taunting* the officers, while simultaneously *yelling* out approximately four or five times, *I'm going to kill you, at the top of his lungs*. Lepe then *pushed open* the outer security screen door, while concealing *his right arm behind his back*. Lepe then ran out of the house towards [REDACTED] and [REDACTED] partner.

According to Officer [REDACTED] *immediately* acquired the *sights* on [REDACTED] beanbag shotgun and fired one sock round right above Lepe's *belly button*. Lepe appeared *startled, but did not stop*. Lepe was still *aggressive* and was waving his arms around, resulting in [REDACTED] firing a second sock round at Lepe, targeting the same area (Less-Lethal Use of Force).

According to Officer [REDACTED], Lepe opened and closed the inner door *multiple times, while yelling fuck the police, fuck you and I'm gonna kill you*. At one point, Lepe opened the inner door and then turned the porch light on and off *multiple times*. [REDACTED] then retrieved [REDACTED] flashlight and used it to *illuminate in the direction of the suspect*.

According to Officer [REDACTED], Lepe closed the inner door then reopened it and *popped open* the outer security screen door, while concealing his right hand behind his back and yelling, *I'm gonna kill you and fuck the police!* Lepe then pulled his right hand out from behind his back and produced a *black semi-automatic Glock*, raised the handgun and pointed it at [REDACTED]. Fearing that Lepe was *gonna kill* [REDACTED] or [REDACTED] fired three rounds from [REDACTED] service pistol at Lepe to stop the deadly threat (Lethal Use of Force and Additional Tactical Debrief Topics – Shooting Foreground).

According to Sergeant [REDACTED] was standing in the street north of the residence using a police vehicle as cover, when Lepe exited the residence with a *shiny object* in his right hand. Lepe was *pacing, aggressively shouting, waving his hands and thrusting towards the officers just prior to the OIS*.

According to the officers, following the OIS, Lepe retreated back into the residence and out of their line of sight.

According to Officer [REDACTED] following the OIS, Officer [REDACTED] stated, *he has a gun*, so [REDACTED] immediately grounded [REDACTED] beanbag shotgun and drew [REDACTED] service pistol (Drawing/Exhibiting).

Sergeant [REDACTED], Serial No. [REDACTED] Hollywood Patrol Division, responded and Officer [REDACTED] was removed from the tactical situation. Sergeant [REDACTED] ensured Officer [REDACTED] was separated, monitored, and also obtained a Public Safety Statement from [REDACTED].

SWAT Personnel, including Sergeant [REDACTED] Serial No. [REDACTED], arrived at scene, were briefed on the incident, and replaced all Hollywood GED personnel at scene. All SWAT personnel were attired in tactical gear, which included ballistic helmets and were armed with their weapons relative to their assignment.

Deputy Chief [REDACTED], Serial No. [REDACTED] Commanding Officer, Operations-West Bureau, arrived and assumed the role as IC.

The Crisis Negotiation Team (CNT) attempted to establish communication with Lepe, but all efforts proved ineffective. At approximately 0015 hours, the CNT determined that they had exhausted all their options to gain voluntary compliance from Lepe. Deputy Chief [REDACTED] then approved the use of a chemical agent.

Note: According to SWAT personnel, at one point while negotiating with Lepe, [REDACTED] exited [REDACTED] residence holding a *stainless-steel metal object* in [REDACTED] hand at a downward angle. Lepe was told to drop the item, at which time he *immediately* re-entered the residence.

After the chemical agents were deployed, Lepe exited the front door and was taken into custody without further incident.

Note: FID investigators recovered a knife and a black bicycle mount from the front room of the residence.

Los Angeles Fire Department (LAFD) personnel responded and transported Lepe to Hollywood Presbyterian Hospital where he was treated for two abrasions to his front torso area, resulting from the less-lethal munitions impacts.

FINDINGS

Tactics – Administrative Disapproval, Captain [REDACTED] Tactical Debrief, Officers [REDACTED] and Riggen.

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

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

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

ANALYSIS

Detention

Officers responded to a radio call of an ADW suspect there now. Upon their arrival, the officers confirmed the suspect threatened the PR while he was armed with a knife. The suspect refused to exit the residence, resulting in a barricaded situation. 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."

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).

[REDACTED]

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

Tactical De-Escalation

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

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

In this case, the officers assessed the situation and developed a plan that included containment and verbal communication guided by personnel from MEU, all in an attempt to resolve the issue without the use of force.

After many attempts to de-escalate the situation, and as they awaited the response of SWAT, the suspect exited the residence with his right hand behind his back, and then advanced toward the officers' in an aggressive manner, resulting in the utilization of a less-lethal force option by one of the officers, while another officer believed the suspect produced a handgun and then pointed it toward [REDACTED] direction.

Faced with an imminent threat of serious bodily injury or death, that officer utilized lethal force to stop the deadly threat. Following the OIS, the suspect retreated back into the residence. The CNT officers then made a second attempt to establish contact with the suspect in an effort to resolve the situation without any additional use of force. After exhausting all efforts to gain the suspect's compliance, the officer utilized chemical gas, which resulted in the suspect's surrender without the use of any additional force.

During a review of the incident, the following Additional Tactical Debriefing Points were noted:

Debriefing Point No. 1 Barricaded Suspect (Substantial Deviation – Captain [REDACTED])

Incidents involving a barricaded suspect present significant safety concerns to first responders, the barricaded individual and the community. To ensure the safety of all involve, these volatile situations often require police to utilize not only special equipment and tactical training, but specific expertise in crisis negotiation. The Department's Special Weapons and Tactics (SWAT) team is equipped and trained to resolve incidents that involve a barricaded suspect.

Not all suspects who refuse to surrender are considered barricaded suspects necessitating a SWAT response. A barricaded suspect incident prompting a SWAT response may include, but is not limited to the following criteria:

- 1. The suspect is probably armed; and*
- 2. Probable cause exists to believe that the suspect has been involved in a criminal act or is a threat to the lives and safety of the community and/or police; and*
- 3. Is in a position of advantage, affording cover and/or concealment; or is contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect; and*
- 4. The suspect refuses to submit to a lawful arrest.*

Handling barricaded suspects is one of the SWAT team's specific assignments. The SWAT team has a dual role at the scene of a barricaded suspect. They gather information to provide tactical recommendations and solutions to the IC who maintains overall responsibility of the incident. The SWAT team will also employ a tactical plan to capture the barricaded suspect at the IC's request. Once SWAT has been assigned its mission, all tactically deployed personnel shall be guided by the direction of SWAT supervisors.

Once the IC believes the incident meets the criteria for a barricaded suspect, the IC shall immediately contact Metropolitan Division's Watch Commander (WC) to request SWAT. The IC should be prepared to answer the who, what, why, when, where, and how questions needed to determine if SWAT's response is warranted (Training Bulletin, Volume XLV, Issue 4, December 2016).

In this case, Captain [REDACTED] played a significant role in the oversight of the incident even though [REDACTED] was not on scene. The telephonic communication between Captain [REDACTED] and Lieutenant [REDACTED] blurred the line of authority customarily assumed by the IC, and resulted in an approximate two hour delayed request for SWAT to respond.

In general, the IC is responsible for the overall management of the incident and possesses the real-time information necessary to make the tactical decisions relative to the response of appropriate resources.

After reviewing the incident in its entirety, I have determined the situation met the criteria of a barricaded suspect and that no exigent circumstances existed that would have warranted a deviation of protocol when dealing with a barricaded suspect. In this case, Captain [REDACTED] decision to continue to utilize Hollywood Division resources limited their tactical options and unnecessarily compromised the safety of the officers.

Consequently, I have determined that Captain [REDACTED] failure to identify the situation as a barricaded suspect and request the appropriate resources 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.

Debriefing Point No. 2 Cover and Concealment

There is an equation that saves lives, “Distance + Cover = Time.” Time allows officers the opportunity to communicate with the suspect, plan tactics, and if necessary call for additional resources. Once the suspect is contained, time is on the side of the officers. Entering the suspect’s space prematurely or forcing a suspect to take action may only escalate the situation.

The urgency for officers to create distance between themselves and a suspect armed with a weapon other than a firearm cannot be overstated, due to “lag time.” Lag time is the time it takes a person to react to an action. Officers should not close the distance too quickly before they have assessed the situation or lag time could put them in danger (Training Bulletin, Volume XXXV, Issue 9, May 2003).

Officers [REDACTED] and [REDACTED] maintained their positions of cover behind the SUV until they were relieved by personnel from SWAT.

Once containment is established, redeployment can afford officers the added benefit of time and distance while continuing to maintain control of the situation. The addition of time and distance may give officers an opportunity to re-assess, communicate, request additional resources, or deploy other tactics, thereby enhancing the overall effectiveness of a tactical incident.

In this case, Officers [REDACTED] and [REDACTED] assumed positions of cover that had previously been established by Hollywood Patrol officers. The investigation determined the distance from the front door of the residence to the officers was approximately 20 feet.

Although the SUV provided the officers with a barrier between themselves and the suspect, redeploying to a secondary position of cover further from the front door would have provided the officers with additional time to react while awaiting the response of SWAT.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that the officers’ actions were not a substantial deviation from approved Department tactical training. However, in an effort to enhance future tactical performance, I will direct that this topic be discussed during the Tactical Debrief.

Additional Tactical Debrief Topics

Effective Encounters with Mentally Ill Persons – The investigation revealed that the officers responded to a radio call of an Assault with a Deadly Weapon who was believed to be suffering from mental illness due to prior MEU contacts and family statements. The officers are reminded of the proper tactics and protocols for encountering persons suffering from mental illness. In an effort to bring further awareness to the identified involved personnel, I will direct that this be a topic of discussion during the Tactical Debrief.

Non-Conflicting Simultaneous Commands – The investigation revealed several officers at scene gave non-conflicting simultaneous commands to the suspect when he opened the outer security door. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. I will direct that this be a topic of discussion during the Tactical Debrief.

Shooting Foreground – The investigation revealed, as Officer [REDACTED] fired [REDACTED] service pistol, two of [REDACTED] rounds struck the front windshield of the vehicle [REDACTED] was utilizing as cover. Officer [REDACTED] is reminded of the importance of assessing [REDACTED] foreground while discharging [REDACTED] weapon. I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

In this case, Captain [REDACTED] played a significant role in the oversight of the incident even though [REDACTED] did not arrive at the scene until after the OIS. The telephonic communication between Captain [REDACTED] and Lieutenant [REDACTED] had blurred the line of authority that is customarily assumed by the IC, who is at scene and possesses the real-time information necessary to make the tactical decisions relative to the response of appropriate resources.

Although the UOFRB recognized Captain [REDACTED] [REDACTED] willingness to take a leadership role as a new commanding officer of a patrol division, I have concern with Captain [REDACTED] decision to manage a major incident while not at scene.

Based on the totality of the circumstances and the statements of supervisors who were at scene or had been briefed on the incident, it is clear the incident met the criteria for a barricaded suspect and that Captain [REDACTED] apprehension to utilize SWAT personnel was unwarranted and resulted in an approximate two-hour delay in their response to the scene.

In conducting an objective assessment of this incident, I have determined Captain [REDACTED] failure to identify the situation as a barricaded suspect and delay in requesting that appropriate resources of SWAT, was a substantial deviation, without justification, from approved Department tactical training and warrants a finding of Administrative Disapproval.

Tactical Debrief

In conducting an objective assessment of this case, I find that the tactics utilized by Captain [REDACTED] substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

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 the officers' individual actions that took place during this incident.

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

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

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

General Training Update (GTU)

On July 31, 2017, Officer [REDACTED] attended a GTU. All the mandatory topics were covered, including Barricaded Suspects, SWAT Deployment Criteria, Firearms, In-Car Digital Video System, Weapons Other Than Firearms and Less-Lethal Munitions.

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], as [REDACTED] deployed outside the residence, [REDACTED] deployed the Department shotgun and assumed a position of cover to the rear of the SUV.

After maintaining [REDACTED] shotgun in a low ready position for approximately one and a half hours, [REDACTED] asked Officer [REDACTED] to switch positions with [REDACTED] then re-positioned [REDACTED] to the right of Officer [REDACTED] behind the A-pillar of the SUV, and drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

...the entire reason why I drew...my shotgun was because, based on the totality of the circumstances and the nature of the radio call and...the comments of the call stated...he was upset because his brother...was arrested today...he had done drugs today...he was very violent...he had a knife on him and that he told [REDACTED] that he was gonna kill his [REDACTED] and [REDACTED] when they came home...So based on these circumstances...and his prior history...I drew my - my shotgun, believing that the situation could escalate to the use of deadly force, based on the fact that he was armed with a knife. When I switched places with Officer [REDACTED] ...I drew my pistol for the same reason [REDACTED]

[REDACTED]

According to Officer [REDACTED], following the OIS, [REDACTED] heard Officer [REDACTED] state, he has a gun, and immediately grounded [REDACTED] beanbag shotgun and drew [REDACTED] service pistol.

Officer [REDACTED] recalled,

...I focused on my sights immediately, cause my assignment was the beanbag. And I just went straight to my sights and I wanted to make sure that if I, you know, if I utilize it, that it was effective. And so that was my main focus and then after he had gone back inside, my partner said, he has a gun, he has a gun...I hadn't realized that. So then I immediately put the beanbag down and transferred to my handgun.

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

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

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

Less-Lethal Use of Force

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

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

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

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

[REDACTED]

According to Officer [REDACTED] Lepe pushed open the outer security door, concealing his right arm behind his back, then bolted out the front door towards [REDACTED] and [REDACTED] partner. [REDACTED] immediately acquired the sights on [REDACTED] beanbag shotgun and fired one sock round right above Lepe's belly button. Lepe appeared startled, but did not stop. [REDACTED] then fired a second super sock round at Lepe, targeting the same area.

Officer [REDACTED] – Beanbag Shotgun, two sock rounds in a westerly direction from an approximate distance of 20 feet.

Officer [REDACTED] recalled,

...the security door was shut completely and locked...he was kind of moving the inner door...almost like taunting us...he kept saying, fuck you. I'm going to kill you...He probably said that at least four or five times...And then at some point, he opened the metal screen door, pushed it open and when he pushed it open, he was coming out...like bolting out of that front door towards us. So immediately as soon as I had a shot at his midsection, I hit him with the beanbag...It like startled him a little bit, but it didn't stop him at all. He didn't go down and he was still very aggressive and his arms were waving around and then I shot him again with the second beanbag [REDACTED]

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

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

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).*

[REDACTED]

Officer [REDACTED] – .45 caliber, three rounds, in a westerly direction from an approximate distance of 20 feet.

According to Officer [REDACTED], Lepe closed the inner door then reopened it and popped open the outer security screen door, while concealing his right hand behind his back and yelling, 'I'm gonna kill you and fuck the police!'

Lepe then pulled his right hand out from behind his back and produced a black semi-automatic Glock, raised the handgun and pointed it at [REDACTED]. Fearing that Lepe was gonna kill [REDACTED] or Officer [REDACTED] fired three rounds from [REDACTED] service pistol at Lepe to stop the deadly threat.

Officer [REDACTED] recalled,

...he [Lepe] opened that wooden door...opened and shut that door...several times...Yelling, 'Fuck the police. Fuck you.' And he said, 'I'm gonna kill you'...when that metal screen door popped open, he yelled at me, 'I'm gonna kill you,' and, 'Fuck the police'...he stood at the threshold of the door -- and he -- he started moving his hand. His right hand came up from behind him. The hand -- the right hand came up from behind him, then he raised it, holding the gun, pointed at me, and that's when I -- when I shot.

I fired my gun at him because I was in fear of my life and I was in fear...of Officer [REDACTED] life.

Based on the totality of the circumstances, the UOFRB minority determined, and I concur, that an officer with similar training and experience as Officer [REDACTED], under similar circumstances, would reasonably believe Lepe'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 objectively reasonable and In Policy, No Further Action.

[REDACTED]

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Hollywood Patrol Division police vehicles were equipped with DICVS; however, none of video captured the OIS. Hollywood Patrol Division personnel were not equipped with BWV at the time of the incident.

Outside Video – A surveillance camera from an apartment building, located at [REDACTED] captured some of the activity of the responding officers, but did not capture the OIS due to the position of the camera.

Respectfully,



CHARLIE BECK
Chief of Police

Date: 5-24-18