

INTRADEPARTMENTAL CORRESPONDENCE

June 14, 2018

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 058-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 058-17. A Use of Force Review Board (UOFRB) was convened on this matter on May 30, 2018. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On July 27, 2017, at approximately 1058 hours, Officers [REDACTED], Serial No. [REDACTED] and [REDACTED], Serial No. [REDACTED] Hollywood Patrol Division, were in full uniform, driving a marked black and white police vehicle. The officers responded to a radio call of an *ADW Suspect There Now* at the Motel 6, located at [REDACTED] Whitley Avenue, Room [REDACTED]. The suspect, later identified as J. Hammond, was described as *threatening employees with unknown type gun*.

According to Officer [REDACTED], [REDACTED] and Officer [REDACTED] typically discuss tactics while en route to radio calls. However, in this case they did not discuss a tactical plan because of *the scene* they would *just fall into their roles*. Additionally, because of their *many times working together* they know their *responsibilities* (Debriefing Point No. 1).

According to Officer [REDACTED], upon their arrival, [REDACTED] parked their police vehicle *adjacent to the location*, exited, entered Motel 6 and met with the Person Reporting (PR). The PR advised him Hammond had *brandished a gun* at one of the employees, and that Hammond was on the second floor, *walking around* (Additional Tactical Debrief Topic – Tactical Vehicle Deployment).

According to Officer [REDACTED], due to Hammond being *highly mobile*, they decided to proceed to the second floor. [REDACTED] did not make an additional unit request, because [REDACTED] wanted to make a *quick assessment to see what they had*, and then request the appropriate *assets*. In addition, [REDACTED] wanted to *make contact* with Hammond, *assess everything*, and then *formulate a tactical plan based on the tactical situation* (Debriefing Point No. 1).

[REDACTED]

According to Officer [REDACTED], when they entered the Motel it *didn't seem like there was a hostile environment* and none of the employees seemed *frightened*. So, they decided to door knock Hammond's room and attempt to build a rapport with him. Additionally, [REDACTED] heard that a sergeant was responding on the radio, so [REDACTED] did not initially request additional resources (Debriefing Point No. 1).

According to Officer [REDACTED], as [REDACTED] entered the second-floor hallway, [REDACTED] drew [REDACTED] service pistol, and *pied the corner* to look down the hallway. As [REDACTED] approached Hammond's room, [REDACTED] observed that it was recessed away from the hallway, *pied it*, and crossed over to the other side to *triangulate* on the doorway. [REDACTED] then knocked on the door, announced they were the *police*, and asked him to exit (Drawing/Exhibiting).

According to Officer [REDACTED], Hammond told [REDACTED] to *go away, get out* and to *leave him alone*. [REDACTED] also heard Hammond state, "*If you come in here, I'm going to shoot you.*" Officer [REDACTED] then asked him if he wanted *additional units*, and he told him, "*Yes.*" Officer [REDACTED] walked a *little bit down the hallway* and then broadcast their request for additional units (Debriefing Point No. 2).

According to Officer [REDACTED], as they approached Hammond's room door, [REDACTED] drew [REDACTED] service pistol. Officer [REDACTED] knocked on Hammond's door, and Hammond was uncooperative at first but seemed to become more cooperative as Officer [REDACTED] built rapport with him. [REDACTED] did not hear Hammond state that he was *armed* or threaten to shoot them. When Hammond did not exit the room *immediately*, [REDACTED] requested an additional unit. (Drawing/Exhibiting).

Sergeant [REDACTED] Serial No. [REDACTED] Officers [REDACTED], Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, responded to the request for an additional unit and proceeded to the second floor where they met with Officer [REDACTED].

According to Officer [REDACTED], he briefed Sergeant [REDACTED] on the tactical situation. In addition, they evacuated the occupants out of the room that was across the hall from Hammond's room for their safety. [REDACTED] then assumed a position in the room across the hall so [REDACTED] could maintain a visual on Hammond's door.

According to Officer [REDACTED] as [REDACTED] approached the officers, [REDACTED] drew [REDACTED] service pistol. [REDACTED] then took a position behind Officer [REDACTED], as Officer [REDACTED] continued to communicate with Hammond. [REDACTED] believed this was the best position to be in at the time because [REDACTED] had *sight of the door*. [REDACTED] considered *moving back* to another doorway further down the hallway, but believed it would put the officers in a *crossfire situation* if Hammond were to exit the room. Additionally, due to the other rooms not yet being evacuated, it could put other occupants in the line of fire if they exited their rooms (Drawing/Exhibiting).

According to Officer [REDACTED] as [REDACTED] approached the officers, [REDACTED] observed they had their *guns out*, and drew [REDACTED] service pistol. [REDACTED] then assumed a position on the opposite side of the door from Officer [REDACTED] and they communicated their *fields of fire* to avoid any potential *crossfire* (Drawing/Exhibiting).

According to Sergeant [REDACTED] upon arrival [REDACTED] assumed command and control of the incident. [REDACTED] observed Officer [REDACTED] communicating with Hammond through the door of Room [REDACTED] and directed the officers to maintain their positions because [REDACTED] believed if they redeployed, then Hammond could *present a danger* to the other occupants in the motel if he exited the room.

Note: The investigation revealed that Sergeant [REDACTED] was not wearing [REDACTED] ballistic vest (Additional/Equipment).

According to Sergeant [REDACTED] met with a [REDACTED] *Hispanic* and the motel manager, and they told [REDACTED] that Hammond pointed a gun at the [REDACTED] *Hispanic* earlier in the day. [REDACTED] confirmed that Hammond was *armed and dangerous* and not following Officer [REDACTED] direction to exit the room. [REDACTED] identified the situation as a barricaded suspect, *the next step of the tactical incident* was to notify *SWAT to extricate him* (Debriefing Point No. 3).

According to Sergeant [REDACTED] prior to notifying SWAT [REDACTED] wanted to contain Hammond's room and evacuate the other occupants of the motel. After evacuating the occupants, [REDACTED] plan was to redeploy the officers further away from Hammond's door. [REDACTED] requested two additional units and then directed the first unit to contain the area outside Hammond's window and the second unit to meet with [REDACTED] for evacuations.

Note: The investigation revealed that Sergeant [REDACTED] was not advised that Officer [REDACTED] heard Hammond threaten to shoot the officers (Debriefing Point No. 1).

According to Officer [REDACTED], as Sergeant [REDACTED] was formulating a tactical plan, [REDACTED] continued to communicate with Hammond, and ask [REDACTED] to exit the room. Hammond *did not want to come out*, but then [REDACTED] opened to door approximately *a quarter* of the way.

[REDACTED] then observed Hammond's right hand extending out from the door, holding a *black semi-auto handgun*. [REDACTED] then observed Hammond starting to turn the handgun towards Officer [REDACTED] position and fired *approximately three or four rounds* from [REDACTED] service pistol, through the door to *where Hammond was standing* (Lethal Use of Force).

According to Officer [REDACTED] then observed Hammond's arm *retract* into the room, heard [REDACTED] *grunt*, and the door appeared to close automatically. [REDACTED] *backed out a bit more*, but did not want to redeploy *too much*, because [REDACTED] did not want to lose the *tactical advantage* of being able to observe the door. [REDACTED] then heard Sergeant [REDACTED] broadcast a *help call*.

According to Sergeant [REDACTED] prior to being able to implement [REDACTED] tactical plan, [REDACTED] heard Hammond's door open. [REDACTED] then heard someone say, "*Gun, gun, gun,*" and then heard *three to four shots in close succession*. Next, [REDACTED] heard Hammond's door close. [REDACTED] directed the officers to hold their positions, directed Officer [REDACTED] to *keep communicating*, and broadcasted a *help call* for shots fired.

Note: The investigation revealed that the OIS occurred approximately 10 minutes after Sergeant [REDACTED] arrived at scene.

Lieutenant [REDACTED] Serial No. [REDACTED] Hollywood Area Detectives, responded and assumed the role of Incident Commander (IC). [REDACTED] replaced the involved officers with other personnel, obtained a Public Safety Statement from Officer [REDACTED], and ensured the involved personnel were separated and monitored.

The investigation revealed, that after containment was established at the location, SWAT was notified and responded. With the assistance of a scout robot, Hammond was observed inside the room, slumped over and lifeless.

Los Angeles Fire Department (LAFD) emergency medical personnel responded, conducted an assessment of Hammond and pronounced him deceased at scene.

FINDINGS

Tactics – Tactical Debrief, Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] Administrative Disapproval, Sergeant [REDACTED]

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

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

ANALYSIS

Detention

The involved officers responded to a radio call for an Assault with a Deadly Weapon (ADW) suspect armed with a gun and located the suspect inside of a motel room. The officers' actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

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.

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 attempted to build rapport with the suspect by speaking to him in a calm voice and telling him they could resolve the situation peacefully. The suspect refused to exit his room, then opened his door with a firearm in his right hand, and starting raising it in the direction of an officer. Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Planning/Communication

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).

Officers [REDACTED] and [REDACTED] did not formulate a tactical plan prior to approaching the suspect's location and Officer [REDACTED] did not communicate that the suspect had threatened to shoot the officers if they entered the room.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety

by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, the officers approached the suspect's motel room, held their positions, and attempted to build rapport. While the officers did not formulate a specific tactical plan, they did discuss that they were not going to make entry into the room while awaiting the arrival of additional resources.

Additionally, although Sergeant [REDACTED] was not advised of the suspect's threat to shoot the officers, [REDACTED] believed the suspect was armed with a gun and directed the officers to maintain their positions while [REDACTED] formulated a tactical plan to coordinate resources in order to contain the location, evacuate the occupants, and notify SWAT.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, the officers' actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Additional Unit vs Back-Up Request

***Additional Unit Request:** An "Additional Unit" broadcast is when an officer requires an additional unit for a non-emergency situation. The officer requesting shall include the location, followed by the unit identification and all other pertinent information. An "additional unit" request is not an emergency call and responding officers shall obey all traffic laws when responding.*

***Back-up Unit Request:** This emergency call shall be broadcast when an officer requires additional units immediately, but the situation does not rise to the level where serious bodily injury, death or serious threat to public safety is imminent. The officer requesting shall include the location, followed by the unit designation and all other pertinent information, including the reason for the request (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers [REDACTED] and [REDACTED] did not request back-up upon locating a possible ADW suspect armed with a gun.

Although officers are given discretion regarding the appropriate time to broadcast, a request for a back-up would have been tactically advantageous based on the comments of the radio call.

In this case, Officer [REDACTED] heard the suspect threaten to shoot the officers if they entered the motel room. Additionally, Officer [REDACTED] knew that the suspect had threatened motel employees with a handgun.

Although the suspect was not presenting an immediate threat to the officers at the time of the additional unit request, I would have preferred that the officers would have requested back-up or additional units immediately based on the comments of the radio call.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, the officers' actions were not a substantial deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Barricaded Suspects

Incidents involving a barricaded suspect present significant safety concerns to first responders, the barricaded individual and the community. To ensure the safety of all involved, 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:

- *The suspect is probably armed; and*
- *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*
- *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*
- *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 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.

In this case, Sergeant [REDACTED] had formulated a tactical plan to contain the suspect's location and evacuate the other occupants of the motel to address public safety concerns if the suspect attempted to flee the location prior to notifying SWAT. The OIS occurred approximately 10 minutes after Sergeant [REDACTED] arrived at scene, and as such, [REDACTED] only had limited opportunity to implement [REDACTED] tactical plan, including requesting SWAT to respond.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, the sergeant's actions were not 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

Tactical Vehicle Deployment – The investigation revealed that Officer [REDACTED] parked their police vehicle in front of the location where the suspect was described as being armed with a handgun. Although the suspect was located on the second floor of the location, the officers are to be reminded that they should park their vehicle away from the location and approach on foot to maintain the tactical advantage. I will direct this be a topic of discussion during the Tactical Debrief.

Command and Control

Sergeant [REDACTED] was the on-scene supervisor during the OIS, and assumed the role IC upon his arrival.

Lieutenant [REDACTED] Serial No. [REDACTED] Hollywood Area Detectives, responded and assumed the role of IC. Lieutenant [REDACTED] also obtained a PSS from Officer [REDACTED] and ensured the involved personnel were separated and monitored.

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 Sergeant [REDACTED] decision to not wear [REDACTED] vest was a substantial deviation of Department policy and tactical training, thus requiring a finding of Administrative Disapproval. Additionally, I find the Tactics of Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] to be In-Policy.

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 Sergeant [REDACTED] along with Officers [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;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On August 16, 2017, Sergeant [REDACTED] along with Officers [REDACTED], [REDACTED], [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered, including Barricaded Suspect, Force Option Simulator, and Armed Suspects.

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] drew [REDACTED] service pistol as [REDACTED] was approaching Hammond's room because [REDACTED] believed that deadly force might be necessary due to Hammond being armed with a gun.

Officer [REDACTED] recalled,

As I was walking down the hallway, I unholstered my service pistol because I felt that situation could escalate to the point where deadly force might be necessary because of the comments of the call of a 415, or an ADW suspect there now and the manager telling me that she said that her employee said he had a gun [REDACTED]

[REDACTED]

According to Officer [REDACTED] drew [REDACTED] service pistol when [REDACTED] got to Hammond's door because the comments of the radio call stated that a gun was involved.

Officer [REDACTED] recalled,

I - - when we got to the door, I pretty much unholstered my weapon right then and there because of the comments of the call. It was stated that there was a gun involved. And even though they said they didn't know if was real or not, we - - we don't know that, so I unholstered my holster right when I got to the door [REDACTED]

According to Officer [REDACTED] drew [REDACTED] service pistol as [REDACTED] approached the officers who were at Hammond's door because the radio call was for an armed suspect who had threatened people with a handgun.

Officer [REDACTED] recalled,

We had a call of an armed suspect who had already threatened people's lives with a handgun and wanted to be able to - - and I drew my weapon to protect myself and anybody else that might be threatened. [REDACTED]

According to Officer [REDACTED] drew [REDACTED] service pistol when [REDACTED] approached the officers who were at Hammond's door. Due to the nature of the call, [REDACTED] knew a gun was involved.

Officer [REDACTED] recalled,

So, my partner and I ran up the stairs, and then we saw the primary unit, and they were situated on a door with guns out. So, that's when I unholstered. [REDACTED]

The nature of the call. Because we knew a gun was involved, and then, obviously, seeing my partners that they had already been here at the call for however long [REDACTED]

Based on the totality of the circumstances, I have determined that an officer with similar training and experience as Officers [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], and [REDACTED] Drawing/Exhibiting to be In-Policy, No Further Action.

[REDACTED]

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

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *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 1, Section 556.10).*

Officer [REDACTED] – 9mm, four rounds in a northwesterly direction from an approximate distance of four feet.

According to Officer [REDACTED] observed Hammond's right hand extending out from the door, holding a black semi-auto handgun. [REDACTED] then observed Hammond turning the handgun towards Officer [REDACTED] position and fired four rounds from [REDACTED] service pistol through the door where Hammond was standing.

Officer [REDACTED] recalled,

And then as I was still talking to him, the sub - - or the suspect opened the door. And what I saw was him producing a black semi-automatic handgun in his, what appeared to be his right hand, extending his hand through the door as it was - - a quarter of the door was cracked open. And at that point, I notified my officers around me by yelling, "Gun, gun, gun."

And then I saw him orientating the gun towards Officer [REDACTED] position, and then that's when I fired approximately three or four rounds through the door in this - - to where the suspect was standing [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 Hammond's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

[REDACTED]

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

Additional/Equipment

Ballistic Vest – The investigation revealed that Sergeant [REDACTED] was not wearing [REDACTED] ballistic vest during the incident. This issue was brought to the attention of Captain [REDACTED] Serial No. [REDACTED] Commanding Officer, Hollywood Patrol Division, and addressed through a Personnel Complaint (CF No. [REDACTED]) As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Officer [REDACTED] and [REDACTED] DICVS captured portions of the audio of the incident, including the OIS. None of the DICVS equipped units captured the OIS. Hollywood Patrol Division personnel were not equipped with BWV at the time of this incident.

Outside Video – No outside video was located during the investigation.

Respectfully,



CHARLIE BECK
Chief of Police

Date: _____

6-14-18