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

OFFICER-INVOLVED SHOOTING – 101-15

Division Date Duty-On (X) Off ( ) Uniform-Yes (X) No ( )

Outside City 12/29/15

Officer(s) Involved in Use of Force Length of Service

Officer O 27 years, 7 months.

Reason for Police Contact

Officers were attempting to take the Subject, an attempt murder subject, into custody. The Subject fled and then confronted officers, resulting in an officer-involved shooting (OIS).

Subject(s) Deceased (X) Wounded ( ) Non-Hit ( )

Subject: Male, 33 years of age.

Board of Police Commissioners’ Review

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

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

The following incident was adjudicated by the BOPC on December 20, 2016.
**Incident Summary**

The Subject was involved in a dating relationship with Victim A. After the relationship ended, Victim A began a dating relationship with Victim B. The Subject was distraught over his former girlfriend’s new dating relationship and began to stalk her. On several occasions, the Subject verbally threatened Victims A and B and brandished a handgun at them.

Victim A received a message via social media asking she and Victim B to meet for the purpose of obtaining high end credit cards to commit identity theft and fraud. The message served as the Subject’s plan to lure Victims A and B to a location to cause them harm.

Victims A and B walked to the meeting location. They saw a vehicle, and as they approached, the driver and sole occupant (the Subject) exited and produced a handgun. When the Subject tried to grab Victim A, Victim B stepped in front of her in an attempt to intervene. Victims A and B then ran as the Subject fired his handgun at them, striking Victim B. Victim B collapsed as a result of being struck and was mortally wounded.

The Subject then grabbed Victim A, pulled her to his vehicle, and forced her inside the driver's side door. As the Subject was momentarily occupied with closing the driver's side door, Victim A climbed to the passenger side, exited the passenger side door, and fled on foot. The Subject then fled the location in his vehicle.

Homicide detectives assumed investigative responsibility for the homicide. The investigation established the Subject’s identity and identified an active cellular telephone number for him that he had been known to use. A Gang and Narcotics Division (GND) LAPD/Federal Bureau of Investigation (FBI) Fugitive Task Force (FTF) aided in tracking the Subject’s cellular telephone.

The FTF began to track the Subject’s cellular telephone; however, the cellular telephone was turned off before the exact location could be determined.

The LAPD/FBI FTF received an alert that the Subject had activated his cellular telephone with a location ping. The investigation determined this location was the residence of the Subject’s parents.

The Fugitive Task Force was comprised of four LAPD detectives and two police officers, two FBI Special Agents, and two California Department of Corrections parole agents. Three additional GND personnel responded to assist in the initial operation.

FTF personnel arrived at the identified location. The initial assessment of the location identified a vehicle parked in the driveway. It was confirmed that this was a vehicle often driven by the Subject. This information was broadcast over the radio frequency to personnel at the scene.
According to Detective A, he believed the Subject was at the residence because it was identified as the location of the cellular telephone ping as well as the presence of the vehicle known to be driven by the Subject. Detective A deployed personnel in various positions to create a “loose” perimeter around the residence. In addition, Detective A notified the Los Angeles County Sheriff’s Department (LASD) station close by and advised them of the operation.

Meanwhile, homicide detectives prepared a search warrant for the location and an arrest warrant for the Subject.

The cellular telephone ping identified a location to the rear of the residence throughout the morning. Several unanswered calls were made to the cellular number, with no movement noted.

It was noted that during the surveillance, the Subject began to check text and voice messages. He also answered an unknown incoming telephone call. The investigators were able to track the activities and movement throughout the house, providing further confirmation that the Subject was inside.

Detective A was notified by WBH detectives that they had a signed search warrant for the location, and an arrest warrant for the Subject.

Detective A called Metropolitan Division SWAT Lieutenant A, to ascertain whether SWAT would respond for the service of the warrant. Lieutenant A advised Detective A to tighten up the perimeter and utilize a public address (PA) system to call the Subject out of the residence. Specific instructions were given to not approach the front door.

Two LASD black and white police vehicles and a LASD Air Unit were at scene. There were numerous PA system requests made for the Subject to exit the residence. They were made from the LASD dual purpose police vehicle parked in front of the residence, as well as from the Air Unit overhead. The Subject did not respond.

While the PA requests were being made, side containment personnel saw movement in a window and heard footsteps and doors closing inside the residence, respectively. It was also identified that the cellular telephone was now moving throughout the residence; however, calls to his cellular telephone were not answered at this time.

Detective A called Lieutenant A and advised him of the unsuccessful efforts made to have the Subject exit the residence. According to Lieutenant A, the Subject was deemed a barricaded suspect and SWAT personnel would respond, due to the information that the Subject was wanted for murder, attempted murder, and kidnapping with an outstanding handgun used to commit the crimes, as well as previous violent crimes.

Lieutenant A notified SWAT personnel of the call-out. The assigned SWAT personnel responded with emergency lights and sirens (Code Three) from two separate training
facilities. Lieutenant A briefed the responding SWAT team members over the radio as to the nature of the crime, subsequent investigation, the Subject’s background information along with a photograph, circumstances that apply to a barricaded suspect scenario, and that the pistol involved in the murder was outstanding.

Meanwhile, Detective A established a Command Post (CP), east of the Subject's location. Metropolitan personnel and equipment began to arrive at the CP. Although SWAT personnel had been briefed via their radios, Lieutenant A again briefed them before they were deployed to the location.

Commander A was designated as the Incident Commander (IC) with Lieutenant A assigned as the Officer In-Charge (OIC). Metropolitan Division SWAT Sergeant A was designated as the squad leader, while Metropolitan Division SWAT Police Officer A was assigned as the element leader.

A Crisis Negotiation Team (CNT) was established with Metropolitan Division SWAT Sergeant B designated as the OIC.

Metropolitan Division SWAT Police Officer B, along with other SWAT officers, assembled as an arrest/scout team and walked toward the residence.

Prior to the officers' deployment at the location, they were joined by Metropolitan SWAT Police Officer C, who was driving a specialized vehicle called “the Bear.” Officer B directed Officer C to park the Bear in front of the residence, near the northeast corner of the property. In doing so, Officer B relieved the GND personnel at that location and directed them to return to the CP. As the arrest/scout team utilized the Bear as cover, Officer B broadcast that SWAT personnel were staged near the northeast corner of the residence.

Officer A arrived at the CP, and Lieutenant A conducted a final brief for the SWAT personnel at the CP before Officer A assembled an entry team. The entry team loaded into another specialized vehicle, Ballistic Engineered Armored Response Counter Attack Truck (called the “BearCat”) and drove to the target location.

Officer A met with Officer B. Officer B briefed Officer A on the locations of the GND personnel at scene and the positions of his arrest team. Officer B informed Officer A that GND personnel had reported movement in the windows of the house and that he personally had seen the Subject look out the front windows of the residence.

Officer A advised Officer B that his team would relieve Officer B’s personnel and assume their positions on the northeast corner of the property and utilize the Bear as cover. Officer B, along with his team, redeployed to the south side of the residence with the BearCat as cover. Officer B was designated as the team leader on the south side of the residence.
Throughout the tactical operation, many of the SWAT personnel were redeployed in numerous positions. These positions changed as influenced by the ongoing operational and tactical needs.

Officer A continued to deploy SWAT personnel and equipment around the location. In the process, GND personnel were relieved from their containment positions and directed to the CP. Officer A utilized SWAT personnel and armored vehicles to secure/evacuate the three homes directly to the front and rear of the location, as well as the home to the north and south. Officer A was able to establish a perimeter with SWAT personnel and equipment around the residence.

The north, south and west property lines of the residence were bordered by an approximately six-foot-tall wood slat fence. This fence provided officers concealment; however, it restricted their view into the surrounding yard and residence. In addition, the north, south and west (rear) yards were cluttered with debris, sheds, mechanical equipment, and boxes.

Officer A deployed several armored vehicles to support the SWAT officers in their containment positions. Already identified was the Bear positioned to the front of the target location and another Bear vehicle on the south side of the location. In addition, Officer A placed the MedCat parked in the driveway of the residence to the south of the target location, facing west, and a second BearCat in the driveway of the residence to the north, facing northwest.

Also present at the scene were Los Angeles Fire Department (LAFD) Firefighter/Paramedics (FF/PMs). They were part of a contingent of FF/PMs trained to deploy with SWAT during tactical operations and provide Tactical Emergency Medical Support (TEMS). The Firefighter/Paramedics were escorted to the front of the target location, where they entered the Bear and remained until needed for medical support.

As containment was established and evacuations completed, CNT prepared their equipment and gathered information on the Subject, which included interviewing the Subject’s brother, and Victim A (his former girlfriend), who were contacted and responded to the location.

A CNT Officer made the first telephone call to the Subject. The Subject answered the phone and immediately hung up after the CNT Officer identified himself. As additional calls were made, Sergeant A used the bullhorn to persuade the Subject to answer and engage in conversation; however, the Subject did not answer any of the additional phone calls.

Officers assigned to containment positions reported seeing surveillance cameras mounted at the roof line around the residence. The Subject’s brother informed CNT personnel that the cameras provided a live feed to a monitor inside the residence, although he was not living at the residence at the time of the incident. Officer A devised a plan to fire less-lethal rounds at the cameras to disable them.
Officer A briefed Sergeant A on the plan to disable the cameras. Sergeant A advised Lieutenant A, who then obtained approval from IC Commander A to implement the plan.

A SWAT officer, who was standing at the front of the residence, fired several 40 millimeter (mm) less-lethal rounds at two cameras located at the northeast corner of the residence, disabling them. Another officer, who was in the BearCat hatch that was deployed on the south side of the residence, fired a 40mm less-lethal multi-launcher, disabling a camera at the southeast corner. Officer B was standing on the south side of the residence when he fired a single beanbag shotgun round, disabling a camera at the south side of the residence. Officer D was standing in the area of the southwest corner of the property when he fired a single beanbag shotgun round, disabling a camera at the southwest corner of the residence.

CNT determined all options to communicate with the Subject had been exhausted and recommended that tactical options be considered. Commander A concurred with the CNT assessment and authorized the transition to tactical consideration.

The front yard of the residence is bordered by an approximately five-foot-tall wrought iron fence with an electric sliding gate that provided access to the driveway. The gate was unable to be manually opened, which restricted access to the front door. Officer A obtained approval from Commander A to forcefully open the gate. Nylon straps were then attached to the gate and secured to the front of the Bear. As the Bear was reversed, the gate was forced open.

Investigators continued to monitor the movement of the Subject’s cellular telephone and provided SWAT personnel with updates as to the location changes within the residence. Most of the cellular telephone movement appeared to be on the north side of the residence where it was believed the Subject’s bedroom was located.

Sergeant A continued to address the Subject through the use of the bullhorn. Sergeant A gave the Subject warnings from the front of the residence as well as the north side. The Subject did not respond to these warnings.

As the tactical plan continued to move forward, Officer A devised a plan to insert chemical agents into the Subject’s bedroom. In the event there was no response, chemical agents would also be inserted on the east and south sides. This initial phase of the gas plan was approved by Commander A.

Prior to the deployment of the chemical agents, investigators advised that the Subject was active on his cellular telephone and attempting to call his parents and brother. CNT called the Subject and sent him a text message. Although the Subject did not answer the call, he responded to the text message by texting, “What do u want?” and “Why are you here?” The CNT personnel advised the Subject, through a text, that they were the police and asked him to exit his residence. But he soon rebuffed any further attempts
by the officers to communicate with him, including calls with his brother’s phone, causing CNT to determine they were again at an impasse.

Sergeant A used the bullhorn to warn the Subject that his refusal to exit could result in incidental damage to the residence. A SWAT officer then fired a 40mm sponge round at the front door of the residence. The Subject did not respond. This action was approved by Commander A with the intended purpose of serving as a door knock.

The gas plan commenced with personnel being advised with a broadcast over the SWAT channel. Officer E fired two gas (ferret) rounds through the Subject’s bedroom window. The officers waited and listened for any evidence that the chemical agents were having an effect (movement, coughing, etc.). There was no such evidence noted or observed.

After the initial deployment of gas was deemed ineffective, the second phase of the already approved gas plan was initiated. The second phase of chemical agents was implemented, which called for two ferret rounds to be fired into each of the accessible openings of the residence.

From behind the MedCat positioned toward the front of the residence, two ferret rounds were fired into each of the three front windows. Simultaneously, Officer F, utilizing the BearCat on the south side of the residence as cover, fired two ferret rounds into each of the four south facing windows. Officer C, who was positioned north of the residence, fired two ferret rounds through a window on the west side, near the northwest corner, of the residence. Officers waited and listened for any evidence that the Subject was affected by the chemical agents; there was no response.

Absent evidence that the chemical agents were effective, Officer A planned to initiate the next level of chemical agent commonly referred to as “hot” gas. This was a type of gas, Chlorobenzalmalonontrice (CS) gas, that was different from that used in the ferret rounds, as it burns hot and is delivered by hand. To protect against fire, the smaller CS gas grenade was inserted into a steel canister, such as a Tomahawk, while the larger grenade was inserted into a BurnSafe canister. The Tomahawk and BurnSafe are generally thrown through a window, but either can be attached to a fireman’s pole and inserted into the residence. Both are deployed with a “fire plan” in place. This plan was approved by Commander A.

Officer G approached a window on the south side of the residence, close to the southwest corner. He utilized a fireman’s pole to clear the window of any debris. Once the window was clear, Officer H pulled the pin on the CS grenade that was contained within the Tomahawk and threw it at the opening. The Tomahawk struck the window sash and ricocheted back outside. Officer G was prepared to deploy a second Tomahawk in the event this occurred. He pulled the pin on the CS grenade that was contained within a second Tomahawk and successfully threw it through the window.
Officers G and H moved to a second window on the south side of the residence, close to the southeast corner. Again, Officer G utilized the fireman’s pole to clear the window of any debris. He and Officer H attached the BurnSafe to the end of the fireman’s pole, the pin was pulled on the grenade and Officer G inserted the BurnSafe into the residence.

Simultaneously, Officers provided cover while Officers I and E approached the Subject’s bedroom window on the north side of the residence. Officer I placed a Tomahawk that contained a CS grenade on the end of a fireman's pole. Officer E pulled the pin on the CS grenade; Officer I inserted the Tomahawk through the window, effectively deploying the gas into the residence.

Officers waited and listened for any evidence that the Subject was affected by the chemical agents; there was no response. In the meantime, investigators reported the Subject’s cellular telephone was pinging near the northeast corner of the residence where the garage was located. In response, Officer A requested to have additional ferret rounds deployed into the northeast corner of the residence. This plan was approved by Commander A.

Officer E moved to the front of the residence and utilized the Bear as cover. He then fired two ferret rounds into a window adjacent to the front door and four additional ferret rounds through the garage door.

Officers D, F, G, and J, were positioned on the south side of the residence and heard what sounded like glass breaking toward the rear of the residence. Officer B broadcast this over the SWAT channel and indicated there was the potential that the Subject was outside of the residence. Officer F maneuvered toward the rear of the south side of the residence, and saw that the previously closed glass slider, which had broken glass due to the insertion of gas, was now partially open.

Officer A believed the Subject could be outside of the house and concealed in the clutter within the rear yard. This was supported by reports from officers that they were continuing to hear movement to the rear of the residence and reports that the cellular telephone now indicated a location in the rear yard (west) of the residence.

Officer A formulated a plan to remove a few wooden slats from the south property line fence to provide access to the yard, if needed. Prior to breaching the fence, Officer H, who was equipped with a pole camera with infrared night vision capabilities, scanned the south side fence line and the rear yard. In addition, K-9 Officer K had his K-9 search the south side of the south fence line. These two search techniques were met with negative results.

Officer A requested an Air Unit equipped with a Forward Looking Infrared (FLIR) tool to scan the entire property. While they awaited the arrival of the Air Unit, Officer L used a fireman’s pole to create an opening in the south side wood slat fence. With the fence breached, Officer A posted K-9 Officer K and his K-9 dog near the opening.
Prior to the arrival of the Air Unit, Officer A directed Officer K to move his K-9 dog into the yard. Officer K remained at the opening of the yard and directed the K-9 dog into the south portion of the yard and a small portion of the rear yard. This action was approved by Commander A. The search of the yard was restricted to only those areas that Officer K could see from his position. Thus, the area able to be searched was limited with no interest by the K-9 dog in the areas that were accessible.

Officers E and I heard glass break near the northwest corner of the residence. They broadcast their observation on the SWAT channel of the police radio and inquired whether the noise could have been caused by the K-9 dog in the rear yard. Officer A verified that the K-9 dog was on the south side of the residence, which eliminated that as the source of the glass breaking. Officer A then directed Officer H to take the pole camera to the north side of the residence.

An LAPD Air Unit arrived and began scanning the yard with the FLIR. As it was orbiting and scanning the property, Officer H utilized the pole camera on the north side of the residence; the Subject was not detected with the use of the pole camera.

Officer A obtained approval from Commander A to breach the fence along the north side of the residence and move his K-9 dog into the yard. Officer A then directed Officer M to breach the wooden fence. Officers C and I provided cover to Officer M as he utilized a fireman’s pole to remove the wooden slats. Meanwhile, Officer E used a 40mm multi-launcher to disable a motion sensor light mounted on the north wall of the residence. This action was approved by Commander A.

Officer A broadcast on the SWAT channel that Officer K was sending his K-9 dog into the yard. Again, Officer K was confined to directing the K-9 search to those areas he could see from his position. The search was met with negative results. The airship completed the scan of the yard, had nothing to report, and left the area.

As the containment teams held their positions, Officer A moved to the front of the residence and conferred with the entry team. Having exhausted all efforts to have the Subject come out of the residence, the entry team discussed their tactical options.

Meanwhile, Officers B, D and F were covering the opening in the south fence. Without warning, the Subject appeared in the opening as he moved in a westerly direction in the south side yard. According to the officers, the Subject, who they recognized from the photograph they were provided, appeared surprised by the opening in the fence, momentarily pausing in front of the opening when Officer F brought his rifle up on target as he illuminated the Subject with his rifle mounted light and stated, “Police. Put your hands up.”

The Subject turned to his left, toward the officers, which exposed his right hand. According to Officers B, D, and F, the Subject was holding a small frame handgun in his right hand. As soon as Officer F gave the verbal commands, the Subject ran west...
toward the rear yard. Officer F shouted, “He’s got a gun.” This was substantiated by Officer D who heard Officer F’s statement as well as observed the Subject with a handgun. Officer B broadcast, “We have contact. Suspect to the rear.”

Officers N and O were deployed in the rear yard of the residence immediately west of the target location. The yard offered no viable cover, only the concealment of darkness. Once they believed the Subject was in the rear yard, Officer O tactically deployed toward the middle of the yard along the south fence line while Officer N deployed across from him along the north fence line. Officer O had taken a kneeling position to minimize his silhouette.

Officers O and N heard the broadcast from Officer B followed by movement in the rear yard of the target location. The Subject, who had made his way to the west fence line, climbed up on top of the rear fence.

Officer O recalled, “… the next thing I hear is I hear movement in the back, and this being the backyard of the Subject’s location. The next thing I see is basically a suspect coming up to the area where we, where we’re initially at with a ladder along the fence line, and basically come up and jump on the fence.”

Officer O continued, “He basically jumps up on the fence and I could see both his hands, but it, it appears he has what I believe to be a gun in his right hand.”

Simultaneously, Officers N and O activated the lights on their rifles and illuminated the Subject as they moved toward the center of the yard. According to Officer N, he immediately verbalized either, “Put your hands up,” or “Let me see your hands.” The Subject did not comply with the commands.

Officer O immediately observed an object in the Subject’s right hand and believed it to be a handgun. According to Officer O, the Subject quickly looked left then right before jumping onto the roof of a galvanized steel shed. The Subject landed on the shed in a crouched position, facing northeast.

According to Officers N and O, the Subject’s elevated position provided him a position of advantage. Upon landing on the shed, the Subject immediately pivoted to his left toward Officers N and O. At this point, Officer N saw that the Subject was holding a black object in a pistol grip in his right hand and believed the Subject was armed with a handgun. According to Officer O, in the same motion, the Subject raised his right hand out in front of his body.

Officer N recalled, “As he’s motioning to run or to move, he’s got a black object in his right hand, and he’s got a pistol. I could clearly see some kind of pistol grip that he had. He had a grip of a black object.”

Officer O moved northeast toward the middle of the yard as he held his rifle in a right handed, shouldered position. He had maintained his finger along the frame of his rifle
with the rifle selector switch in the safe position. Believing the Subject had identified the officers’ positions and was preparing to shoot at them, Officer O switched the selector switch to fire and fired three consecutive rounds at the Subject from a standing shooting position. The three rounds were fired in a northeasterly direction, angled upward, from an approximate distance of 31 feet.

According to Officer O, “He immediately swings back toward us. He’s kind of in a squatting position. And I see his right hand starting to come up in a – in an offensive posture out in front of us, out in front of him. And at that point in time – at that point in time I believe the suspects armed with a gun and he’s coming up to engage us. And in defense of my life and in defense of my partner’s life I engage the suspect approximately three times.”

Officers E and I, from their containment positions to the north, saw the Subject appear on top of the shed. They heard officers yell, “Let me see your hands,” and watched as the Subject turned in a clockwise direction. Neither officer was able to determine if the Subject was holding an object in his hand; however, Officer I described the Subject “punching out” his right hand in the same manner as someone holding a handgun and extending their arm in preparation of firing. Both officers heard three consecutive gunshots, followed by the Subject falling from their view.

Officer C was wearing night vision goggles as he also maintained his containment position to the north of the target location. He heard noise coming from the rear yard and saw the Subject as he climbed onto the roof of the shed. He believed the Subject was looking north at him and holding a handgun in his right hand with his arm down to his side. Officer C was shouldering his rifle when he heard three consecutive gunshots. The Subject fell from Officer C’s view.

The Subject was struck in the neck by the gunfire and immediately fell onto the roof of the shed. He rolled to the south and fell to the ground between two sheds. Officer O approached the fence to get a visual of the Subject, initially peering through the slats. Officer O could see the Subject was lying on his back with his hands above his head and that they were clear of any weapons. He also saw a black object to the left and a second object to the right of the Subject’s abdomen. The two objects were subsequently identified as a cellular telephone and a butane-lighter. Officer O climbed a ladder adjacent to the fence and had a clear and unobstructed view of the Subject as a contact team was assembled.

Officer B assembled a team to approach the Subject. The team consisted of himself and Officers D, F, G, J, and L. Officer B assumed the team leader position with Officer F taking the point, or lead, position. Officer O provided additional details about the Subject’s location and position as the contact team prepared their approach. The contact team entered the yard through the opening in the fence along the south side of the residence.
Officers approached the Subject and found him between two sheds in a supine position with his head to the east and his feet to the west. As the team provided cover, Officers F and L slung their rifles and began pulling on debris to clear a path to the Subject. The officers pulled on a large piece of plastic debris, and the Subject moved with it. Officer F saw what he believed was a small caliber handgun adjacent to the Subject. He grabbed it, realized it was a butane-lighter, and moved it to the side. Officers F and L turned the Subject over. They pulled his hands to the small of his back and secured them with plastic cuffs. Officer L conducted a search of the Subject’s waistband. Nothing was found.

Officer B advised over the police radio that the Subject was in custody. Upon hearing the Subject was secured the FF/PMs were escorted to the rear yard. They assessed the Subject’s injuries and noted a gunshot wound (GSW) to the face. During the assessment, FF/PM A believed he felt a pulse. The Subject was placed on a portable litter and carried to the street where a Los Angeles County Fire Department (LACoFD) paramedic unit awaited. The Subject’s medical treatment and assessment was relinquished to LACoFD, who determined the Subject was deceased.

In the meantime, officers on containment held their positions while Officer A entered the residence with the entry team to conduct a systematic search of the location. The residence was cleared with no additional occupants or suspects located.

Sergeant C responded to the rear yard and observed Officer O standing in the adjacent rear yard in an elevated position at the rear fence line. He asked Officer O if he had been involved in an Officer-Involved Shooting (OIS) and then obtained a Public Safety Statement (PSS) from Officer O. At the time, Officer N remained in the rear yard guarding the evidence. Sergeant C admonished Officer O not to discuss the incident and directed him to meet him in front of the residence where Sergeant B assumed monitoring responsibilities.

Force Investigation Division investigators exhausted all efforts to locate a handgun in the area where the Subject fell to the ground. Due to the excessive debris and foliage in the backyard, additional investigators from FID were summoned to assist with a systematic search during daylight hours. Additional search efforts included an article search by a Metropolitan Division K-9 dog, specifically trained to search for handguns, and an officer from the Metropolitan Division Dive Unit, who was equipped with and trained to conduct metal detector searches. All search efforts failed to locate a handgun.

**Los Angeles Board of Police Commissioners’ Findings**

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

A. Tactics

The BOPC found Sergeant A’s, along with Officers A, N, and O’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers N and O’s drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer O’s lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

  1. Crossfire

      Officer O fired three rounds at the Subject, who was in an elevated position, creating a possible crossfire situation with an officer who was positioned in a second story bedroom.

      In this case, Officer O was aware of the positions of the other SWAT personnel at the time that he fired his rifle but believed his life was in imminent danger when the Subject turned toward him and Officer N with what appeared to be a handgun, and pointed it in the direction of him and his partner.

      Based on the totality of the circumstances, the BOPC determined that Officer O’s actions were consistent with approved Department tactical training.

  2. Fire Control/Fire Discipline

      According to Officer N, he observed the Subject holding a black object in his right hand, which he believed was a handgun. As he began to point his patrol rifle at the Subject to address the deadly threat, he heard shots fired, observed the Subject falling from the shed, and did not fire his weapon.
In this case, Officer N was faced with a rapidly unfolding tactical situation with a murder suspect whom he believed to be armed with a handgun and posed an immediate threat of death or serious bodily injury to him and his partner. As he was about to use lethal force, he heard shots fired and was able to quickly identify that the suspect had been immobilized and no longer posed a threat. Officer N displayed great fire discipline by not engaging the suspect under very stressful conditions.

Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, often discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents.

- The BOPC also considered the following:

1. Simultaneous Commands (Non Conflicting)

   The investigation revealed that several officers gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

2. Preservation of Evidence

   The investigation revealed that Officer F recovered an object he believed to be a handgun and then tossed it further away from the Subject after determining that the object was a lighter. Officer F is reminded of the importance of maintaining the integrity of the crime scene in its original state whenever tactically feasible and leaving potential evidence undisturbed until FID investigators can properly document and preserve the scene.

3. Loading Standards

   The investigation revealed one of Officer O’s patrol rifle magazines was short loaded two rounds. According to Officer O, he responded from a training facility when he was deployed to the incident and did not load the magazine to the Department loading standards. Officer O is reminded to ensure his magazines are loaded to Department standards prior to responding to an incident.

   These topics were discussed during the Tactical Debrief.

- 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.

In conducting an objective assessment of this case, the BOPC found Sergeant A’s, along with Officers A, N, and O’s actions to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer O, he observed the Subject jump up on the fence while holding what appeared to be a gun in his right hand. He heard Officer N giving verbal commands to the Subject and then immediately illuminated the Subject with his tactical flashlight, which was attached to his patrol rifle.

According to Officer N, he observed the Subject pop his head over the fence and propel himself onto the shed. He illuminated the Subject with a flashlight that was attached to his patrol rifle and gave him verbal commands to stop and put his hands up, which the Subject ignored.

According to Officer N, he observed the Subject holding a black object in his right hand with a pistol grip and believed the object was the outstanding pistol used in the murder. As he began to point his patrol rifle at the Subject, he heard shots fired and observed the Subject fall from the shed onto the ground.

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

Therefore, the BOPC found that Officers N and O’s drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- Officer O – (rifle, 3 rounds)

According to Officer O, he observed the Subject in a crouched position and his right hand began to come up. Believing that the Subject was armed with a gun and was about to engage them, he fired three rounds at the Subject to stop the deadly threat.

Officer O recalled, “He made – immediately swings back toward us. He’s kind of in a squatting position. And I see his right hand starting to come up in a – in an offensive posture out in front of us, out in front of him…and at that point in time I believe the suspect’s armed with a gun and he’s coming up to engage us. And in defense of my life and in defense of my partner’s life I engage the suspect approximately three times… “I believed the suspect was armed and he’s getting ready to basically shoot at my partner or myself with a gun.”
Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer O would reasonably believe that the Subject’s actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officer O’s use of lethal force to be objectively reasonable and in policy.