

INTRADEPARTMENTAL CORRESPONDENCE

December 13, 2017

3.2

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

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING FID NO. 003-17

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 003-17. A Use of Force Review Board (UOFRB) was convened on this matter on December 6, 2017. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

**SUMMARY**<sup>1</sup>

On January 10, 2017, Officers [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Central Traffic Division (CTD), were in full uniform, driving a marked black and white police Sport Utility Vehicle (SUV). The officers were traveling south on Hope Street from 11<sup>th</sup> Street.

According to Officer [REDACTED] observed a *white male*, later identified as M. Rogers, with a *large butcher's type knife* in his right hand, *chasing* a Department of Transportation (DOT) officer, later identified as [REDACTED]

According to Officer [REDACTED] Officer [REDACTED] stopped their vehicle while he broadcast their Code-Six location to Communications Division (CD).

**Note:** Officer [REDACTED] broadcast was not captured on CTD Base Frequency. A review of Officer [REDACTED] Body Worn Video (BWV) depicts [REDACTED] picking up the vehicle's radio microphone and bringing it towards [REDACTED] mouth. However, the audio system was not recording, as this occurred during the video's pre-event buffer.

According to Officer [REDACTED] was driving south on Hope Street when [REDACTED] observed a *man holding a knife in his right hand in front of [REDACTED] pointed at them and then Rogers turned around and charged at their police vehicle, while holding the knife in his right hand and yelling "kill me!"*

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[REDACTED]

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SUMMARY

On January 10, 2017, Officers [redacted] Serial No. [redacted] and [redacted] Serial No. [redacted] Central Traffic Division (CTD), were in full uniform, driving a marked black and white police Sport Utility Vehicle (SUV). The officers were traveling south on Hope Street from 1<sup>st</sup> Street. According to Officer [redacted] observed a white male, later identified as M. Rogers, with a large butcher's type knife in his right hand, chasing a Department of Transportation (DOT) officer, later identified as [redacted] According to Officer [redacted] Officer [redacted] stopped their vehicle while he broadcast their Code-Six location to Communications Division (CD).

Note: Officer [redacted] broadcast was not captured on CTD Base Frequency. A review of Officer [redacted] Body Worn Video (BWV) depicts [redacted] picking up the vehicle's radio microphone and bringing it towards [redacted] mouth. However, the audio system was not recording, as this occurred during the video's pre-event buffer.

According to Officer [redacted] was driving south on Hope Street when [redacted] observed a man holding a knife in his right hand in front of [redacted] pointed at them and then Rogers turned around and charged at their police vehicle, while holding the knife in his right hand and yelling "kill me!"

According to Officer [REDACTED] as Rogers charged their vehicle [REDACTED] tried to reverse to create time and distance, but was unable to back up because of another vehicle that was stopped behind [REDACTED]. So, [REDACTED] drove forward south on Hill Street and turned around.

According to Officer [REDACTED] Rogers turned around and began to run towards the driver's side of the vehicle. As Rogers approached, his knife came up to the window.

According to Officer [REDACTED] negotiated a U-turn and observed Rogers go into a business, located at [REDACTED] South Hope Street. [REDACTED] activated [REDACTED] light bar and then parked their vehicle near the business, at an angle, in a northwesterly direction for a tactical advantage.

According to Officer [REDACTED] partner drove south and conducted a U-turn. [REDACTED] observed Rogers run into a business on the west side of Hope Street. Officer [REDACTED] then parked their vehicle at an angle, diagonal to the west curb near the business.

**Note:** The investigation revealed that Rogers had run into Club Pilates located in the [REDACTED] South Hope Street building, that was occupied with several patrons inside.

According to Officer [REDACTED] observed people running out of the business. [REDACTED] then advised CD of their Code-Six location as [REDACTED] exited the vehicle.

**Note:** A review of the CTD base frequency revealed Officer [REDACTED] had requested help for a 415 man with a knife at Grand Avenue and 1<sup>st</sup> Street (Additional) Debrief Topic – Situational Awareness).

According to Officer [REDACTED] as [REDACTED] parked the vehicle, [REDACTED] advised [REDACTED] partner to put out a help call and heard [REDACTED] partner broadcast that they were on Grand Street. Knowing that they were on Hope Street, [REDACTED] picked up the vehicle microphone to correct the location as [REDACTED] partner exited the vehicle and then heard shots being fired.

According to Officer [REDACTED] as [REDACTED] exited the vehicle, [REDACTED] observed Rogers quickly exit the business with the knife in his right hand. [REDACTED] ordered Rogers to drop the knife and then Rogers directed [REDACTED] attention towards [REDACTED] and began to advance. [REDACTED] drew [REDACTED] service pistol as Rogers started to sprint towards [REDACTED] (Drawing/Exhibiting).

According to Officer [REDACTED] observed Rogers through the opened passenger door of [REDACTED] police vehicle. [REDACTED] observed Officer [REDACTED] back up and Rogers running with a knife towards [REDACTED] partner. [REDACTED] then exited the vehicle and drew [REDACTED] service pistol (Drawing/Exhibiting).

According to Officer [REDACTED] observed Rogers running towards [REDACTED] in a dead sprint while uttering, "kill me or shoot me!" and continued to order him to drop the knife. Rogers ignored [REDACTED] commands and continued running towards [REDACTED]

[REDACTED] fired one round at Rogers while redeploying to the rear of the vehicle. Rogers continued to run towards [REDACTED] with the knife up over his head to thrust down in a deadly manner. Fearing for



*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).*

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 suspect immediately exited the business with a knife in his hand and ran toward one of the officers. When the officer ordered the suspect to drop the knife, the suspect ignored the commands and continued running toward the officers with the knife. Faced with an imminent threat of serious bodily injury or death, the officer utilized lethal force to stop the deadly threat.

#### **Additional Tactical Debrief Topics**

**Situational Awareness** – The investigation revealed Officer [REDACTED] initially broadcast their Code-Six location as Grand Avenue south of 1<sup>st</sup> Street and then approximately one minute later, Officer [REDACTED] broadcast their correct location on Hope Street. Officer [REDACTED] is reminded of the importance of broadcasting the correct location to ensure that responding units arrive in a timely manner. In an effort to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

#### **Command and Control**

Sergeant [REDACTED] responded and assumed the role of Incident Commander (IC). [REDACTED] obtained a Public Safety Statement (PSS) from Officer [REDACTED] and ensured the officers were separated and monitored.

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

### Tactical Debrief

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

Therefore, I will direct that 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;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### General Training Update (GTU)

On January 17, 2017, Officers [redacted] and [redacted] attended a GTU. In addition to the mandatory topics, the officers received training on 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 1, Section 556.80).*

According to Officer [redacted] as [redacted] exited the vehicle, [redacted] observed Rogers with the butcher's knife in his right hand. [redacted] ordered Rogers to drop the knife, and then drew [redacted] service pistol as Rogers started moving towards [redacted]

Officer [redacted] recalled,

*After I gave him, I believe, a command already, and he continued walking forward, I believe I un-holstered and went to a low-ready.*

According to Officer [REDACTED] observed Rogers running with a knife towards [REDACTED] partner. [REDACTED] exited the vehicle and drew [REDACTED] service pistol.

Officer Gonzales recalled,

*I see when the shots are being fired, I observed – my partner backing up, and I see the suspect with his knife towards him. At which point, I withdrew my weapon.*

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

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

### Lethal Use of Force

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

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

Officer [REDACTED] – 9mm, 12 rounds in a northeasterly direction, from a decreasing distance of approximately 15 feet to three feet.

According to Officer [REDACTED] observed Rogers running towards [REDACTED] in a dead sprint while uttering, "kill me or shoot me!" and continued to order him to drop the knife. Rogers ignored [REDACTED] commands and continued running towards [REDACTED].

[REDACTED] fired one round at Rogers while redeploying to the rear of the vehicle. Rogers continued to run towards [REDACTED] with the knife up over his head to thrust down in a deadly manner. Fearing for [REDACTED] fired several more rounds at Rogers to stop [REDACTED] from advancing until [REDACTED] fell to the ground two to three feet away from [REDACTED] with the knife still in [REDACTED] hand.

Officer [redacted] recalled,

I was outside by the passenger front door behind cover. And then I started backpedaling to redeploy to the rear of the vehicle for additional cover. And then as the suspect kept running backwards, I probably fired every step. Like a quick walk backwards trying to stay stable and have a good shooting platform. So, assessing to see if the suspect is obeying commands and listening, which he wasn't.

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 the suspect's actions presented an imminent threat of death or serious bodily injury, and that the Use of Lethal Force would be objectively reasonable to stop the threat.

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

Audio/Video Recordings

Digital In-Car Video System (DICVS) - Officers [redacted] and [redacted] captured Rogers running with the knife in the direction of the officers' vehicle and then Officer [redacted] giving Rogers commands to drop the knife, followed by the sound of gunshots.

Body Worn Video (BWB) - Officer [redacted] BWV was activated and captured the OIS. Officer [redacted] was driving as the tactical situation quickly unfolded and did not activate BWV at the time of the incident.

Outside Video - FID investigators recovered video from a surveillance camera located at [redacted] South Flower Street. The video captured Rogers and DOT Officer Jones flagging down Officers [redacted] and [redacted]. The video also captured Rogers running towards Officer [redacted] with a knife in his hand, and the ensuing OIS. Additional video taken by Witness [redacted] on [redacted] cellular telephone also captured the OIS.

Respectfully,

CHARLIE BECK

Chief of Police

Date:

12-13-17

[Redacted]