

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

**OFFICER-INVOLVED SHOOTING – 021-19**

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

West Valley                      5/26/19

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

Officer B    3 years, 7 months

**Reason for Police Contact**

Officers were involved in a stand-off with an armed, suicidal subject. The Subject raised a handgun in the general direction of officers at the scene, resulting in an officer-involved shooting (OIS).

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

Subject: Female, 19 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 Office of the Inspector General. The Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on April 28, 2020.

## **Incident Summary**

On Sunday, May 26, 2019, at approximately 0735 hours, a witness called 911 and advised there was a person sitting on her driveway, talking on a cell phone and crying. The witness told the operator the person in the driveway was holding a gun to her own head and was saying she was going to kill herself.

Communications Division (CD) then broadcast the information. As a result, several officers responded, including Officers A through I.

All of the officers who responded were in uniform and equipped with Body Worn Video (BWV), which they all activated prior to their arrival.

At 07:42:13 hours, Officer B advised CD that officers were in the area (Code Six). Officers identified a house with a Cadillac parked in the driveway as the possible location of the incident. Officer A stopped and parked the police vehicle several houses away.

As Officer A exited the police vehicle, he/she deployed the 40 millimeter (mm) less-lethal launcher. Officer A slung the 40mm less-lethal launcher across his/her back and walked toward the location. Officer B exited the vehicle and obtained the ballistic shield from the police vehicle.

Officer G arrived at scene a few seconds after Officers A and B and placed him/herself Code Six over the police radio. All three officers walked alongside several parked vehicles, on the west side of the street, which they used for cover.

As officers continued their approach on foot, Officer A observed a green vehicle parked in the driveway, next to the Cadillac. Officer A communicated his/her observations to Officer B as they approached two residences away from the incident location. Officer G's BWV captured Officers A and B unholster their service pistols as they continued to walk on the street.

According to Officer A, he/she directed Officer G to move his/her patrol vehicle forward so officers could use it for cover and utilize the Public Address (PA) system to communicate with the Subject. Officer G turned and ran back to retrieve his/her vehicle.

Officers A and B took cover behind a gray minivan, which was parked one residence away from the incident location.

While standing in front of the minivan, Officer A observed the witness on the telephone, looking out a window of her residence. At approximately 07:45:10 hours, Officer A advised CD that he/she could see the witness in the window. Officer A advised CD that he/she wanted the witness to stay on the telephone with the 911 operator; however, Officer A wanted her to move away from the window for her safety.

As Officer G approached his/her vehicle, he/she observed Officers C and D arrive. Officer G got Officer C's attention and directed him/her to bring their vehicle further north. Officer G then rejoined Officers A and B, taking cover along the front of the minivan.

Officer C stopped his/her police vehicle one residence away from Officers A and B's position and exited. Officer D obtained the shotgun from the center rack and exited. Upon exiting the vehicle, Officer D chambered a round in the shotgun. Officer D's BWV captured him/her move to the west side of the street and take cover behind a gray vehicle. Officer C exited the vehicle and opined the situation could escalate to a deadly force situation and unholstered his/her pistol, which he/she held in a two-handed, low-ready position, with his/her finger along the frame. Officer C moved around the back of his/her police vehicle and obtained cover behind the open passenger door.

At approximately 07:45:20 hours, Officers H and I arrived at scene and placed themselves Code Six via the police radio. As Officer I exited, he/she believed the incident could rise to a deadly force situation, so he/she deployed the shotgun and chambered a round while holding it in a low-ready position. Officer I moved on the side of the street and took a position of cover at a cinder block pillar. Officer H exited the vehicle and walked along the opposite side of the street, taking a position of cover behind a gray vehicle.

The Subject then emerged from the area between the green vehicle and gray Cadillac. According to Officer A, he/she could only see from the Subject's shoulder area upward, but clearly observed the Subject holding a black semi-automatic handgun in her right hand, pointing the handgun at her own head. Officer A's BWV captured him/her ordering the Subject to drop the weapon.

Upon seeing the Subject armed with a gun, Officer G unholstered his/her pistol.

According to Officer H, believing the incident could rise to a deadly force situation, he/she unholstered his/her pistol.

Officers A, B, and G continued to hold their positions at the engine block of the Toyota minivan, as they pointed their service pistols in the Subject's direction. Officer B stated that he/she observed the Subject holding a black handgun in her right hand which was pointed to the right side of her head as she stood in the driveway in front of the green vehicle. Officer A again requested to have a police vehicle moved closer toward his/her position.

Meanwhile, the Subject did not comply with officers' commands to drop the gun as she stood in the driveway holding the gun to her head.

Officer H ran back to Officer C's police vehicle. Officer C walked around his/her police vehicle, holstered his/her pistol and entered the driver's seat. Officer C then drove his/her police vehicle north for cover. Officer H walked behind the open passenger

door, and Officer C stopped parallel to Officers A, B, and G. Officer C's BWV captured him/her place the police vehicle in park as he/she quickly exited and moved toward the rear of his/her vehicle. Once at the rear of the vehicle, Officer C believed the situation could escalate to deadly force and unholstered his/her pistol.

Officer G moved to a position of cover behind the open driver door of Officer C's police vehicle. According to Officer G, he/she observed the Subject with a black gun in her right hand, which she held to her head, standing toward the front of the green vehicle.

Officer I redeployed from the sidewalk to Officer C's police vehicle and assumed a position of cover at the open passenger door. According to Officer H, believing there were ample lethal force options on scene, he/she holstered his/her pistol and remained to the rear of the police vehicle.

Officer D followed behind Officer I and took a position along the rear passenger side of the police vehicle. Officer H's BWV captured him/her directing Officer D to redeploy with his/her shotgun along the left side of the police vehicle, to have long guns on both sides of the police vehicle. Officer D then moved around the police vehicle and stood to the right of Officer A.

According to Officer A, the Subject walked around the front of the green vehicle and then along the passenger side, where Officer A lost sight of her. Although Officer A could not see the Subject, he/she continued to communicate with her. The Subject responded by repeatedly stating that she was going to shoot herself.

Officers continued to verbally communicate with the Subject by directing her to put the gun down, not to hurt herself, and told her that the officers wanted to help her. Officers B and C suggested only one officer speak to the Subject to keep communications clear and concise. Officer A advised fellow officers that he/she would continue to communicate with the Subject. Officer A continued to communicate with the Subject as he/she attempted to de-escalate the situation by repeatedly telling the Subject to put her gun down and that officers wanted to help her. The Subject did not respond to these commands.

At approximately 07:47:40 hours, Officer A requested that LAFD respond to the area. Officer A's BWV captured him/her state that he/she was unable to see the Subject and that he/she requested someone else assume communications with the Subject. Officer A's BWV captured him/her direct Officer D, who was standing to Officer A's right, to take his/her position as Officer A moved away from the van to the rear of Officer C's police vehicle.

At approximately 07:48:10 hours, Officers E and F arrived on scene and assisted with perimeter control.

The Los Angeles City Fire Department (LAFD) responded and staged in the area.

During this time, officers were unable to maintain sight of the Subject, who was between the passenger side of the green vehicle and the residential garage. According to Officer C, while standing on the passenger side of his/her police vehicle, he/she bent down, because he/she lost visual of the Subject, and looked in a northwest direction. Officer C observed the Subject on her knees. According to Officer C, he/she communicated his/her observations to the other officers at scene.

For approximately one minute, the Subject remained quiet and did not communicate with officers. Officer C attempted to communicate with the Subject, asking her name; however, he/she received no reply.

After moving to the rear of Officer C's police vehicle, Officer A removed the 40mm less-lethal launcher. Officer A inserted a live round into the chamber, making the weapon ready to deploy. Officer A held the launcher in a low-ready position as he/she moved to the right side of the police vehicle, behind Officer I, who remained behind the open passenger door with his/her shotgun. Officer C's BWV captured him/her moving from the right of Officer A to behind his/her police vehicle, in an attempt to get a view of the Subject.

According to Officer A, he/she assessed the number of officers at scene and directed Officers H and I to redeploy and take a different position. According to Officer A, officers were having trouble monitoring the Subject in the driveway because she was behind the passenger side of the green vehicle. Officer A wanted officers positioned in an 'L' configuration to obtain a better view of the Subject.

Once Officer I moved away from the passenger door, Officer A placed the 40mm less-lethal launcher on the front passenger seat of Officer C's police vehicle. According to Officer A, he/she wanted to have it ready in the event it needed to be used.

Officer A then unholstered his/her service pistol and held it in a two-handed, low-ready position as he/she stood behind the open passenger door.

As Officers H and I arrived at their police vehicle, Officer I gave the shotgun to Officer H, who placed it in the gun rack. The officers then redeployed their police vehicle.

According to Officer A, the Subject began to move from the passenger side of the green vehicle toward the front lawn area. The Subject continued to hold the handgun in her right hand pointed at her head. According to Officer A, at this time, he/she observed the Subject holding what he/she described as a Glock gun case in her left hand. Officer A opined that the Subject was armed with an actual firearm and not a toy gun.

According to Officer A, he/she then directed Officer C to get the 40mm less-lethal launcher that was located on the front passenger seat of the police vehicle. According to Officer C, prior to obtaining the 40mm less-lethal launcher, he/she holstered his/her pistol. Officer C held the launcher with the hammer already cocked.

According to Officer D, while remaining behind the minivan, he/she observed the Subject walk, closing her distance to officers while holding the pistol to her head. Officer D aimed his/her shotgun at the Subject's center body mass, disengaged the safety, and placed his/her finger on the trigger. As the Subject continued to move, Officer D lost the visual of her and lowered his/her shotgun, while engaging the safety.

Officers A, C, and G continued to verbalize with the Subject. The Subject replied that she would be going to jail, so officers attempted to assure her that she was not going to jail.

As Officer G remained behind the front driver door of Officer C's police vehicle, his/her BWV captured the Subject facing in officers' direction, while standing in the driveway, near the front yard and drop the gun case on the ground. The Subject continued to hold the handgun in her right hand and point it at her head. Officer G's BWV captured him/her asking where a beanbag shotgun or 40mm less-lethal launcher was.

Officer G's BVW captured the Subject telling the officers to shoot her.

At this time, the Subject knelt in the driveway while still armed with a handgun, which she continued to point to her head.

According to Officer A, he/she continued to communicate with the Subject and attempted to calm her down. The Subject continued to yell at the officers wanting them to shoot her as she remained on her knees, in the driveway, while holding a handgun pointed to her head. The Subject did not follow officers' commands to put the gun down.

At approximately 07:50:16 hours, Officers H and I arrived at a nearby intersection. Officer H directed Officer I to stop the vehicle so that he/she could exit. Officer H then directed Officer I to give him/her the shotgun, which Officer I removed from the center gun rack, and gave to Officer H.

Officer H directed Officer I to slowly drive the police vehicle west down the street. As Officer I drove, Officer H walked along the open passenger door of the vehicle and rested the shotgun on the top of the doorframe, pointed west.

Officer I then stopped the police vehicle, exited, and, believing the situation could escalate to deadly force, unholstered his/her service pistol and took a position behind his/her open driver door. According to both Officers H and I, the Subject continued to hold the gun pointed to her head.

At approximately 07:52:07 hours, Officer J arrived at scene and parked his/her vehicle. Upon exiting his/her vehicle, Officer J deployed the shotgun, took cover behind a nearby police vehicle, and unloaded the shotgun rounds, which he/she placed into his/her right front pants pocket. Officer J then removed six slug rounds from the shotgun shell carrier and loaded them into the shotgun.

Officer J took a position of cover behind the engine block of a gray Honda parked on the east side of the street, to the right of Officers A and C. According to Officer J, he/she knelt to assess the situation as Officer C communicated with the Subject.

Meanwhile, at approximately 07:53:18 hours, Officers K and L arrived in the area.

As Officers K and L approached, they were flagged down by a witness. Officer L stopped the police vehicle and rolled down his/her driver side window to speak with the witness.

According to Officer K, the witness informed them that he was the registered owner of the pistol she possessed. According to Officer K, he/she obtained some of the Subject's personal information to utilize it to communicate with her in an attempt to de-escalate the incident. Officer K further ascertained that the pistol the Subject possessed was a .45 caliber Glock with a ten-round magazine capacity.

Officers K and L got back into their vehicle and drove toward the other officers at the scene to advise them of the information they had just received.

As officers continued to communicate with the Subject, Officer A's BWV captured the Subject move from a kneeling position on the driveway into a seated position on the driveway, near the front yard.

At approximately 07:54:40 hours, uniformed Lieutenant A advised CD that he/she was en route to the radio call.

At approximately 7:54:45 hours, Officer J moved toward Officer A's position. Officer J advised Officer A that he/she was armed with a slug shotgun and he/she could assume Officer A's position. Officer A moved and Officer J assumed his/her position of cover behind the open passenger door. Officer A now stood behind Officer J, with Officer C to his/her right.

At approximately 07:55:43 hours, Officers B and D continued to hold their position along the front of the minivan. According to Officer B, he/she asked Officer D to switch the shield for the shotgun. Once Officer D took possession of the shield, he/she unholstered his/her pistol, believing the situation could escalate to the point where deadly force might be justified.

At approximately 07:56:32 hours, Officer J's BWV captured him/her conversing with Officers A and C regarding the possible use of the 40mm less-lethal launcher. Officers considered using the 40mm less-lethal launcher but did not want to escalate the incident and the possibility of the Subject shooting herself.

At approximately 07:56:40 hours, uniformed Sergeant A, broadcast that he/she and uniformed Sergeant B, would be responding with emergency lights and siren (Code Three) to the incident location.

At approximately 07:57:21 hours, Officer J's BWV captured officers continuing to speak with the Subject as she stood up in the driveway, still holding the handgun in her right hand. The Subject then stepped to her left, toward the front lawn, and picked up the gun box with her left hand. Officer C moved behind Officer A and took a position behind Officer J, who stood in the door jamb on the passenger side of the police vehicle. According to Officer C, he/she moved to the left of Officer J to get a better position with the 40mm less-lethal launcher.

Simultaneously, Officer A took a right kneeling position, to the right of Officer J, at the end of the open passenger door, using the engine block for cover. Officer A's BWV captured him/her raise his/her service pistol, with both hands, and point it at the Subject.

The Subject continued to face officers and yell at them to shoot her. Officers A and C continued to communicate with the Subject to put the gun down, but she did not comply. Officer J's BWV captured the Subject walk toward officers, momentarily stopping in the middle of the driveway, on the sidewalk, as Officers A and C ordered the Subject to stop.

At approximately 07:58:30, Officers M, N, and O also arrived.

Officer N stopped their police vehicle and remained in the driver seat as Officer M exited and obtained his/her Police Rifle from the trunk. Officer M placed a magazine in the rifle's magazine well, chambered a round and slung the rifle in front of him/her using the sling. Officer M closed the trunk of the police vehicle and took cover behind a tree on the side of the street. Officer M advised Officer I that he/she was behind Officer I with a rifle, which Officer I acknowledged.

Officer N then slowly drove the police vehicle and parked to the right of Officers H and I's police vehicle. Officer N exited his/her police vehicle and took a position behind the open driver door. According to Officer N, he/she observed the Subject on the ground, armed with the gun. Officer N believed the situation could escalate to the use of deadly force and unholstered his/her service pistol, which he/she held in his/her right hand, in a low-ready position.

Officer I then requested a 40mm less-lethal launcher, which was also repeated by Officer H. Officer N holstered his/her service pistol and retrieved it. Officer N then redeployed to the right of Officer H, behind the passenger door of Officer H's vehicle.

As Officer O exited his/her police vehicle, he/she removed his/her shotgun from the center gun rack.

Officer O then chambered a round in the shotgun and deployed behind the open passenger door of Officers M and N's police vehicle. Officer O held the shotgun in a low-ready position with his/her finger on the safety.

Shortly thereafter, Officer M redeployed behind the open passenger door of his/her police vehicle, where Officer O was positioned. Officer M requested that he/she and Officer O switch positions, and they did. According to Officer M he/she moved because he/she was concerned with crossfire and wanted to get a better visual of the Subject. Once behind the passenger door, Officer M observed the Subject on the sidewalk, on her knees, with the gun pointed to her head.

At approximately 07:58:51, Officer J's BWV captured the Subject continue to ignore officers' commands as she moved to her right behind a cinder block fence, out of officers' view.

According to Officer I, the Subject moved the gun down toward her waist. Officer I further stated that he/she believed the Subject was going to point the gun at Officer I, his/her partner, or other officers. Officer I aimed his/her service pistol at the Subject's stomach area, placed his/her finger on the trigger, and took in the slack. However, the Subject then moved the gun back, pointed toward her head, and Officer I did not discharge his/her pistol.

As this was occurring, the Subject remained behind the cinder block fence for a few seconds before moving to her left, where Officer J's BWV captured the Subject holding the gun in her right hand, pointed at her head and yelling. According to Officer J, he/she pointed his/her shotgun at the Subject, disengaged the safety, and placed his/her finger on the frame.

At approximately 07:59:37 hours, Officer A's BWV captured him/her advising officers that the 40mm less-lethal launcher was ready to be deployed. Officer C stepped forward, directly behind Officer J, and pointed the 40mm less-lethal launcher over Officer J's left shoulder.

At this time, the Subject knelt on the sidewalk, near a telephone pole that was on the parkway near the curb. The Subject continued to hold the handgun in her right hand pointed to her head, while holding the gun case in her left hand.

At approximately 07:59:49 hours, Officer J's BWV captured the Subject squat on the sidewalk. According to Officer A, he/she believed that the Subject was going to listen to the officers' commands.

Officers K and L parked, exited their vehicle, and approached officers at scene. Officer K informed officers of the Subject's first name and that she was armed with a Glock .45 caliber semi-automatic handgun, per the witness they had spoken with. Officer L deployed to the rear of the police vehicle that Officers A, C, and J utilized for cover.

Officer K then moved to the passenger side of the police vehicle, behind the other officers. While Officer A continued to communicate with the Subject, Officer K informed those officers what the Subject's first name was that and she was 19 years of age.

Officer K deployed behind, and to the right of Officer A, who was still down on his/her right knee, and Officer K began to communicate with the Subject. The Subject continued to refuse to comply. The Subject continued to yell at the officers as she slammed the gun case to the ground while continuing to hold the handgun in her right hand, pointed to her head. During this time, Officer G holstered his/her pistol and moved from the driver's side to the right rear passenger side of the police vehicle, next to Officer L. Officer G's BWV captured him/her advising Officer L that they would be the arrest team if the Subject complied and put the gun down.

Officers A and K's BWV captured them discussing whether to use the 40mm less-lethal launcher. After a brief discussion, officers continued to communicate with the Subject, and the 40mm was not deployed.

At approximately 08:03:05 hours, Lieutenant A arrived on scene and contacted officers who were positioned around Officer C's police vehicle, where he/she was briefed by Officers G and L. According to Lieutenant A, he/she began to assess the number of officers with lethal munitions deployed due to possible "contagious fire" concerns. Sergeant A arrived immediately after Lieutenant A. Sergeant B, who was driving behind Sergeant A, stopped and began to set up a Command Post (CP).

Sergeant A took a position at the left rear bumper of the police vehicle and advised officers that he/she would speak with the Subject. According to Sergeant A, he/she observed the Subject on her knees, holding a gun to her head, with her finger on the trigger. Sergeant A opined that the Subject was either under the influence of a narcotics or possibly suffered from mental illness.

Sergeant A removed his/her BWV camera from his/her uniform shirt, held it in his/her left hand, pointed at the Subject to record her, and began to communicate with her.

At approximately 08:04:14 hours, Lieutenant A requested a System-Wide Mental Assessment Response Team (SMART) to respond.

Meanwhile, Officer O opined there were ample lethal munitions deployed, walked back to his/her police vehicle, and placed the shotgun back into the center gun rack. Officer O closed the door to his/her vehicle and walked back toward Officer M.

At approximately 08:04:34 hours, Lieutenant A's BWV captured him/her assessing the munitions deployed. Lieutenant A informed Officer G that he/she wanted Officer H to put away the shotgun. According to Officer H, Officer G verbally, and with hand gestures, directed Officer H to put the shotgun away. Officer H's BWV captured him/her moving to the rear of his/her vehicle, downloading the shotgun, and advising his/her partner he/she would transition to a less-lethal force option.

At approximately 08:05:05 hours, Officer A stood, while remaining at the end of the open passenger door.

At approximately 08:05:25 hours, uniformed Police Officers P and Q, arrived. Upon arrival, Officers P and Q were directed to move their police vehicle forward and replace Officers M and N's vehicle. Officer P stopped his/her police vehicle to the right of Officer H and I's police vehicle. Officer P deployed his/her Police Rifle and stood behind his/her open driver door. According to Officer P, he/she aimed his/her rifle at the Subject, while watching her through the rifle scope, with his/her finger along the frame. Officer M re-assumed a position of cover behind the open passenger door with his/her Police Rifle, with Officer O to his/her right, also behind the passenger door. Officer Q walked to the rear of his/her police vehicle.

At approximately 08:06:20 hours, Officer A's BWV captured the Subject attempt to stand, while still holding the pistol, but fall onto her buttocks. While maintaining the pistol in her right hand, and the gun case in her left, the Subject finally stood up. The Subject then began to walk into the street, in the officers' direction, as she told them to shoot her.

According to Officer I, the Subject stepped in his/her direction. Officer I aimed his/her pistol at the Subject's stomach and placed his/her finger on the trigger. However, the Subject then started to walk in Officer A's direction and Officer I did not discharge his/her pistol.

According to Officer A, once the Subject was in the street, she looked in Officer A's direction and moved the gun away from her head. According to Officer A, the Subject moved the gun in his/her direction. At this time, Officer A aimed his/her pistol at the center of the Subject's upper torso and discharged five rounds from his/her pistol, from a distance of approximately 40 feet. Officer A stopped firing when he/she observed that the Subject was moving away from him/her and had dropped her gun.

A review of Officer A's BWV revealed that the Subject walked into the street holding the gun to her head. After a few steps, the Subject moved the gun away from her head, raised it in the general direction of officers, and Officer A discharged his/her first round. After the first round was fired, the Subject appeared to react and dropped her gun, while still holding the gun box, as she bent forward. As Officer A discharged rounds two through five, the Subject turned to face in a west direction, while still bent forward. The Subject then dropped the gun box and walked west, onto the parkway, where she fell to the ground.

The investigation determined that Officer A discharged all five rounds in approximately three seconds.

Following the shooting, the Subject was taken into custody without further incident. She was then transported to a hospital, where she was treated for multiple gunshot wounds.

### **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). Based on the BOPC's review of the instant case, the BOPC made the following findings:

#### **A. Tactics**

The BOPC found Lieutenant A, and Officers A, C, and J's Tactics to warrant a Tactical Debrief. The BOPC found Sergeant A's Tactics to warrant a finding of Administrative Disapproval.

#### **B. Drawing and Exhibiting**

The BOPC found Officers A, C, and J's drawing and exhibiting of a firearm to be In Policy.

#### **C. Lethal Use of Force**

The BOPC found Officer A's lethal use of force to be In Policy.

### **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), which states that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the 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 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.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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. Tactical de-escalation does not require that an officer compromise his/her 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. (Tactical De-Escalation Techniques, October 2016.)

## A. Tactics

### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

*(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his/her 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, Officers A and B responded to a radio call of a suicidal female with a handgun. After the officers arrived and approached the location, they observed the Subject holding a handgun to her head and making suicidal statements. The officers took positions of cover as they verbalized with the Subject in an attempt to disarm her and take her into custody. The officers waited for the arrival of backup units and upon their arrival, the officers continued their attempts at de-escalation. The Subject walked in the direction of the officers and moved the handgun from her right temple towards Officer A, and nearby officers. The Subject closed the distance while shouting at the officers to kill her, resulting in an OIS.

**Planning** – While en route to the radio call, Officers A and B reviewed the comments of the call and discussed options they could use, such as deploying their ballistic shield, how they would approach, and how they could have other units approach the scene. Officer A stated he/she shut down the siren to cautiously approach the radio call location. Officer A drove slowly on to keep an effective distance. Officers A and B observed the location from a safe distance, parked, and exited their police vehicle. Officer B retrieved the ballistic shield and Officer A retrieved their 40mm less-lethal launcher (LLL) and slung it across his/her back, so his/her hands would be free. Both officers utilized parked vehicles as cover as they approached, additionally advising responding units to respond. They observed the Subject with a handgun to her head, shouting at the officers to kill her. Officer J stated he/she recalled the comments of the radio call indicated a suspect holding a gun to her head and had walked behind a vehicle. Upon exiting his/her vehicle, Officer J deployed his/her shotgun and switched his/her buckshot shells to slug shells. Officer J stated he/she switched to slug shells due to his/her belief that he/she might have to take a precise shot, between vehicles, and possibly through glass.

The BOPC noted that Officers A and B created and implemented a tactical plan while dealing with a dynamic incident. Their approach took into consideration distance, cover, and less-lethal options, granting them time to communicate with responding units and the Subject. During communication with the Subject, Officer A allowed different officers to communicate with her, in an effort to gain her compliance, disarm her, and take her into custody. Officer A's assessment of the situation led him/her to redeploy units to advantageous positions and request traffic blocks, in an effort to contain the incident. The BOPC noted the plan did not address options if the Subject began walking away, nor did the officers' perimeter cover if the Subject walked toward the residences along the west side of the street.

**Assessment** – Officers A and B assessed the nature of the radio call, the behavior of the Subject, and the type of weapon used. Officer A was the initial contact person with the Subject but allowed other officers to communicate with her when she was non-compliant to his/her commands. Officer A's assessment caused him/her to redeploy units to better positions to observe and contain the Subject. Officers A and C assessed and determined they did not want to escalate the situation to deadly force by deploying the 40mm LLL. Officer A considered that if the 40mm LLL was fired at the Subject and they missed, the Subject would begin shooting at them. Officer C considered a downside to using the 40 mm LLL would be causing the Subject to inadvertently pull the trigger, while she held the gun to her head. Officer A assessed between each round of fire, allowing him/her to observe the Subject's response and ultimately reduced the amount of fire necessary to preserve his/her life and the life of those around him/her. Officer J approached the scene and assessed the best position for his/her weapon system, which would be to assume Officer A's position of cover at the passenger door of a police vehicle. Lieutenant A arrived at scene and immediately began obtaining situational awareness. As Lieutenant A was being briefed by officers, he/she was additionally assessing the lethal and less-lethal weapons deployed, as well as assuring officers were behind cover. He/she assessed that there were too many lethal weapons deployed and was concerned about contagious fire. He/she had directed one officer to put away his/her shotgun, prior to the OIS.

Officer A's assessment between each round reflected consideration to prevent unnecessary or excessive lethal force. However, Officer A's assessment between each round helped him/her overcome those challenges and provided him/her the ability to view the Subject's hands, which were below his/her field of vision while he/she was up on target. Although the Subject was still in a standing position after Officer A's last round, he/she assessed the Subject was no longer a threat and was not holding her handgun.

Officer A had not only requested an Air Unit, back up unit, and a supervisor but went on to request LAFD to stage nearby and requested additional resources.

**Time** – Officers A and B used cover and distance in their approach to the radio call location and during the incident, allowing them the time to communicate with the

Subject and other units. They utilized approximately 20 minutes at scene to gather resources, assess force options, redeploy units, and to communicate with the Subject. Officer A also used time between each round of fire and subsequently slowed his/her pace of fire between shots three through five.

**Redeployment and/or Containment** – Upon making initial contact with the Subject, Officers A and B used distance and cover to safely communicate with the Subject. As the Subject walked between two vehicles, they temporarily lost sight of her. Officer A's assessment caused him/her to redeploy units to better positions to observe and contain the Subject. Officer A directed units to respond to another location, to gain a better visual of the Subject. He additionally contained the Subject by directing units to control all traffic north, south, and east of the Subject. Officer A redeployed to various places of cover due to the dynamic tactical situation and to better position him/herself to communicate and observe the Subject.

**Other Resources** – Officers A and B's requests for other resources included an Air Unit, supervisor, backup unit, Public Address (PA) system equipped vehicle, a traffic block, LAFD, and deployment of lethal and less-lethal force options. Officers adjusted their weapon systems from lethal to less-lethal and vice versa, according to the changing tactical situation. Officer C holstered his/her service pistol and deployed a 40mm LLL. Officer J used his/her slug shotgun shells due to the comments of the call and the possible necessity of a more precise firearm. Lieutenant A requested that a SMART team respond.

The BOPC noted the officers could have been relieved of some responsibilities, allowing them to focus on their roles, if supervision had responded in a timely manner. Approximately 20 minutes after the radio call was broadcast, responding supervisors broadcast their response to the location. The BOPC noted the importance of supervision responding to radio calls of this nature and potential magnitude to alleviate responsibilities of the officers and provide critical oversight.

Lieutenant A was the first supervisor at scene and immediately began obtaining situational awareness. As he/she was being briefed, he/she was additionally assessing the lethal and less-lethal weapons deployed, as well as assuring officers were behind cover. He assessed there were too many lethal weapons deployed and was concerned about contagious fire. He/she had directed one officer to put away his/her shotgun, prior to the OIS. Although Lieutenant A requested a SMART team to respond, the BOPC noted the incident should have been identified as a possible barricaded suspect and contacted, or directed contact with, the Metropolitan Division's Watch Commander to seek advice and determine if the Department's Special Weapons and Tactics (SWAT) team's response was warranted. The Subject could have been considered a barricaded suspect based on her being armed, being a threat to the lives and safety of the community and or police, being contained in an open area, and the presence or approach of police officers could have precipitated an adverse reaction by the suspect. In addition, the Subject was refusing to submit to a lawful arrest. The SWAT team includes a Crisis Negotiation

Team (CNT), comprised of SWAT officers and a police psychologist from Behavioral Science Services (BSS) who are specially and continually trained in crisis negotiations.

Sergeant A arrived shortly after Lieutenant A. Sergeant A inserted him/herself as the primary communicator with the Subject due to his/her belief that prior CNT training, which he/she had received approximately sixteen years prior, made him/her qualified to take on that role. That contact role could have been assigned to other non-supervisory personnel at scene or remained with the officers already engaged with the Subject. The BOPC noted that many of the officers at scene were more recently trained in Mental Health Intervention Training (MHIT). The BOPC would have preferred Sergeant A to have coordinated with Lieutenant A and assisted him/her in supervisory responsibilities.

**Lines of Communication** – Officers A and B immediately established communications with the Subject. Officer A attempted to establish rapport with the Subject by providing her with his/her first name and attempting to identify the cause of the Subject's behavior by asking questions. Officer A was the initial contact person with the Subject but allowed other officers to take on the contact role when she was non-compliant to his/her communication. Sergeant A arrived at scene and took over communications with the Subject. Lieutenant A communicated with officers at scene to gather information and evaluated the amount of lethal force deployed. Prior to the OIS, Lieutenant A directed Officer H to secure his/her shotgun. After the OIS, he/she provided direction to officers to holster and secure their weapons.

While the BOPC noted that Sergeant A was faced with limited time in a dynamic incident, it was a critical issue that he/she did not open lines of communication to establish basic control over the officers, specifically related to reducing the number of officers deploying lethal force options. Furthermore, Sergeant A did not establish roles such as lethal or less-lethal officers, Designated Cover Officers (DCO), arrest teams, or a communications officer. Sergeant A's years of experience could have been better used to direct officers' roles, in addition to assist Lieutenant A, who had been a lieutenant for approximately one month, and was attempting to manage officers while trying to gain situational awareness, a very daunting division of labor for one supervisor. By becoming directly involved in the communication with the Subject, Sergeant A did not conduct critical supervisory operations and oversight, which would have benefitted the resolution of the incident.

The BOPC determined that the officers attempted to de-escalate the incident, but the Subject's aggressive actions, including walking in the direction of Officer A and moving the gun away from her head, limited his/her actions. The officers attempted to utilize different aspects of de-escalation techniques throughout the incident.

- During its review of this incident, the BOPC also noted the following tactical considerations:

1. **Simultaneous Commands** – The investigation revealed that Officer A gave the Subject non-conflicting simultaneous commands during the incident. Throughout the incident, several different personnel were assigned to establish communications with the Subject. Several times, Officer A, who was providing lethal force cover, also issued commands to the Subject.
  2. **Maintaining Control of Equipment** – The investigation revealed that Officer C placed a loaded 40mm LLL into his/her trunk after the OIS incident.
  3. **Basic Firearms Safety Rules** – The investigation revealed that Officer A placed his/her finger on the trigger while holding his/her service pistol at a low-ready position. Officer A did this for approximately two minutes during the incident.
  4. **Less Lethal Warning** – The investigation revealed that Officer A gave a verbal warning to officers to standby for the discharge of the 40mm LLL as Officer C held the 40mm LLL. At that time, Officer C did not intend to discharge the 40mm LLL.
- 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 determined that Lieutenant A, and Officers A, C, and J's tactics did not substantially deviate from approved Department tactical training, and that Sergeant A's actions were a substantial deviation, without justification, from Department policy and tactical training.

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

The BOPC found Lieutenant A, and Officers A, C, and J's Tactics to warrant a Tactical Debrief. The BOPC found Sergeant A's Tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer A**

According to Officer A, he/she and Officer B responded to a radio call of a possible suicidal woman (the Subject) with a firearm. Officer A observed the Subject holding

a black handgun in her right hand as she pointed it against her right temple. The Subject was facing the officers at the time. Officer A believed the situation could escalate to a situation involving the use of deadly force and unholstered his/her service pistol.

According to Officer A, once officers (Officers H and I) left from the area of the passenger door, he/she placed his/her 40mm LLL on the passenger seat, unholstered his/her service pistol, and used the passenger door as cover.

- **Officer C**

According to Officer C, upon arrival at the location, he/she exited his/her police vehicle and unholstered his/her service pistol in a two-handed, low- ready position. Officer C was aware that the comments of the radio call indicated that the Subject was armed and had the gun to her head.

When Officer C saw the Subject with a handgun, he/she realized the situation could escalate to the point of deadly force and unholstered his/her service pistol a second time and held it at a two-handed, low ready position. Officer C took a position of cover behind his/her police vehicle.

- **Officer J**

According to Officer J, he/she was a slug operator at the time of the incident. He/she heard the comments of the radio call, which indicated the Subject had a gun pointed to her head and that she was walking between two vehicles.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officers A, C, and J's drawing and exhibiting. The BOPC noted that the officers' actions were consistent with department training and policy. The officers responded to a radio call of a suicidal female with a handgun pointed at her head. After approaching, officers observed the Subject holding the handgun to her head and requesting that the officers shoot her.

As such, based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, C, and J would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

The BOPC found Officers A, C, and J's drawing and exhibiting of a firearm to be In-Policy.

## C. Lethal Use of Force

- **Officer A** — (pistol, five rounds)

### Round One

According to Officer A, he/she observed the Subject get up as though she was determined to engage the officers with the handgun. The Subject canted the handgun in her right hand as she walked from the telephone pole and entered the street. The Subject quickly walked in an eastern to southeastern direction. The Subject looked at Officer A and took a few steps further in his/her direction. According to Officer A, he/she had positioned him/herself to the right of the passenger door and had been using the door and the front of the police vehicle's engine as cover. As the Subject walked, Officer A believed the Subject was closing the distance to him/her, walking in a direction that would be flanking Officer A, and leaving him/her in fear that he/she would be left without any cover. Officer A observed the Subject move the handgun away from her head and start pointing it in his/her direction while looking at him/her. Officer A feared for his/her life and believed the handgun could cause serious bodily injury. Officer A believed the Subject had the intent to shoot at him/her. Officer A was fearful and believed the Subject had a position of advantage over him/her. Officer A feared for his/her life and believed she would cause serious bodily injury or death. Officer A believed the Subject was going to acquire her sights and fire her weapon at him/her. Officer A fired his/her first rounds. Officer A observed the Subject' body jolt a little bit.

### Round Two

According to Officer A, he/she still saw an imminent threat and believed the Subject still had the handgun in her hand and it was still coming down towards his/her direction. Officer A fired his/her second round while still aiming his/her service pistol at the Subject' upper body.

### Rounds Three to Five

According to Officer A, after firing the second round, he/she believed the Subject was still an imminent threat of danger since he/she observed her to still be in possession of the handgun and that the threat had not been stopped. Officer A maintained his/her aim at the Subject' upper body, center mass, and fired his/her third round.

According to Officer A, Officer A observed, after his/her third round, that the Subject was still an imminent threat of danger and she still had possession of the gun. Officer A fired his/her fourth round at the Subject.

According to Officer A, he/she believed the Subject was still in possession of the handgun and believed she still had it pointed towards Officer A. Officer A observed

the Subject to still be standing after each round. Officer A fired a fifth round. Officer A, after assessing again, observed the Subject's direction had changed away from him/her and the firearm was on the ground. The Subject began stumbling forward.

In this case, the BOPC conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer A's use of lethal force. During its review, the BOPC took into consideration that the Subject was an armed suspect who was holding a handgun to her head, shouting at the officers to shoot her. The Subject closed the distance to the officers. The Subject then moved her handgun in the direction of Officer A and surrounding officers. Due to the Subject's actions, Officer A feared that the Subject could cause serious bodily injury or death, and he/she responded with the use of deadly force. Officer A assessed between each round. Prior to his/her last shot, Officer A perceived the Subject to be standing, in possession of the firearm, while still moving in his/her direction. After Officer A fired his/her last round, he/she perceived the Subject's direction had changed, away from him/her and he/she observed her firearm on the ground. Officer A assessed and perceived that the Subject was no longer a threat and was no longer holding her handgun.

The BOPC looked closely at Officer A's pistol rounds after the Subject dropped her gun. The BOPC opined the BWV did not provide Officer A's point of view and that greater weight should be given to Officer A's perception versus solely a review of the BWV. The BOPC determined that Officer A's lethal use of force was objectively reasonable based on human performance factors which explained his/her perception and reaction time during the incident.

As such, based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

The BOPC found Officer A's lethal use of force to be In Policy.