

INTRADEPARTMENTAL CORRESPONDENCE

February 22, 2018
3.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 027-17

Honorable Members:

[REDACTED]

I have carefully weighed each opinion, considered the case in its entirety and adopted the recommendations of the majority opinion. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY

On April 22, 2017, at approximately 0613 hours, Officers [REDACTED], Serial No. [REDACTED], and [REDACTED], Serial No. [REDACTED] Mission Patrol Division, were in full police uniform, driving a marked black and white police vehicle. The officers received a radio call of an Assault with a Deadly Weapon (ADW) suspect, armed with a knife and a handgun, walking westbound on Rayen Street towards Sepulveda Boulevard.

Note: The investigation revealed that the suspect, later identified as D. Cruz, called Communications Division (CD) and described himself. According to Cruz, he called the *police* because he was having *suicidal thoughts* and he wanted the police to *shoot* him because he was suffering from *depression*.

According to the officers, as they drove east on Rayen Street from Sepulveda Boulevard, they observed Cruz walking westbound on Rayen Street on the north sidewalk. Officer [REDACTED] then advised CD that they were Code-Six on a possible suspect at Rayen Street just east of Sepulveda Boulevard.

[REDACTED]

According to Officer [REDACTED], [REDACTED] parked in a *northeasterly direction* with Cruz in front of the vehicle. [REDACTED] then exited, assumed a position of cover behind [REDACTED] driver side ballistic door panel and drew [REDACTED] service pistol. [REDACTED] then began giving Cruz commands to *turn around and put his hands behind his back*. Cruz did not comply (Debriefing Point No. 1 and Drawing/Exhibiting).

According to Officer [REDACTED], in an effort to *increase the rapport* with Cruz, [REDACTED] made the decision to leave the cover of [REDACTED] driver's side ballistic door panel and approach Cruz while continuing to give [REDACTED] commands to *turn around*. Believing that [REDACTED] previous position was *better*, [REDACTED] moved back to the cover of [REDACTED] ballistic door panel while continuing to give Cruz commands (Debriefing Point No. 2).

According to Officer [REDACTED] exited the vehicle and observed a knife in Cruz' pocket. [REDACTED] then drew [REDACTED] service pistol and utilized the engine block of [REDACTED] vehicle as cover. [REDACTED] then requested a back-up while Officer [REDACTED] *attempted to de-escalate the situation*. As other officers arrived at scene, [REDACTED] holstered [REDACTED] service pistol and transitioned to [REDACTED] TASER to provide a less-lethal force option (Drawing/Exhibiting).

Sergeant [REDACTED] along with Officers [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED], Serial No. [REDACTED] Serial No. [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] Mission Patrol Division, responded to the scene.

According to Officer [REDACTED] continued [REDACTED] attempt to *build a rapport* with Cruz in an effort to *get him to comply*. While talking to Cruz, [REDACTED] observed a knife in Cruz' *front right pants pocket* and as they were talking, Cruz also stated that [REDACTED] had a *handgun* on [REDACTED] advised [REDACTED] partner and then broadcast that information over the radio.

According to Officer [REDACTED] exited the vehicle, deployed the beanbag shotgun and assumed a position of cover on the *passenger side* of Officer [REDACTED] police vehicle next to multiple officers (Debriefing Point No. 2).

According to Officer [REDACTED] parked west of Officer [REDACTED] vehicle. [REDACTED] then exited, drew [REDACTED] service pistol, and assumed a position of cover at the open driver's side door of a police vehicle parked in front of [REDACTED] observed Cruz standing on the *north sidewalk* and could hear Officer [REDACTED] talking to [REDACTED] *attempting to de-escalate the situation*. [REDACTED] then redeployed to a *light pole* located to the left of Officer [REDACTED]. Once in that position, [REDACTED] realized that [REDACTED] was in too close of *proximity* to Cruz and then redeployed back to [REDACTED] original position (Debriefing Point No. 2 and Drawing/Exhibiting).

According to Officer [REDACTED] exited the vehicle with the beanbag shotgun, and assumed a position of cover behind the *front passenger ballistic door panel* of Officer [REDACTED] police vehicle.

According to Officer [REDACTED], while en route, [REDACTED] heard a broadcast requesting for a unit to block westbound traffic on Rayen Street. As [REDACTED] drove east on Rayen Street, [REDACTED] observed Cruz *standing*

on the sidewalk, drove past him, and parked [redacted] police vehicle at an angle to block westbound traffic. [redacted] then exited, drew [redacted] service pistol and assumed a position of cover to the rear of [redacted] vehicle for cover (Debriefing Point No. 1 and Drawing/Exhibiting).

According to Officer [redacted], [redacted] exited [redacted] vehicle and drew [redacted] service pistol, then assumed a position of cover behind the engine block of a white pickup truck that was parked on the south curb of Rayen Street. [redacted] observed Cruz standing on the north sidewalk (Drawing/Exhibiting).

According to Sergeant [redacted], while en route [redacted] heard a broadcast that Cruz had a firearm and had threatened to shoot the officers if [redacted] was TASED or shoot [redacted] with a beanbag round. Upon [redacted] arrival, [redacted] observed a knife in Cruz' right pocket and was also advised by Officer [redacted] that [redacted] had observed a gun in Cruz' waistband.

According to Sergeant [redacted], [redacted] assessed the officer's positions and directed some the officers to holster up. [redacted] also ensured there were officers with less-lethal options and designated officers for an arrest team to take Cruz into custody.

According to Officer [redacted], [redacted] was directed by Sergeant [redacted] to redeploy to the white pickup truck parked on the south curb next to Officer [redacted]. [redacted] redeployed and maintained a visual of Cruz who was on the north sidewalk.

According to Sergeant [redacted], [redacted] and the other officers continued to communicate with Cruz in an attempt to de-escalate the situation, but Cruz would not comply with their commands. [redacted] then formulated a tactical plan to utilize the beanbag shotgun and take Cruz into custody. [redacted] advised the officers near [redacted] that a beanbag shotgun was going to be used to avoid contagious fire (Non-Conflicting Simultaneous Commands).

Note: The investigation revealed that multiple officers along with Sergeant [redacted] provided TASER and beanbag warnings to Cruz throughout the incident.

According to Sergeant [redacted], [redacted] observed Officer [redacted] to the east looking very intently at Cruz and then observed [redacted] raise [redacted] service pistol from a low ready and then go back down. [redacted] believed that Officer [redacted] may have observed Cruz' weapon. So, [redacted] began walking toward Officer [redacted] to advise [redacted] of the tactical plan to use a beanbag shotgun (Debriefing Point No. 2 and No. 3).

According to Officer [redacted], [redacted] observed Cruz pulling a gun out of his waistband and walk towards Sergeant [redacted] at a fast pace. Believing that Cruz was going to shoot Sergeant [redacted], [redacted] fired four rounds from [redacted] service pistol at Cruz to stop the threat. [redacted] then lost sight of Cruz and redeployed to Officer [redacted] position and observed Cruz on the ground (Lethal Use of Force).

According to Officer [redacted] observed Cruz running towards Officer [redacted] while removing a handgun from his waistband. Fearing for [redacted] life and the life of Officer [redacted], [redacted] fired two rounds from [redacted] service pistol at Cruz to stop the threat (Lethal Use of Force).

According to Officer [REDACTED], Cruz turned toward the officers that were east of [REDACTED] and went for his waistband. Believing Cruz was trying to arm himself and was going to shoot the officers or [REDACTED] two rounds from [REDACTED] service pistol at Cruz to stop the threat. [REDACTED] then observed Cruz fall on the ground (Lethal Use of Force).

According to Officer [REDACTED], Cruz reached into his waistband with his right hand and withdrew a firearm while simultaneously turning towards Officer [REDACTED]. Cruz then aimed the firearm in Officer [REDACTED] direction. Fearing for the life of Officer [REDACTED], [REDACTED] fired three rounds from [REDACTED] service pistol at Cruz to stop the threat (Lethal Use of Force).

According to Officer [REDACTED], [REDACTED] observed Cruz step to the east and remove a handgun from his waistband. [REDACTED] then discharged [REDACTED] TASER at Cruz in probe mode, but neither dart contacted Cruz. Simultaneously, [REDACTED] heard gunshots and then observed Cruz go to the ground (Less-Lethal Use of Force).

According to Officer [REDACTED] observed Cruz turn in the direction of Sergeant [REDACTED], take his hands off his head and reach for his waistband with both hands. [REDACTED] then fired one super sock round from [REDACTED] Beanbag shotgun at Cruz to stop the threat. Cruz then removed a gun from his waistband. Believing that [REDACTED] first round was ineffective, [REDACTED] fired a second super sock round at Cruz to stop the threat (Less-Lethal Use of Force).

According to Officer [REDACTED], after the OIS [REDACTED] slung [REDACTED] beanbag shotgun over [REDACTED] right shoulder and drew [REDACTED] service pistol to provide lethal cover because [REDACTED] observed the suspect's firearm on the ground by [REDACTED] left shoulder (Drawing/Exhibiting).

According to Officer [REDACTED], as Sergeant [REDACTED] was walking east toward the officers to [REDACTED] right, [REDACTED] observed Cruz following [REDACTED] with his eyes. Cruz then brought his hands down from above his head, removed a handgun from his waistband, and took several steps while aiming the gun at Sergeant [REDACTED]. Fearing Cruz was going to shoot Sergeant [REDACTED], [REDACTED] fired one super sock round from [REDACTED] Beanbag shotgun at Cruz to stop the threat (Less-Lethal Use of Force).

According to Sergeant [REDACTED], [REDACTED] heard gunshots, the TASER and the beanbag which caused [REDACTED] to turn toward Cruz. [REDACTED] then observed Cruz moving eastbound on the north sidewalk with a gun in his right hand, pointed in [REDACTED] direction. [REDACTED] moved to cover behind a parked vehicle as Cruz fell to the ground. [REDACTED] then broadcast a help call, shots fired and requested a Rescue Ambulance (RA) for Cruz.

According to Sergeant [REDACTED], [REDACTED] redeployed back to Officer [REDACTED] vehicle and observed that Cruz had stopped moving. [REDACTED] formed an arrest team, approached Cruz, and the officers took [REDACTED] into custody.

Los Angeles Fire Department (LAFD) personnel responded and transported Cruz to Providence Holy Cross Medical Center where he was treated for multiple gunshot wounds to his upper torso, neck and face.

Sergeant [REDACTED] Serial No [REDACTED] Mission Patrol Division, responded and assumed the role of IC from Sergeant [REDACTED] ensured that Public Safety Statements (PSS) were obtained and that all involved personnel were separated and monitored.

FINDINGS

Tactics – Tactical Debrief. Sergeant [REDACTED] along with Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

Drawing/Exhibiting – In Policy, No Further Action, Sergeant [REDACTED] along with Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

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

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

ANALYSIS

Detention

The officers received a radio call of an ADW suspect armed with a knife and a gun. Upon their arrival, they observed a male matching the suspect's description and conducted a pedestrian stop based on the radio call. The officers' actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to Tactical Debriefs is: "The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance"

Department policy relative to Administrative Disapproval is: "A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).

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.

[REDACTED]

Tactical De-Escalation

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

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

In this case, the officers immediately attempted to establish a line of communication with the suspect in an effort to build a rapport with him. The officers continued to communicate with the suspect for approximately 16 minutes. During this time, they continuously assessed the situation and developed a tactical plan which included a TASER and Beanbag shotgun. The officers also used multiple verbal tactics of communication with the suspect, including empathy and clear and direct verbal warnings and commands.

As the incident unfolded, the suspect would momentarily begin to comply or indicate he would surrender, but would never follow through or fully comply with the officers' commands. As the officers were preparing to deploy the Beanbag shotgun and then take the suspect into custody, the suspect armed himself with a handgun and pointed it in the direction of some of the officers.

Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat.

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

Debriefing Point No. 1 Tactical Vehicle Deployment

When stopping one or more suspect(s) using the police vehicle; position the patrol vehicle to maximize officer safety for both officers (Los Angeles Police Department Regular Basic Course, Tactics Lesson Plan, Pedestrian Stops, Page 7-8, February 2003).

Officer [REDACTED] stopped [REDACTED] police vehicle in close proximity to an armed suspect.

Additionally, Officer [REDACTED] drove [REDACTED] police vehicle past an armed suspect, stopping [REDACTED] vehicle with [REDACTED] driver's door exposed to the suspect.

The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officer [REDACTED] was driving east while the suspect was walking west. Officer [REDACTED] positioned [REDACTED] police vehicle with the suspect in front, but the suspect continued walking west toward Officer [REDACTED] position, closing the distance.

Additionally, Officer [REDACTED] drove past an armed suspect to block westbound traffic. Officer [REDACTED] immediately exited [REDACTED] vehicle and redeployed to the rear of [REDACTED] vehicle, away from the suspect.

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

Debriefing Point No. 2 Utilization of Cover/Approaching Armed Suspects

Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (gun, shotgun, or rifle rounds) (Los Angeles Police Department Basic Firearms Manual, January 2014).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Training Bulletin, Volume XXXV, Issue 9 May 2003).

Sergeant [REDACTED] did not utilize cover as [REDACTED] walked towards Officer [REDACTED] location, thus exposing [REDACTED] to an armed suspect.

Additionally, Officer [REDACTED] was not behind cover and Officers [REDACTED] and [REDACTED] had limited cover at the time of the OIS.

The utilization of cover enables officers to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officer [REDACTED] acknowledge [REDACTED] *cover situation wasn't ideal* because [REDACTED] had moved forward right next to the engine block and Officer [REDACTED] indicated that [REDACTED] had moved to get the best advantage point with the TASER and used the front of the car for cover.

According to Officer [REDACTED] had stepped away from cover because there were multiple officers around and [REDACTED] did not want any officers in front of [REDACTED] in [REDACTED] line of fire, but had cover available if needed, which was the passenger door.

According to Sergeant [REDACTED] was moving from cover by the primary car towards cover by Officer [REDACTED] because [REDACTED] wanted to get to Officer [REDACTED] as quickly as [REDACTED] could to advise [REDACTED] that they were planning to shoot the Beanbag shotgun so [REDACTED] was aware of the situation in

hopes of avoiding any *contagious fire*. ■ believed that the immediacy to prevent contagious fire, necessitated a *quick* response to Officer ■ position.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, the officers' actions were not a substantial deviation, without justification, from approved Department tactical training.

Additionally, the majority determined, and I concur, that while it would have been preferable to utilize the parked vehicles as cover while moving to Officer ■ position, Sergeant ■ actions were a reasonable and justified deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Crossfire/Situational Awareness

Does the surrounding area provide a clear background/foreground? Officers must be aware of where the bullet will go and where it may stop. Officers should not fire under conditions that would subject bystanders to death or possible injury, except in Imminent Defense of Life or to prevent serious bodily injury (Standardized Roll Call Training Program, Deployment Period No. 8/2007).

Sergeant ■ walked in front of Officer ■ and ■ line of fire while moving to Officer ■ location.

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The ability to utilize situational awareness and adjust to a tactical situation ensures minimal exposure to all involved officers.

In this case, Sergeant ■ believed the immediacy to prevent contagious fire, necessitated a quick response to Officer ■ position. Additionally, according to both officers, they observed Sergeant ■ approaching their location and maintained their weapons at a low-ready until he had crossed in front of them.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Sergeant ■ actions were a reasonable and justified deviation from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

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

Command and Control

Sergeant [REDACTED] responded and assumed the role of IC. [REDACTED] assessed the officer's positions and advised some officers to holster their service pistols to prevent crossfire. [REDACTED] also designated an arrest team with less-lethal officers with a Beanbag and TASER.

After attempting to de-escalate the incident, [REDACTED] made the decision to utilize the Beanbag Shotgun and communicated [REDACTED] plan to officers to prevent contagious fire. After the OIS, [REDACTED] continued to maintain command and control until relieved by responding supervisors.

Sergeant [REDACTED] arrived and assumed the role of IC from Sergeant [REDACTED]. [REDACTED] ensured that Public Safety Statements were obtained and that all involved personnel were separated and monitored.

The actions of these supervisors were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

Tactical Debrief

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

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

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

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

General Training Update (GTU)

On May 4, 2017, Sergeant [REDACTED] along with Officers [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] attended a GTU. All mandatory topics were covered, including Fire Control, Use of Cover, Armed Suspects, and Force Option Simulator.

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).

Sergeant [REDACTED] did not believe [REDACTED] drew [REDACTED] service pistol during the incident. However, BWV revealed that Sergeant [REDACTED] did draw [REDACTED] service pistol after the OIS.

According to Officer [REDACTED], after the OIS he slung [REDACTED] beanbag shotgun over [REDACTED] right shoulder and drew [REDACTED] service pistol to provide lethal cover because [REDACTED] observed the suspect's firearm on the ground by [REDACTED] left shoulder.

Officer [REDACTED] recalled,

I put my beanbag shotgun away and drew out my primary weapon and was covering the suspect just in case something else happened. But we're just holding on the suspect. When we were holding on the suspect you can see the gun, the firearm, by his left shoulder. And the knife still in his right pocket.

According to Officer [REDACTED], [REDACTED] drew [REDACTED] service pistol after exiting the vehicle and assumed a position of cover to the rear of [REDACTED] vehicle for cover.

Officer [REDACTED] recalled,

I unholstered when -- when I got -- got to the rear of my car. I unholstered at that point. Let me think back. I -- I -- I'm almost a hundred percent that when I -- I -- I exited -- yeah. I -- I -- I -- I'm almost -- I'm almost certain that, as soon as I exited, I went to the rear of my car, I -- I unholstered. And then I was unholstered, I think, the whole incident... Because I believed the suspect had a gun.

According to Officer [REDACTED], [REDACTED] drew [REDACTED] service pistol due to the comments of the radio call stating that Cruz was armed with a gun.

Officer [REDACTED] recalled,

The comments of the call were somebody with a gun. And I know a lot of times when somebody has a lethal option, we're not going to pull my pepper spray for an option lower than that. We have to meet force with force or even go one step up to combat that force that they're presenting. The fact that this may have turned into -- well, it did, but the fact that

[REDACTED]

this may have turned into a shooting at the time before it actually happened, I knew it was highly likely, so I knew to be equipped with a lethal force option just in case if, you know, he brought out his gun.

According to Officer [REDACTED], [REDACTED] drew [REDACTED] service pistol due to the comments of the radio call stating that Cruz was armed with a knife and a handgun.

Officer [REDACTED] recalled,

I withdrew my - - my - - I unholstered my - - my handgun, my duty weapon from the holster, because - - because of the comments of the call of it being an ADW suspect armed with a knife and a - - and a - - a knife and a handgun, I believe that the situation could potentially result in me having to - - having to use deadly force.

According to Officer [REDACTED], [REDACTED] drew [REDACTED] service pistol after exiting [REDACTED] police vehicle because of the comments of the radio call indicating that Cruz was armed with a knife and a gun.

Officer [REDACTED] recalled,

I pulled my gun because I believed it was a situation that may escalate to the use of force - - of deadly force...Because the comments of the call indicated that there was a man armed with a knife and a gun. It could easily escalate to a use of deadly force.

According to Officer [REDACTED], [REDACTED] drew [REDACTED] service pistol upon exiting [REDACTED] police vehicle due to the comments of the radio call stating that Cruz had pointed a gun at somebody.

Officer [REDACTED] recalled,

Based on the comments of the call that he had pointed a gun at somebody. And that he was also armed with a knife as well as a handgun, I believe the situation could arise to the use of deadly force. I drew my weapon, came up on target, and held my position there until additional resources could arrive.

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

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

[REDACTED]

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

Less-Lethal Use of Force

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

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

The TASER may be used on suspects who are violent, or who pose an immediate threat to themselves or others, when an officer believes:

- *Attempts to subdue the suspect with other tactics have been, or will likely be, ineffective in the situation; or*
- *It will be unsafe for officers to approach within contact range of the suspect. Verbal threats of violence by a suspect do not alone justify the use of the TASER. Any threat must be a credible one.*

The optimal range for the X-26 TASER with the 21-foot cartridge is 7-15 feet. This range gives the most effective spread of the probes to accomplish neuro-muscular incapacitation.

Verbal threats of violence by a suspect do not alone justify the use of the TASER. Any threat must be a credible one (Los Angeles Police Department Use of Force Tactics Directive No. 4.4, Electronic Control Device TASER –December 2015).

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

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

Officer [REDACTED] – One TASER activation, in probe mode, from an approximate distance of 26 feet (one set of probes).

According to Officer [REDACTED], [REDACTED] observed Cruz step to the east and remove a handgun from his waistband. [REDACTED] then discharged [REDACTED] TASER at Cruz in probe mode but neither dart contacted Cruz.

Officer [REDACTED] recalled,

As the sergeant continued to try to de-escalate the suspect decided to move. He stepped towards - - to the east and he drew the weapon. I don't recall seeing him pull it from the waistband, but I do recall the weapon coming up in his hand. I immediately recognized it has a handgun. I depress the trigger on the Taser and shot both darts forward. Neither dart made contact. I then heard gunshots and saw the suspect go to the ground.

Officer [REDACTED] - Beanbag shotgun, two super sock rounds in a northeast direction from an approximate distance of 27 feet.

According to Officer [REDACTED], [REDACTED] observed Cruz turn in the direction of Sergeant [REDACTED], take his hands off his head and reach for his waistband with both hands. [REDACTED] then fired one super sock round from [REDACTED] Beanbag shotgun at Cruz to stop the threat. Cruz then removed a gun from his waistband. Believing that [REDACTED] first round was ineffective, [REDACTED] fired a second super sock round at Cruz to stop the threat.

Officer [REDACTED] recalled,

When he turned south and he took the step, the two - - step and a half, around there, he took both hands off his head. And at this point he's direct looking directly at the - - at Sergeant [REDACTED] took both hands off his head reached for his waistband with both hands.

At then at that point when he took both hands and went below his shoulders kind of by his chest area going down I fired one - - one round with the beanbag. Either I missed or it was ineffective, I'm not too sure. I fired another - - another beanbag. At this point he had - - he grabbed his - - his firearm, which was in his front waistband and he - - he had it drawn out.

Officer [REDACTED] - Beanbag shotgun, one super sock round in a northerly direction from an approximate distance of 36 feet.

According to Officer [REDACTED], as Sergeant [REDACTED] was walking east toward the officers to [REDACTED] right, [REDACTED] observed Cruz following [REDACTED] with his eyes. Cruz then brought his hands down from above his head, removed a handgun from his waistband, and took several steps while aiming the gun at Sergeant [REDACTED]. Fearing Cruz was going to shoot Sergeant [REDACTED], [REDACTED] fired one super sock round from [REDACTED] Beanbag shotgun at Cruz to stop the threat.

[REDACTED]

Officer [REDACTED] recalled,

As he - - as Sergeant [REDACTED] walked eastbound the suspect's eyes followed him. And the suspect brought his hands down from above his head, grabbed the handgun from his waistband, took several steps while aiming the gun at Sergeant [REDACTED]. I don't know if he got any rounds - - rounds out or off, but the suspect grabbed his gun from his waistband looking directly at Sergeant [REDACTED]. [REDACTED] aimed the gun, and at that point I fired one beanbag round and several other officers fired their guns and their other weapons. At that point the suspect went down. [REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], and [REDACTED], while faced with similar circumstances, would believe that this same application of less-lethal force would be reasonable to overcome Cruz' resistance.

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

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

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

Officer [REDACTED] - .45 caliber, four rounds in a northwesterly direction from an approximate distance of 42 feet.

According to Officer [REDACTED], [REDACTED] observed Cruz pull a gun out of his waistband and walk towards Sergeant [REDACTED] at a fast pace. Believing that Cruz was going to shoot Sergeant [REDACTED], [REDACTED] fired four rounds from [REDACTED] service pistol at Cruz to stop the threat.

Officer [REDACTED] recalled,

And as I looked back at the suspect, the suspect had focused on Sergeant [REDACTED] and he was

[REDACTED]

pulling the gun out of his waistband and walking towards him at a fast pace...At that point, I believed that he was gonna pull his gun out and shoot Sergeant [REDACTED]. You know, I believed that there was imminent threat to his life. You know, so that - - that going through my mind, I - - I fired at the suspect four times. [REDACTED]

Officer [REDACTED] – 9mm, three rounds in an easterly direction from an approximate distance of 53 feet.

According to Officer [REDACTED], Cruz reached into his waistband with his right hand and withdrew a firearm while simultaneously turning towards Officer [REDACTED]. Cruz then aimed the firearm in Officer [REDACTED] direction. Fearing for the life of Officer [REDACTED], [REDACTED] fired three rounds from [REDACTED] service pistol at Cruz to stop the threat.

Officer [REDACTED] recalled,

He's got a gun in his right hand...He starts to turn to his right...and from there, I see that suspect's now almost a full - - how would you say? A full quarter turn. A quarter or 45-degree turn towards my officer...I would say is facing towards Officer [REDACTED]...He starts to pull it up and starts to try to aim it towards Officer [REDACTED] area. From there, I know that if I don't take action, that the suspect - - I took the action of discharging my firearm three times towards the suspect...I did it because I knew if I wouldn't, that Officer [REDACTED] would have been injured or killed. [REDACTED]

Officer [REDACTED] – .45 caliber, two rounds in a northeast direction from an approximate distance of 35 feet.

According to Officer [REDACTED], Cruz turned toward the officers that were east of him and went for his waistband. Believing Cruz was trying to arm himself and was going to shoot the officers or himself, [REDACTED] fired two rounds from [REDACTED] service pistol at Cruz to stop the threat.

Officer [REDACTED] recalled,

So continued - - we continued to verbalize with him. And then - - and then at - - and then at one point, he turned toward the officers that were - - that were east of me. And then he went for - - went for his - - went for his - - his waistband. And believing that he was planning on - - he was trying to arm himself in order to - - to either shoot the officers or myself, I - - I fired two to three rounds at the - - at the - - at the suspect. [REDACTED]

Officer [REDACTED] – 9mm, three rounds in a northerly direction from an approximate distance of 44 feet.

[REDACTED]

According to Officer [REDACTED], [REDACTED] observed Cruz running towards Officer [REDACTED] while removing a handgun from his waistband. Fearing for [REDACTED] life and the life of Officer [REDACTED], [REDACTED] fired two rounds from [REDACTED] service pistol at Cruz to stop the threat

Officer [REDACTED] recalled,

While I - - while I - - I still behind cover, I still have the PIII with the bean bag, I had seen the sergeant walk over to my partner. And then all of a sudden, what I remember, is the suspect rushed - - came running towards the front of the van, directly towards my partner. Then - - then I engage - - I - - I - - I clearly remember when the suspect reached in to his waistband and produced a handgun. At that point, I - - I feared for my life, and I shot at the suspect. Because I also fear that he was directly coming towards my partner and - - and the sergeant that was near my partner. [REDACTED]

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED], would reasonably believe Cruz' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

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

Additional/Equipment

Required Equipment – The investigation revealed Officer [REDACTED] did not have his TASER on his person during this incident as required. This issue is being addressed through a Personnel Complaint, CF No. [REDACTED].

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Mission Patrol Division vehicles were not equipped with DICVS at the time of this incident. Mission Patrol Division personnel were equipped with BWV at the time of this incident. The OIS was captured from multiple personnel at scene, including Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED] Sergeant [REDACTED] BWV was activated at the time of the OIS; however, it did not capture the use of force. Officer [REDACTED] BWV experienced a malfunction and was not activated during the OIS.

Outside Video – Cellular telephone video taken by Witness [REDACTED] captured the OIS. Surveillance cameras located at [REDACTED] captured portions of the incident.

[REDACTED]

Additionally, a City of Los Angeles pole camera located at [REDACTED] and [REDACTED] captured the incident but was too far away to distinguish any specific actions by the officers or Cruz.

Chief's Direction

During review of this incident, it was discovered that Sergeant [REDACTED] along with Officers [REDACTED] and [REDACTED] issued commands that are not consistent with Department training when dealing with persons suffering from mental illness. As such, I am directing that Sergeant [REDACTED] along with Officers [REDACTED] and [REDACTED] attend Mental Health Intervention Training.

Although the UOFRB determined that Officers [REDACTED] Serial No. [REDACTED] and [REDACTED] Serial No. [REDACTED] were not substantially involved in this incident and did not receive formal findings, I have determined that they would benefit from attending the Tactical Debrief to discuss lessons learned and the use of cover, to enhance future tactical performance during similar incidents.

Respectfully,



CHARLIE BECK
Chief of Police

Date: 2-22-18