

Incident Summary

On the date listed above, the Subject entered a store inside a mall, located in the City of Los Angeles. He was subsequently observed by Loss Prevention Officers hiding a set of headphones under his jacket and walking out of the store without paying for the item. The Loss Prevention officers flagged down a Mall Security Officer and requested assistance. The Mall Security Officer radioed for two additional Mall Security Officers, and met the Loss Prevention Officers inside the mall on the second floor outside the store. The men attempted to detain the Subject and recover the property. The Subject reached into a black leather bag at his waist, removed a revolver, and fired one shot, missing the men.

Communications Division (CD) broadcast for any Southwest Unit to respond Code 3 to the mall for a shooting that just occurred. Within the next two minutes, CD had made three additional broadcasts assigning patrol units, providing additional details on the call, subject description and last seen direction of travel. Multiple units and supervisors broadcast that they were en route to the call. Prior to the arrival of the units, the Subject ran from the scene. One of the Mall Security Officers got into his marked, white, mall security truck and followed the Subject several blocks, losing sight of him when he entered the rear yard of a nearby residence. The Mall Security Officer flagged down Police Officers A and B. Officer A was in a marked black and white police vehicle. A perimeter and Command Post (CP) were subsequently established and a request was made for an Air Unit and K-9 officers to respond to conduct a search.

K-9 Police Officer C heard a radio broadcast requesting an Air Unit and K-9 officers to respond to Southwest Area for a search in a perimeter set up in the area of the incident. Officer C broadcast on Metropolitan Division frequency, notifying K-9 Police Officer D that he was responding to the request.

Officer C arrived at the CP where he met Metropolitan Division uniformed K-9 Supervisor Lieutenant A, and uniformed K-9 Police Officers D, E and F already at the scene. Officer F briefed Officer C, providing him a full description of the subject, weapon used, and the mall security guards' account of the confrontation with the subject. He was also advised where the subject was last seen.

Officer C formed a plan to deploy two K-9 search teams, supplemented by Patrol Division officers, to conduct a grid search for the Subject in the established perimeter. As they were preparing to deploy, an Air Unit broadcast that they had located a hotspot in the bushes in the area where the Subject was last seen with their Forward Looking Infrared Radiometer (FLIR) equipment. Due to the Subject firing his weapon at uniformed security officers and the Air Unit locating a hotspot that could possibly be the subject, Officer C discussed options with the other K-9 officers. Due to the fact they train together on a daily basis on searches for armed subjects, the officers decided to conduct a K-9 officer only search utilizing only one K-9 dog and handler.

Officer C assigned Officer D to be the point officer and Officers F and E as his rear guards. Officer C advised Lieutenant A of the change of plans and then briefed

uniformed Sergeant A, the Incident Commander (IC), who approved the new plan and stated that if apprehended, the subject would be arrested for Assault with a Deadly Weapon. Lieutenant A concurred with the plan because it met the criteria of a felon with a gun believed to be contained in a perimeter that could be identified by officers or a citizen as the subject being sought.

Lieutenant A remained at the CP and the other K-9 officers responded to the last place the subject was seen by officers. Prior to doing the search, K-9 announcements were made over two patrol cars' and the Air Unit's public-address (PA) systems. Officer C had Officer E direct a black and white to broadcast an announcement; Officer D directed a second black and white to broadcast a second announcement. Officer C had the Air Unit broadcast the third announcement. All three announcements were made using the pre-recorded K-9 advisement via the PA systems; the announcements made from both patrol cars were made in both English and Spanish, and the announcement made by the Air Unit was broadcast in English. After the announcements were broadcast, Officer C notified Lieutenant A and the CP that they were ready to start their search.

Several civilian witnesses reported hearing the K-9 announcements throughout the neighborhood within the perimeter.

The K-9 officers started the search and entered the rear yard where the Subject had last been seen. Officer C sent his K-9 dog around the garage and cleared the backyard. According to Officer C, his K-9 dog had minimal interest in the garage.

Officer C directed Officer D to talk to the resident. Officer D knocked on the back door of the house and spoke to the resident who told him the garage was empty and the door was unlocked. Officer E covered the garage and the other officers moved to the rear yard next door to clear the hotspot the Air Unit had found in some bushes. The K-9 dog was directed into the bushes. Officer E reported that a cat came out of the bushes and was most likely the cause of the hotspot. The K-9 officers went back to the garage to clear it, so they would have cleared the entire property before starting the systematic grid search.

Officer C directed his K-9 around to the front of the garage. Officer E was standing to the left of the front pedestrian door, Officer D to the right. One of the officers opened the front door and Officer C moved into the doorway and sent in his K-9 dog. The K-9 dog circled to the right and traveled counter-clockwise around the room before disappearing under three bookcases that were stacked together with their sides facing the front pedestrian door against the north wall of the garage.

The shelves started shaking, and Officer C heard a male, later identified as the Subject, screaming and saying, "The dogs biting me, biting me."

Officer C told the Subject to put his hands out where he could see them and he would call off the dog. Officer C repeated the order several times. The Subject shoved one hand out and then pulled it back in then shoved the other out. The bookcases started

separating and Officer C was able to see more of the Subject's body. Officers D and E entered the garage while Officer C remained in the doorway, continuing to order the Subject to show both hands.

Eventually the Subject put both hands out. Officer C called off his K-9 dog, took hold of him by the collar and backed out of the doorway. Officer F moved up into the doorway as Officer C backed up into the yard and placed a leash on the dog.

According to Officer D, it was just starting to get dark, and he did not remember the inside garage light being on, but he was using the flashlight at the end of this shotgun and believed both Officers E and F were using their flashlights as well to add to the light in the garage.

As Officer D entered the garage, he could see the Subject curled up, seated and leaning back to the rear of a bookcase, which was against the north wall of the garage. The Subject was holding the K-9 dog up against his chest area. Initially, the Subject did not comply with orders to put his hands out in front of him, but when he finally did, they were empty. It appeared the Subject was going to comply. Officer C recalled his K-9 dog and took hold of him by the collar and took him outside the garage.

Officer E moved forward and was able to knock over two of the bookcases which allowed the officers a better view of the Subject. Officer D told Officer E that they should begin to fall back. As Officer D started to back up toward the garage door, he saw a handgun to the Subject's right side. Officer D called out that the Subject had a gun and told the Subject not to reach for it and to keep his hands out in front of him.

When Officer D observed the Subject reaching for the revolver, he raised his shotgun to his shoulder, targeted the Subject's upper torso area, fired one round and then heard two gunshots from his left and two from his right. Officer E was on Officer D's right and Officer F was on his left.

After he fired, Officer D lowered his shotgun to assess and observed the Subject was lying limp. He put the safety on, approached the Subject, handcuffed him, and did a quick pat-down search while Officers E and F provided cover.

According to Officer F, he was just inside the door to Officer D's left as Officer C and the K-9 dog moved out of the garage. He said that Officer D was giving commands to the Subject. Initially, the Subject appeared to be complying with the orders. Officer D called out that he could see the gun. Officer F moved his head over a couple of inches to the right and was able to see the barrel of the gun lying on the floor to the right side of the Subject's head.

Officer D ordered the Subject not to touch the gun. Suddenly, the Subject reached with his right hand, grabbed the revolver, and pointed it at Officer D. In response to the threat, Officer F fired two rounds from his rifle and heard Officers D and E fire also.

After he observed the Subject lying motionless, Officer F re-engaged the safety on his rifle and broadcast a request for a Rescue Ambulance (RA).

According to Officer E, he was positioned immediately to Officer D's right. After Officer C called the K-9 dog off of the Subject and took control of the K-9 dog, Officer E moved forward and was able to pull two of the bookcases away from the third, which afforded the officers a more complete view of the Subject who was lying prone with his head towards the door and his arms outstretched. Officer E momentarily looked over his left shoulder out the door to see whether Officer C had leashed his K-9 dog when he heard Officer D yelling, "Don't go for the gun." Officer E immediately refocused on the Subject and observed him holding a revolver in his right hand and pointing it in the direction of the doorway where Officers C, D and F were standing. Officer E immediately fired two rounds from his rifle at the Subject's upper back area and observed the Subject fall limp.

Officer F broadcast that the incident had been resolved, that the Subject was in custody and requested an RA. Officer F made an additional broadcast requesting a K-9 supervisor to respond to their location. A Los Angeles Fire Department Engine was staged at the CP and responded to the scene.

Lieutenant A was the first supervisor on scene and obtained the Public Safety Statement (PSS) from each involved officer and continued to monitor the officers until he was relieved by additional responding supervisors.

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Lieutenant A's, and Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers C, D, E, and F's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers D, E, and F's lethal use of force to be in policy.

D. Deployment of K-9

The BOPC found the deployment of the K-9 dog consistent with established criteria.

E. Contact of K-9

The BOPC found the contact of the K-9 consistent with established criteria.

F. Post K-9 Contact Procedures

The BOPC found the post K-9 contact procedures consistent with established criteria.

Basis for Findings

A. Tactics

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

1. Approaching an Armed Subject

Based on the totality of the circumstances, all four K-9 officers initially believed the subject was not inside the garage. However, due to the ADW shooting that precipitated the search, Officer C sent his K-9 dog into the garage first. After the K-9 dog completed the majority of his search and was near the pedestrian door, he made contact with the Subject who was secreted underneath a set of shelves that were situated on the north wall, approximately 10 feet east of the pedestrian door where Officer F was located.

Upon the realization that the K-9 dog located the Subject in the garage, Officer C proceeded to direct the Subject to show his hands. After Officer C's repeated the demands for the Subject to show his hands, the Subject finally complied and exposed both hands. As Officer C was giving the Subject directions, Officers C, D and E entered the garage to get a better view of the Subject, including a view of his hands. Meanwhile, Officer F remained outside of the garage at the threshold of the pedestrian doorway.

As the officers entered the garage, the Subject discarded a black fanny pack in his possession. After observing the Subject raise both hands, and that both of his hands were empty, Officer C recalled his K-9 dog and exited the garage. Officer F then entered the garage area with Officers D and E. The Subject initially complied with the officers commands; however, part of his body was still partially

concealed behind the set of shelves. Consequently, Officer E moved closer and pushed the selves away.

Officer D assumed giving directions to the Subject. It was at this time that Officer D observed a revolver a few feet away from the Subject's right side. Officer D subsequently ordered the Subject not to touch the revolver. However, the Subject failed to comply with the order given by Officer D and instead took possession of the handgun, resulting in an OIS.

In the evaluation of this incident, the BOPC took into consideration the below information. All four K-9 officers had been assigned to the K-9 Unit for six years or more. Additionally, these officers had trained and conducted hundreds of K-9 searches, in particular searches that involved armed subjects with each other, as well as other officers. The BOPC also noted that Officer C's assessment of his K-9 dog's actions, suggested a lack of interest on the outer portion of the garage on two separate occasions. Officer E also indicated that he was able to look through the window of the pedestrian door and visually clear approximately 95 percent of the garage area before the K-9 dog was sent into the garage.

As a result, none of the officers on the search team believed that the Subject was inside of the garage. The BPOC further looked at once the Subject was discovered by the K-9 dog, the Subject eventually appeared to comply with the officers' orders, including what appeared to be him discarding the revolver, believed to be inside the black fanny pack. This was followed by Officer E pushing the shelves away from the Subject's partially concealed body in order to obtain an unobstructed view. According to Officer D, the officers also attempted to back out of the garage with the intention of ordering the Subject out. However, it was at this time that Officer D observed the revolver and directed the Subject not to touch it. Seconds later, the Subject took possession of the revolver and pointed it in the officers' direction, resulting in an OIS.

- 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. Each tactical incident merits a comprehensive debriefing.

In conclusion, the BOPC found Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officers C, D, E, and F responded to a radio call of a shooting. Upon their arrival, the officers were briefed by the primary unit who advised them that the Subject had shot at the mall security officers.

The Air Unit advised the K-9 officers they had a hot spot to the rear of the location where the Subject was last seen. The K-9 officers developed a tactical plan and deployed on the location. Armed with the information, Officers E, F and D exhibited their Department approved police rifles and shotgun, respectively, during the search. Officer C, the K-9 handler and team leader, also drew his service pistol, while monitoring and directing the K-9 search.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers C, D, E, and F, while faced with similar circumstances in each case would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers C, D, E, and F's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer D** – (shotgun, one round)

Officer D entered the garage and observed the Subject lying prone on the ground with a handgun just off to the right side of his head. Officer D ordered him not to reach for the gun. The Subject did not comply, picked up the gun and pointed it at the officers.

Officer D recalled firing his shotgun because he believed the Subject was trying to arm himself and shoot him or one of the officers. And Officer D had heightened concern due to the violence that the Subject committed prior to that for shooting at the security guard in a local mall.

- **Officer E** – (rifle, two rounds)

During the K-9 search, the Subject was subsequently located in the detached garage of the location. Upon making entry into the garage, Officer E observed the Subject in a prone position; face down with a handgun in close proximity to his right shoulder. Officer D ordered the Subject not to reach for the gun; however, the Subject picked up the gun and pointed it in the officers' direction.

Officer E immediately observed a blue steel handgun in the Subject's right hand close to the side of his head and it was pointed in the direction of the doorway where Officer F, Officer C and Officer D were. Based on the Subject's action, in defense of Officers C, D and F's lives, Officer E immediately fired two rounds with his rifle towards the subject in an attempt to stop his lethal actions.

- **Officer F** – (rifle, two rounds.)

Officer F entered the garage and observed the barrel of a gun on the ground off to the right of the Subject's head. Officer D ordered the Subject not to reach for the gun; however, the Subject picked up the gun and pointed it in the officers' direction.

Officer F felt as though his life was threatened. He had already fired at someone trying to kill the security guard, and he was trying to kill the officers so Officer F was defending his life and his partners' lives.

In conclusion, the BOPC found that an officer with similar training and experience as Officers D, E and F, while faced with similar circumstances, would reasonably believe that the subject's actions presented an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the subject's actions would be reasonable.

Therefore, the BOPC found Officers D, E, and F's lethal use of force to be objectively reasonable and in policy.

D. Deployment of K-9

- **Use of Department Police K-9s**

Upon arrival, the K-9 officers were informed by Sergeant A that a subject was armed with a handgun and had fired at security officers in the mall. Consequently the subject was wanted for felony crime and it was determined that the incident met established K-9 search criteria. Officer F briefed Lieutenant A of the aforementioned circumstances and he concurred with the officers' assessment.

Two K-9 search announcements were given, in English and Spanish, via the PA system from two different black and white police vehicles located on opposite sides of the perimeter. The announcements were audible from multiple locations throughout the perimeter, which was verified by Officer D and multiple residents within the perimeter. Additionally, a K-9 announcement was conducted by Air Support Division (ASD), via their PA system, in English which was verified by numerous residents within the perimeter. Upon completion of the K-9 announcements, Officer C delayed the initiation of his K-9 search in order to give the suspect the opportunity to comply with the K-9 announcement and surrender to police personnel.

In conclusion, the BOPC determined that the deployment of the K-9 resources was consistent with established criteria.

- **Contact of K-9**

During their search, Officers C and his K-9 dog, along with Officers E, D, and F located the Subject secreted in a detached garage of a nearby residence. Upon locating the Subject underneath the shelves, the K-9 dog conducted a bite hold on

the Subject. As a result, Officer C advised the Subject to comply with his commands and the K-9 dog would be recalled. The Subject complied with Officer C's commands at which time he observed that the Subject's hands were empty. Consequently, Officer C recalled the K-9 dog to his side and leashed him accordingly. Within moments, the Subject failed to comply with the officer's commands resulting in an OIS.

Officer C' decision to deploy the K-9 dog during the search for the Subject was reasonable under these specific circumstances. As a result, the BOPC determined the K-9 Contact was consistent with established criteria.

- **Post Contact Procedures**

Prior to the K-9 search, an RA was standing by at the Command Post. Following the OIS, Officer F requested a supervisor and RA to respond to the location. The RA personnel arrived to the Subject's location, less than three minutes after the OIS, and immediately began a medical assessment of the Subject. The Subject was subsequently transported via LAFD to the hospital where he was pronounced dead. Lieutenant A responded to the scene and conducted the post-CUOF protocols.

In conclusion, the BOPC determined that the post-contact procedures were consistent with established criteria.