

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

**OFFICER-INVOLVED SHOOTING – 037-12**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ()</b>	<b>Uniform-Yes (X) No ()</b>
Hollenbeck	06/01/12		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Sergeant A	16 years, 8 months
Officer E	23 years, 1 month
Officer C	6 years, 11 months

**Reason for Police Contact**  
Witnesses called 911 to report on an ambulance shooting, and officers responded to the location.

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ()</b>	<b>Non-Hit ()</b>
Subject: Male, 35 years of age.			

**Board of Police Commissioners' Review**

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

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

The following incident was adjudicated by the BOPC on May 7, 2013.

## **Incident Summary**

Communications Division (CD) broadcast the following radio call, “[A]mbulance shooting just occurred, [...] one person possibly down at the location. PR heard two shots fired.”

Police Officers A and B next advised CD, “show us responding from the station.” Officers A and B were in a marked black and white police vehicle equipped with overhead emergency lights and siren. Officers A and B were wearing ballistic vests and had Department approved handguns, handcuffs, canisters of Oleoresin Capsicum (OC) spray and ASP batons attached to their Sam Browne equipment belts.

Uniformed Officers C, D, E and F indicated they would function as backup for Officers A and B on the radio call. Officers C and D were in a marked black and white police vehicle equipped with overhead emergency lights and siren. Officers C and D were wearing ballistic vests and had Department approved handguns, handcuffs, canisters of OC spray canister, and batons attached to their equipment belts.

Officers E and F were in a marked black and white police vehicle, equipped with overhead emergency lights and siren. Officers E and F were wearing ballistic vests and had Department approved handguns, handcuffs, canisters of OC spray, and their batons attached to their equipment belts.

Officers A, B, C and D were at the police station at the time the radio call was generated. Officers A and B were primary unit on the radio call and responded using their lights and siren. Officers C and D followed Officers A and B to the scene. Officers E and F were in the vicinity of when the radio call was generated and also responded to the scene.

A Los Angeles City Fire Department (LAFD), Rescue Ambulance (RA) staffed by Firefighter/Paramedics A and B received the alarm and responded to the scene. Both Firefighter/Paramedics A and B staged approximately one block away from the scene and waited on the perimeter for LAPD’s approval to enter the crime scene.

Uniformed Sergeant A advised CD to “show [him] responding.” Sergeant A drove a marked black and white police vehicle equipped with overhead emergency lights and siren and was wearing his ballistic vest and had a Department approved handgun, handcuffs, and a canister of OC spray attached to his equipment belt. Sergeant A left his baton inside his police vehicle. Sergeant A was in the sergeants’ room at the police station at the time the radio call was generated. He followed behind both of the aforementioned units from the police station to the location.

Plainclothes specialized unit Detectives A and B, were preparing to drive out of the local geographic area to serve a subpoena on an unrelated criminal case when the emergency call for service was broadcast. Detectives A and B were in an unmarked white dual-purpose police vehicle equipped with a forward facing red light and rear emergency lights and siren. Detectives A and B were not wearing ballistic vests and had Department approved handguns, handcuffs, canisters of OC spray attached to their

detective equipment belts. Detectives A and B did not have batons with them at the time of incident. The detectives were in the drive-thru of a fast-food restaurant when the radio call was generated.

CD broadcast, "Ambulance Shooting [...] victim down inside the residence, [emergency] incident." Officers C and D advised CD they were at the location and parked their black and white police vehicle nearby.

Sergeant A issued a request over his police radio for an Air Unit and a Department-certified officer trained and authorized to deploy the police rifle. He believed the Subject was possibly in a barricaded position.

An Air Unit monitored the radio call from inside the Air Support Division Watch Commander's office and prepared to enter their aircraft and respond to the location. ASD personnel requested the address and comments of the radio call for the crew.

Upon Officer C's arrival at the scene, he observed a woman, subsequently identified as Witness A, standing in the front yard of her residence, pointing to her next door neighbor's residence.

Officer C walked past Witness A's residence and approached a front wrought iron gate. A male inside the residence, subsequently identified as Witness B, advised him to be careful. Officer C asked Witness B to safeguard his dog inside the residence as the officers prepared to enter the front yard. Officer C was the first officer to walk through the front gate and enter the premises. Officer C recalled Witness B say the Subject was armed with a gun in the rear yard, and possibly shot himself. Witness B further stated the Subject was also under the influence of drugs. Witness C indicated that after hearing an initial gunshot, he exited his residence and walked to the rear yard and observed the Subject waving a gun, which caused him to hesitate. Witness C also advised the officers that the Subject was on drugs and armed with a gun.

**Note:** The Subject was armed with a revolver model semiautomatic assault rifle.

After being advised that the Subject was armed with a gun, Officers C and D walked through the front gate, unholstered their service pistols, and took a position of cover along a corner of the primary residence. Officers E and F unholstered their service pistols and followed Officers C and D through the front gate, maintaining cover along the same corner. The officers held their weapons in a two-handed, low-ready modified position with their index fingers positioned along the frame of their pistols. As a result of the Subject being armed with a gun, Sergeant A instructed Officers D and E to retrieve their shotguns from their police vehicles.

Based upon the distance from the corner of the primary residence to the rear yard, Officer C requested a shotgun. Officer E gave Officer C his personal shotgun, equipped with a modified pistol grip and tactical lighting system. Officer C holstered his service pistol and received the shotgun from Officer E after he inquired if the shotgun was

“patrol ready.” Officer E stated “yes.” Officer C conducted a chamber check and ensured a round was in the chamber before re-assuming his covering position along the corner of the residence.

Officer C held the shotgun in a right shouldered low-ready position with his trigger finger positioned on the safety of the weapon.

Officer C observed the converted garage in the rear yard but could not see inside the garage. Officer C instructed the officers to make contact with the homeowner at one address to ascertain if they could obtain permission to enter the residence to look into the rear yard, while he maintained his cover position.

Witness B advised the officers to not walk into the rear yard because the Subject was “shooting a gun.” Instead, Witness B invited the officers into their residence to observe the Subject’s position from within the primary residence.

Sergeant A and Officers A and E, entered the primary residence via the front door and ran to the rear bedroom area located along a different corner of the residence. Detectives A and B also entered the same bedroom area and took a position of cover behind Sergeant A and Officer A. Officer E took a position of cover in the rear restroom area.

In order to acquire an unobstructed view of the Subject’s position, Officer A knocked the window screen off its railing track and onto the ground. Officer A looked through the bedroom window and observed blood on the ground at the threshold of the door of the converted garage. Sergeant A unholstered his service pistol and held his pistol in a two-handed, right leg kneeling position. Officer A also unholstered his service pistol and held his pistol in a two-handed, low-ready position.

Officer E knocked the restroom window screen off its track and onto the ground and unholstered his pistol, assuming a two-handed covering position from within the restroom area. Sergeant A and Officers A and E were in different rooms, but they maintained visual sight of one another during the tactical operation.

As the side door of the converted garage opened, Officer A observed the Subject in a seated position on the floor, covered in blood from his chest down to his legs. The Subject briefly looked to his left and then to his right, before abruptly shutting the door again. After the door was shut closed, Officer A heard approximately two gunshots coming from inside the converted garage.

Sergeant A broadcast, “Shots fired, the su[bj]ect is firing his gun inside the bedroom.” Sergeant A and Officer A discussed tactical options and decided if the Subject exited the converted garage with a gun, they would attempt to prone him out; however, if the Subject pointed or fired his gun in their direction, they were going to use lethal force to stop him.

As the Subject attempted to conceal himself behind the side door, Officer C observed the door open and close numerous times. Officer C identified himself as a police officer,

and ordered the Subject to drop his gun and come out with his hands up. Officer C heard the Subject say something in response but could not decipher what was said. Officer C observed the side door open, heard approximately one to two gunshots being fired, and then observed the door quickly close once again. Officer C broadcast "Officer needs help," and as the Air Unit was lifting off from the flight deck, they heard the shots fired, help call being broadcast.

**Note:** The Air Unit was not over the location when it occurred and thus did not observe the OIS.

Sergeant A indicated he heard approximately one gunshot while inside the primary residence, then observed Sergeant A momentarily shut the door closed. Sergeant A broadcast that all units should hold their positions, and that there was a possible barricaded subject at that time. Sergeant A also instructed responding units to secure entry into the rear alley adjacent to the converted garage and eliminate the potential for a cross-fire situation.

The Subject opened the side door of the residence as he was in a prone position. With his right hand extended outward, the Subject pointed a revolver at the officers. Officer A saw that the Subject had the weapon in his right hand and then he pointed it at the door, extending his arm with his right hand and pointing it at the officers who were behind the window. Officer A heard Officer C yell out to the Subject, "Hey, this is the police. Throw the handgun to the floor. Come out with your hands up." The Subject closed the door again. When he re-opened the door, Officer A heard two gunshots coming from his side, where Sergeant A was positioned. Officer A saw the Subject on the ground face down just inside the door frame.

In fear for their safety, Sergeant A fired two rounds at the Subject from a distance of approximately 53 feet. In fear for his safety, Officer E also fired one round at the Subject from a distance of approximately 51 feet from his barricaded position at the bathroom window. Sergeant A indicated that when the Subject pointed his weapon at him and the other officers, Sergeant A fired two rounds, while he heard another officer fire as well.

Officer E indicated he observed the door open, the barrel of a gun being pointed in his direction and the direction of Sergeant A and Officer A, and he fired one round towards the Subject.

**Note:** Witness D heard officers say, "LAPD put your gun down," and then heard several gunshots. Witness C indicated he heard the officers instruct the Subject to put the gun down.

After firing his gunshots, Sergeant A assessed the situation and noted the Subject appeared to be wounded by the gunfire. The Subject did not move, and his head lay motionless on the ground. Officer E stated after firing his gunshot, the Subject collapsed onto the ground. After determining the Subject was wounded, Officer E maintained a covering position on the Subject as Officer A and Sergeant A holstered

their pistols. Sergeant A instructed both Detectives A and B to maintain visual observation on the Subject from the bedroom window, as he and Officer A quickly returned to the front yard and assembled a contact team.

Officer C heard the officers run out toward the front of the residence and via his peripheral vision, noted they staged outside along the corner of the primary residence. Officer C heard Sergeant A say they were preparing to move forward.

As Sergeant A assembled the contact team, Officer C advised Sergeant A he would assume the point position with his shotgun. Officer D was also armed with a shotgun and was positioned directly behind Officer C in the stick formation, followed by Officer B who was armed with his pistol, then by Officer A and finally by Sergeant A, who also had their weapons drawn, with their fingers along the frames of their pistols held in a low-ready position.

Sergeant A designated Officer A to be the team leader during their tactical approach. After establishing the contact team, Sergeant A instructed the officers to approach with caution because the Subject was still armed.

As Officer C approached the converted garage he held the shotgun in a right shoulder low-ready position with his index finger on the safety. When Officer C reached the converted garage, he observed the Subject laying on the ground, in a pool of blood with both arms outstretched in front of him. The Subject was still holding the revolver in his right hand. Officer C verbally communicated his observations to the other officers on the contact team. In order to maintain their tactical advantage, Officer C began to “pie” outward away from the Subject’s vantage point.

Officer C advised the handcuffing officer to “glove up,” due to the amount of blood present at the scene. Officer C also observed an assault rifle directly underneath the Subject’s body with the barrel of the rifle pointed toward the officers in the contact team. Officer C assured the officers he was covering the Subject and that it was safe for them to approach.

Moments later, as Officer C moved closer he observed the Subject’s left hand move and then observed the Subject’s right hand, which still gripped the revolver, abruptly move outward in the direction of the officers. Fearing for their immediate safety, Officer C fired one round from his shotgun, striking the Subject in the top rear portion of his head from a distance of approximately 8 feet.

**Note:** Officer A indicated he observed the Subject’s right hand on top of the handgun. Officer A heard Officer C order the Subject not to move. He then observed the Subject move his right hand as if he was going to grab the handgun once again. Officer C fired one round from his shotgun striking the Subject in the head. Officer E observed Officer C shoot the Subject with his shotgun but did not see what precipitated the OIS. Sergeant A indicated that the Subject had the gun in his hand, and that’s when Officer C fired one round. Officer D observed the rifle underneath

the Subject's chest area and observed a revolver in his right hand. The Subject suddenly began to move his hands and his head. Officer D yelled out loud, "He's moving," then heard one gunshot.

As the contact team approached to within approximately ten to 15 feet of the Subject's position, Officer B heard another gunshot then heard an unidentified officer say, "Su[bj]ect down, su[bj]ect down." Officer B and his partner Officer A both donned latex gloves and moved forward. Officer B covered the interior as Officer A holstered his pistol, and handcuffed both of the Subject's wrists behind his back.

According to Officer A, after Officer C shot the Subject, he (Officer A) holstered his pistol and donned latex gloves in anticipation of handcuffing the Subject. Officers B and C continued to cover the Subject as Officer A moved into position to handcuff him. Officer A did not move the handgun or the rifle during the handcuffing procedure.

The Air Unit arrived and broadcast that they were "over the location." Air Unit personnel indicated that if an RA had not yet been requested, they could request one. Sergeant A broadcast that shots had been fired at the location, and he requested that an RA respond for a "male, 30 years old, unconscious, not breathing, suffering from a gunshot wound."

Uniformed Watch Commander, Sergeant B, responded to the help call and assumed the role of Incident Commander (IC). Sergeant B established a Command Post and ensured all involved and percipient officers were separated and monitored by Department supervisors.

Los Angeles City Fire Department personnel made contact with the Subject, observed he had extensive head injuries, and death was determined.

**Note:** FID submitted a supplemental report regarding Officer C's observation of the Subject moving his hand when the officers had approached him. The supplemental report stated, in pertinent part, that Force Investigation Division personnel contacted the Department of Coroner "to determine if [the Subject] could have physically moved his right hand after sustaining a 'rapidly fatal' gunshot wound to his head. After conferring with [a] Nuero-Pathologist, [it was] concluded that it was physically possible for the Subject to move his right hand after sustaining the 'rapidly fatal' gunshot wound to the frontal region of his head. However, [the coroner] was unable to determine whether the movement of his right hand would have been either voluntary or involuntary at the time of this incident."

Force Investigation Division personnel reviewed all applicable documents including watch commander and sergeant logs regarding the separation, monitoring and admonition given to the officers not to discuss the incident prior to being interviewed by FID investigators. The review revealed Department protocols were followed.

## **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/Holstering of a weapon 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 unanimously made the following findings.

### **A. Tactics**

The BOPC found Sergeant A's, along with Officers C and E's tactics to warrant a Tactical Debrief.

### **B. Drawing/Exhibiting**

The BOPC found Sergeant A's, along with Officers C and E's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Sergeant A's, along with Officers C and E's use of lethal force to be in policy.

## **Basis for Findings**

### **A. Tactics**

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

#### **1. Leaving Cover**

Officers A, B, C and D and Sergeant A proceeded down the driveway toward the rear garage. Upon reaching the corner of the front residence, the team was afforded no cover while making their way to the garage across the concrete patio. The team, led by Officer C with a shotgun and Officer D, also with a shotgun, proceeded across the patio while focused on the Subject, who was lying motionless on the ground just inside the door to the garage.

Due to the exigency of the situation and the fact that the arrest team did not have cover available to them, they ensured that there was sufficient weaponry (two shotguns) to address a further deadly threat should the need arise. In addition, the team approached in an exaggerated outward manner, due to the Subject's head, to lessen his ability to see the team as they approached. The team's decision to continue to move across the patio with no available cover was tactically sound, as the Subject appeared incapacitated, the rear alley was contained to avoid potential crossfire, coupled with the need to detain the Subject in the safest and most efficient manner possible.

In conclusion, the BOPC found Officers A, B, C and D and Sergeant A's decision to traverse across the patio without cover to be the best tactical option available to them and what is expected of officers and sergeants facing situations such as this. Nonetheless, in an effort to improve future tactical performance, the BOPC directed that this topic be discussed during the Tactical Debrief.

## 2. Command and Control

The BOPC conducted an analysis and review of the command and control aspects regarding Sergeant A's performance throughout the incident. Sergeant A arrived almost simultaneously with six officers, and information was quickly obtained that the Subject was armed with a firearm and had previously discharged it. Based on preliminary information, Sergeant A accomplished the following:

- Directed Officers D and E to retrieve shotguns;
- Requested an Air Unit;
- Requested a police rifle; and,
- Ensured officers provided cover along the sides of the property.

As Sergeant A assessed tactical options to approach the rear of the property, Officer A obtained approval from the residents to enter the front residence. Sergeant A advised the officers covering the sides of the property to maintain their positions. Officers A and E, along with Sergeant A entered the front residence and responded toward the rear. Upon reaching the rear bedroom window, Sergeant A observed the Subject on the floor, armed with a handgun. Sergeant A drew his service pistol (see Drawing/Exhibiting) and, upon the Subject pointing the handgun at him and the other officers, Sergeant A discharged his service pistol to stop the Subject's actions.

The BOPC considered the dynamic and evolving nature of this incident, and understood that often supervisors are placed in a situation that requires them to take immediate action, therefore becoming directly involved. Based on the circumstances and the immediate threat presented to him, it was reasonable for Sergeant A to draw his service pistol and become involved in the OIS due to the immediate threat he faced.

Sergeant A displayed appropriate command and control and accomplished the following:

- Broadcast that the Subject was firing his handgun inside the converted garage;
- Recognized that the incident may be a barricaded subject situation; and,
- Recognized the need for the alley to be contained to prevent potential crossfire.

After the first OIS, Sergeant A continued to assess the situation. Believing the Subject had been struck by gunfire and noting he appeared incapacitated, Sergeant A directed Officer E and Detective A to cover the Subject. Sergeant A proceeded to the front yard and formed an arrest team. Recognizing Officer A's tactical expertise, Officer A was designated as the team leader by Sergeant A, thereby allowing Sergeant A to supervise and monitor the team from the rear.

Approximately 12 minutes transpired between Sergeant A's arrival and the broadcast issued that the incident had been resolved. The BOPC was pleased with the command, control and leadership demonstrated by Sergeant A from the onset and throughout this incident. In conclusion, the evaluation and tactical performance enhancement for individuals and the Department are critical. Therefore, this will be a topic of discussion at the Tactical Debrief.

- The BOPC additionally considered the following:

1. Tactical Communication

From a position at the corner of the front residence, Officer C verbally ordered the Subject to put his hands up and drop the handgun. Officer C could not see the Subject from his vantage point. Although Officer C communicated with the Subject, it would have been tactically prudent for an officer who had a better view of the door and the interior of the garage to issue commands to the Subject. The BOPC directed this to be a topic of discussion at the Tactical Debrief.

2. Safeguarding the Public

Sergeant A, along with Officers A and E, entered the front residence and assumed positions at the windows facing the garage. Shortly thereafter, Detectives A and B entered the front residence and joined them. While Detective A remained in the rear bedroom, Detective B joined the family in the front portion of the residence. There was no indication that any attempt was made to escort the family members out of the residence. Although the tactical situation was fluid and unfolded rapidly, and Detective B remained with the family most of the time, it is paramount that persons are safeguarded and removed from harm's way

during critical incidents such as this. The BOPC directed this to be a topic of discussion at the Tactical Debrief.

### 3. Maintaining a Service Pistol Drawn

Detective B drew his service pistol as he entered the front residence and proceeded to the rear bedroom. With no position available to monitor the garage, Detective B responded to the front portion of the residence to gain additional information about the incident. As he conversed with the family members, he did so with his service pistol drawn and positioned along his leg. Although he believed the Subject to be in the garage north of the front residence, with containment established, and lethal force deployed, it would have been prudent for Detective B to holster his service pistol while conversing with persons in front of the residence. Although Detective B did not receive specific findings for drawing, the BOPC directed this to be a topic of discussion at the Tactical Debrief.

### 4. Separation/Monitoring and Public Safety Statement

Once the incident was under control, Sergeant B coordinated the separation and monitoring of the officers who utilized force. Believing Sergeant C had arrived after the OIS, Sergeant B directed him to assist with separating officers and obtaining Public Safety Statements (PSS). Sergeant C did not advise Sergeant B that he was present during the conclusion of the incident and obtained individual PSS's from Sergeant A and Officer E and monitored them until relieved by additional arriving supervisors. Although Sergeant C was present during the latter portion of the tactical incident, to ensure the integrity of the investigation is maintained, it would have been preferable for Sergeant C to not become involved in the PSS obtainment or monitoring, and to have advised Sergeant B of his arrival during the final portion of the incident. The BOPC directed the Commanding Officer to discuss and document this topic with Sergeant C.

### 5. Additional Personnel to Attend the Tactical Debrief

Captain A requested Officers A, B, D and F, along with Detectives A and B, attend the Tactical Debrief. To enhance future tactical performance and increase officer safety, the BOPC concurred and directed that the aforementioned personnel attend the Tactical Debrief.

### 6. Information Regarding Autopsy Report

The Medical Examiner from the Los Angeles County Coroner's Office, performed a postmortem examination on the Subject's remains, ascribing his cause of death to multiple gunshot wounds. According to the Autopsy Report, gunshot wound No. 1 entered the right frontal region of the Subject's head and was reported to be "*rapidly fatal*." Gunshot wound No. 2, the shotgun wound, entered the back of

the head and was also considered “*rapidly fatal.*” FID personnel questioned the medical personnel regarding the feasibility of the Subject rearming himself after sustaining the first gunshot wound to the head that was deemed “*rapidly fatal.*” Doctor A conferred with specialists from the Los Angeles County Coroner’s Office regarding the above matter and advised FID that sufficient electrical activity would have been present to produce hand movement prior to the second OIS, confirming that movement at that point and time was feasible.

## 7. Department Firearms Registration

Officer E’s personally-owned Department-approved shotgun was not listed on his Department Firearms Inspection Record. According to Officer E, he purchased the shotgun at the Los Angeles Police Revolver and Athletic Club and believed the shotgun would automatically be added to Department records. The shotgun has since been properly registered. The BOPC determined this action to be appropriate and no further action is required.

- 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.

After a thorough review of the incident, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

The BOPC directed Sergeant A, along with Officers C and E to attend a Tactical Debrief and ensure the specific identified topics are covered.

## B. Drawing/Exhibiting

- In this instance, the officers responded to a radio call of an “*Ambulance Shooting*” wherein the comments of the call stated there was one person possibly down at the location. When the officers arrived, additional information was obtained that the Subject was in the rear and armed with a firearm. While Officer C deployed at one corner of the front residence, Sergeant A and Officer E entered the front residence and proceeded to the rear to obtain a better vantage point.

Officer C recalled hearing from a witness that the Subject was in the rear. When Officer C asked the witness whether the Subject had a gun, he said he believed the person inside the house told him, “Yes, he’s armed and he has a gun.” Officer C positioned himself at the rear of the residence and withdrew his firearm.

While maintaining his position at the corner of the front residence, Officer C heard one to two gunshots emanate from the rear. Officer C broadcast a request for help and placed the radio frequency on standby. Officer C recalled asking the officers behind him if someone had a shotgun because he felt that using a shotgun would be a better tool. In response, Officer E offered his shotgun to Officer C. Officer C holstered his service pistol, took possession of the shotgun and upon verifying the shotgun was loaded, Officer C provided cover down the driveway.

Sergeant A recalled that when the officers arrived at the rear of location, he could see that the Subject was armed. When he got to the rear of the bedroom, that's when Sergeant A unholstered his weapon.

Officer E recalled that he was in the bathroom talking with Sergeant A and Officer A, and they were saying that the Subject was behind the second door and that he had a gun. Officer E took out his gun and pointed it at a low ready in the direction of the door.

Based on the totality of the circumstances, the BOPC determined that sergeants and officers with similar training and experience as Sergeant A, and Officers C and E, while faced with similar circumstances 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 Sergeant A's, along with Officers C and E's drawing and exhibiting of a firearm to be in policy.

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

- **Sergeant A** (pistol, two rounds)

As Sergeant A and the two officers were proceeding to the rear of the front residence, he heard gunshots to the rear. Sergeant A drew his service pistol, assumed a kneeling position at the bedroom window and observed the Subject on the ground near the door such that the officers could see that he was armed. The Subject closed the door, and Sergeant A believed he was going to barricade himself inside. The Subject re-opened the door and Sergeant A noted he was in a prone position.

The Subject pointed the handgun at Sergeant A and the other officers, and in immediate defense of their lives, Sergeant A fired two rounds from his service pistol to stop the Subject's actions.

Sergeant A recalled that the Subject was holding a large revolver. When he pointed his weapon at Sergeant A and his fellow officers, Sergeant A fired two rounds.

Given the totality of the circumstances, a sergeant with similar training and experience as Sergeant A would reasonably believe that the Subject posed an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

In conclusion, the BOPC found that Sergeant A's use of lethal force to be in policy.

- **Officer C** (shotgun, one round)

Officer C believed that the Subject was armed with a firearm and to the rear of the property. He also had information that the Subject was possibly under the influence of narcotics and may have shot himself. Officer C was positioned at the corner of the front residence covering the side of the property with his service pistol. By looking down the driveway, Officer C could see the door of the garage; however, as he stood approximately 100 feet from the rear structure, he did not have a clear view of the threshold of the doorway.

As Officer C monitored the door, he observed it open and close. Although he could not see past the open doorway, Officer C stated, "*This is LAPD, Los Angeles Police Department, drop the gun. Come out with your hands up.*" Officer C heard a male yelling in response, but his words were unintelligible. Shortly thereafter, Officer C heard a single gunshot and saw the door close.

Officer C obtained a shotgun from Officer E and continued to monitor the door. The door opened again and Officer C heard numerous shots fired. When the gunfire ceased, Sergeant A and Officer A exited the residence, and an arrest team was formed to take the Subject into custody. Officer C, designated as the point officer, led the team down the driveway to the converted garage.

Officer C observed the Subject holding the handgun and begin to move his handgun across the doorway, in what Officer C perceived as an effort to point it at the officers once again. Believing that the Subject was about to fire his handgun at himself or his fellow officers, Officer C fired one round from the shotgun at the Subject to stop his actions.

Officer C recalled that there had already been numerous shots fired. Officer C was not wasn't sure if the Subject was shooting at the officers. He wasn't even sure if the Subject had shot at the officers. Also Officer C could see what he believed to be an AK-47 tucked directly underneath his body, as well as the barrel, and the revolver in his hand was starting to move across towards the doorway. Officer C believed the Subject was going to cause great bodily harm to him and his fellow officers, so Officer C shot at the Subject.

Given the totality of the circumstances, an officer with similar training and experience as Officer C would reasonably believe that the Subject posed an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

In conclusion, the BOPC found Officer C's use of lethal force to be in policy.

- **Officer E** (pistol, one round)

Officer E received information that the Subject was at the rear of the property and armed with a firearm. Officer E was directed by Sergeant A to retrieve his shotgun. Officer E returned to his police vehicle, retrieved his shotgun and returned to the front yard. Simultaneously, Officer E heard a gunshot emanate from the rear of the property. Officer E gave his shotgun to Officer C, who was posted at the corner of the front residence and entered the front residence with Sergeant A and Officer A.

Officer E assumed a position at the bathroom window, at which time Sergeant A and Officer A communicated that the Subject was behind the second door on the right and had a gun. In response, Officer E drew his service pistol and monitored the door of the converted garage.

The Subject pointed the handgun at Officer E and the other officers, and in immediate defense of their lives, Officer E fired one round from his service pistol to stop the Subject's actions.

Officer E recalled the Subject opening, closing and then opening the door and then saw the barrel of the gun coming around the corner almost as if he was like slicing a pie. Officer E then saw the Subject pointing the gun at the three officers, and Officer E was in fear of his own safety and the safety of the sergeant and other officers, so he shot the Subject.

Given the totality of the circumstances, an officer with similar training and experience as Officer E would reasonably believe that the Subject posed an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

In conclusion, the BOPC found Officer E's use of lethal force to be in policy.