

INTRADEPARTMENTAL CORRESPONDENCE

May 16, 2019
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 046-18

Honorable Members:

The following is my review, analysis and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 046-18. A Use of Force Review Board (UOFRB) was convened on this matter on April 29, 2019. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On July 21, 2018, at approximately 1500 hours, Officers [REDACTED], Serial No. [REDACTED] (driver), and [REDACTED], Serial No. [REDACTED] (passenger), Hollywood Patrol Division, were dressed in full uniform and driving a marked black and white police vehicle. The officers responded to an Air Unit's backup request in the area of Highland Avenue and Waring Street for a LoJack hit on a Toyota Camry, license plate [REDACTED]

Note: The investigation revealed that on July 21, 2018 at approximately 1330 hours, the suspect, identified as G. Atkins, shot his grandmother, [REDACTED] at [REDACTED] residence in Newton Division and fled with an additional victim, later identified as [REDACTED] in [REDACTED] Toyota Camry license plate [REDACTED]

Newton Division personnel reported the vehicle stolen, which activated the vehicle's LoJack tracking device. Additionally, the stolen vehicle information described Atkins as a *carjacking* suspect who was *armed with a handgun and dangerous*.

According to Officer [REDACTED] was at the intersection of Sunset Boulevard and Cahuenga Avenue when he observed Atkins *drive right in front of him, almost T-boning* the police vehicle. Officer [REDACTED] then became involved in a vehicle pursuit of Atkins.

Note: The vehicle pursuit was adjudicated through Vehicle Pursuit Report DR No. [REDACTED]
[REDACTED]

[REDACTED]

According to Officers [REDACTED] and [REDACTED], they heard the Air Unit broadcast that Atkins was a *Code-Six Charles* suspect, wanted for *attempted murder* and was still believed to be *armed*.

Additional personnel, including Sergeants [REDACTED] Serial No. [REDACTED], and [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division responded to the vehicle pursuit.

According to Sergeant [REDACTED] joined the vehicle pursuit and *declared* [REDACTED] the Incident Commander (IC). Sergeant [REDACTED] then requested three additional units to join the vehicle pursuit due to Atkins being *armed and dangerous*.

Note: The investigation revealed that during the vehicle pursuit, Atkins stopped at a gas station, located at [REDACTED] Beverly Boulevard. Atkins, while armed with a handgun, entered a vehicle stopped at a gas pump and attempted to carjack a victim, later identified as [REDACTED]. When [REDACTED] did not exit the vehicle, Atkins re-entered the Toyota Camry and fled the location.

The Air Unit was not able to observe the attempted carjacking because Atkins had parked underneath the gas pumps canopy. Additionally, officers on the ground were not able to observe the attempted carjacking due to the distance between Atkins and the officers, which was created by Atkins' high speeds.

According to Officer [REDACTED], Atkins' vehicle *lost speed* after losing a tire, which caused Officer [REDACTED] to *close the distance* on Atkins. In the event that Atkins stopped [REDACTED] vehicle and in anticipation of conducting a felony stop, Officer [REDACTED] drew [REDACTED] service pistol because [REDACTED] believed Atkins was armed. Atkins then *picked up speed* and Officer [REDACTED] re-holstered [REDACTED] service pistol as they continued the pursuit (**Drawing/Exhibiting**).

According to Officer [REDACTED], as the vehicle pursuit continued, [REDACTED] observed Atkins *reaching* into the center console *digging through something*. Officer [REDACTED] advised Officer [REDACTED] that [REDACTED] believed Atkins was possibly *arming* himself with a firearm.

According to Officer [REDACTED] heard Officer [REDACTED] advise that Atkins was possibly arming himself and also observed Atkins *at the center console*. Believing Atkins was arming himself with a firearm, Officer [REDACTED] broadcast the information to Communications Division (CD) in order to advise additional units.

Note: The investigation revealed that Officer [REDACTED] broadcast that the *passenger* was *reaching for something*.

According to Officer [REDACTED] observed *two muzzle flashes* coming from inside Atkins' vehicle and saw the rear windshield *shatter*. Officer [REDACTED] communicated [REDACTED] observations to Officer [REDACTED], *offset* [REDACTED] vehicle, and *started backing off* to gain distance because Atkins was *shooting* at them.

According to Officer [REDACTED] heard one *shot* fired and observed Atkins' rear windshield *blow out*. Officer [REDACTED] *acknowledged* her observations with Officer [REDACTED] and heard a second gunshot, observing the rear windshield *blow out even more*.

Note: The investigation revealed that Atkins was driving west on Rowena Avenue towards Hyperion Avenue when he fired two rounds at officers.

According to Officer [REDACTED] broadcast *shots fired* to CD. Officer [REDACTED] then directed [REDACTED] to advise the Air Unit that they *were dropping back a little bit* because Atkins was shooting at them. Additionally, Officer [REDACTED] drew [REDACTED] service pistol a second time due to Atkins *trying to kill them (Drawing/Exhibiting and Additional Tactical Debrief Topics – Basic Firearm Safety Rules)*.

According to Officer [REDACTED] advised Officer [REDACTED] *not to shoot* because shooting from a moving vehicle may injure an *innocent bystander, a pedestrian, or a motorist*.

Note: The investigation revealed that Atkins continued to drive west on Rowena Avenue to the intersection of Hyperion Avenue where he collided with a citizen vehicle. As Atkins drove through the intersection, south on Hyperion Avenue, he fired additional shots in the direction of Officers [REDACTED], Serial No. [REDACTED], and [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, who were driving north on Hyperion Avenue.

According to Officer [REDACTED], Atkins collided into an *electrical pole* at Hyperion Avenue and Monon Street in front of a Trader Joe's store. Atkins exited his vehicle, *immediately* turned towards officers, took a *shooting stance* while *pointing* a handgun, and fired at officers. Officer [REDACTED] exited [REDACTED] police vehicle, drew [REDACTED] service pistol, and assumed a position of cover behind [REDACTED] drivers' side ballistic door panel. In *fear* for [REDACTED] life, Officer [REDACTED] took a kneeling shooting position, and fired five rounds from [REDACTED] service pistol at Atkins to *stop his actions (Drawing/Exhibiting and Lethal Use of Force)*.

Note: According to Officer [REDACTED] background at the time of the OIS was a wall near the entrance of Trader Joe's. Additionally, Officer [REDACTED] chose to *cease fire* when Atkins *began running* into the Trader Joe's because [REDACTED] did not know how many people were inside.

The investigation revealed that one of Officer [REDACTED] rounds entered the Trader Joe's and struck a victim, later identified as [REDACTED]. The investigation was not able to determine where [REDACTED] was standing inside the store at the time [REDACTED] was struck.

According to Officer [REDACTED] heard a gunshot as [REDACTED] exited the vehicle and assumed a position of cover behind [REDACTED] passenger's side ballistic door panel. Officer [REDACTED] observed Atkins exit [REDACTED] vehicle and run towards the entrance of Trader Joe's. Atkins *turned* his body toward officers and *crouched* to his right side. Officer [REDACTED] then observed a *yellow, orange flash, very close* to Atkins body, and *knew* they were being *shot at*.

According to Officer [REDACTED] lined up [REDACTED] sights and fired three rounds from [REDACTED] service pistol at Atkins because [REDACTED] believed that [REDACTED] and [REDACTED] partner's lives, as well as the lives of the civilians in the parking lot were in *imminent threat of death or serious bodily injury*, (**Lethal Use of Force**).

Note: According to Officer [REDACTED] background was a *concrete wall* at the time of the OIS.

According to Officers [REDACTED] and [REDACTED], after Atkins entered the store, they re-deployed to a position of cover behind a short cinder block wall in front of Trader Joe's. The officers then heard a *ping* on a metal pole near them and believed that Atkins had fired at them from inside Trader Joe's (**Additional Tactical Debrief Topic – Immediate Action Rapid Deployment (IARD) vs. Barricaded Suspect and Firearm's Magazine Inspections**).

According to Sergeant [REDACTED], as [REDACTED] exited [REDACTED] vehicle, [REDACTED] heard shots being fired and observed Officer [REDACTED] firing [REDACTED] service pistol. Sergeant [REDACTED] waved to citizens to get them out of *harm's way* and then observed officers, including Officer [REDACTED], *crouched down* behind a *small wall* in front of the Trader Joe's.

According to Sergeant [REDACTED] assessed the situation, observed two officers with Patrol Rifles, and directed them to provide cover at the front of Trader Joe's. Sergeant [REDACTED] wanted an additional rifle operator to provide cover for the officers behind the wall but could not locate any. Sergeant [REDACTED] then made a deliberate decision to turn Command and Control over to Sergeant [REDACTED] and deployed his Patrol Rifle (**Drawing/Exhibiting**).

According to Sergeant [REDACTED], prior to taking a position with [REDACTED] rifle to provide cover, a [REDACTED] came *screaming out* of the Trader Joe's saying that Atkins wanted to *negotiate*. Additionally, a male exited Trader Joe's and advised Sergeant [REDACTED] that Atkins had his phone and wanted to talk to *someone in charge*. Sergeant [REDACTED] then made the decision to contact Atkins in an attempt to *de-escalate the situation*.

According to Sergeant [REDACTED], when [REDACTED] took over the *tactical operations*, Sergeant [REDACTED] advised [REDACTED] that a [REDACTED] was *down* with unknown injuries inside Atkins' vehicle. Sergeant [REDACTED] then formulated a tactical plan to rescue [REDACTED]. Sergeant [REDACTED] directed the officers to conduct an *officer-down* style rescue by utilizing a police vehicle to approach, put [REDACTED] inside, and then drive forward to a gas station a *safe distance* away. Sergeant [REDACTED] also requested a rescue ambulance (RA) to meet the officers and victim at the gas station.

LAFD personnel responded and transported [REDACTED] to Los Angeles County – University of Southern California Medical Center where she was treated for a gunshot wound to her forehead.

Note: The investigation revealed that Atkins shot [REDACTED] during the initial incident in Newton Division.

Additional personnel including Captain [REDACTED], Serial No. [REDACTED] and Sergeant [REDACTED], Serial No. [REDACTED] Northeast Patrol Division, responded to the location.

According to Sergeant [REDACTED], upon arrival, [REDACTED] assisted Sergeants [REDACTED] and [REDACTED] with formulating plans to conduct victim rescues. Sergeant [REDACTED] was then advised that there were children inside a vehicle located in the rear parking lot of the Trader Joe's. Sergeant [REDACTED] formulated a tactical plan, which included directing officers to deploy *shotguns* to *secure the rear door* of Trader Joe's while additional officers rescued the children. Sergeant [REDACTED] then notified officers of the rescue, via police radio (**Additional Tactical Debrief Topics – Ballistic Helmets**).

According to Sergeant [REDACTED], during negotiations, Atkins advised that a female ([REDACTED]) was injured inside Trader Joe's and that he would allow two *customers* to bring her out to the officers. Sergeant [REDACTED] then advised the Air Unit and officers at the scene that [REDACTED] would be brought out.

Note: The investigation revealed that when [REDACTED] was brought outside, a rescue team approached and removed her from the area. Los Angeles Fire Department (LAFD) personnel responded from the Command Post and pronounced [REDACTED] deceased at the scene.

On July 23, 2018, Los Angeles County Department of Coroner Deputy Medical Examiner Doctor [REDACTED] performed a post-mortem examination of [REDACTED]. Doctor [REDACTED] concluded [REDACTED] death was caused by a gunshot wound to the chest.

According to Captain [REDACTED], while responding to the location, [REDACTED] notified Metropolitan Division and advised them of the barricaded suspect with hostages. Upon arrival, Captain [REDACTED] assumed the role of IC and then assumed the role of *Operations Chief* once Deputy Chief [REDACTED] took over as the IC. Captain [REDACTED] reviewed and approved the Special Weapons and Tactics (SWAT) tactical plan.

Metropolitan Division personnel responded to the scene, including Lieutenant [REDACTED], Serial No. [REDACTED] Officer in Charge, SWAT.

According to Lieutenant [REDACTED] SWAT personnel formulated a plan which included, surrounding the location, evacuating citizens, and placing a team inside the Trader Joe's where officers were able to maintain visual on Atkin's without being seen. Additionally, after Atkin's made *demands* to speak with [REDACTED], Lieutenant [REDACTED] approved SWAT Crisis Negotiation Team (CNT) personnel to obtain an audio recording of [REDACTED], which was played for Atkins in an attempt to *de-escalate* the situation further.

According to Lieutenant [REDACTED] through negotiations, the suspect agreed to surrender if he could handcuff himself and exit voluntarily. A tactical plan was formulated, and approved by Lieutenant [REDACTED] to utilize a citizen, whom was already inside the Trader Joe's and in contact with the suspect, to take handcuffs to the suspect. Ultimately, Atkins complied, was handcuffed by a citizen, and exited Trader Joe's. Officers assigned to *emergency rescue teams* were

standing by outside of Trader Joe's and took Atkins into custody without further incident (**Debriefing Point No. 1**).

LAFD personnel transported Atkins to Los Angeles County – University of California Medical Center where he was treated for a gunshot wound to his left forearm.

FINDINGS

Tactics – Tactical Debrief, Captain [REDACTED], Lieutenant [REDACTED] and Sergeants [REDACTED], [REDACTED], and [REDACTED] along with Officers [REDACTED] and [REDACTED]

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

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

ANALYSIS

Detention

The officers received a LoJack hit for an armed and dangerous vehicle, where the suspect was wanted for an attempted murder. The officers located the vehicle and a vehicle pursuit ensued. At the termination of the vehicle pursuit, the suspect shot at the officers, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief 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"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance

[REDACTED]

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 were faced with a rapidly unfolding tactical situation during a vehicle pursuit when the driver of the vehicle began firing at them. Despite the immediate threat to life, the primary officers maintained composure and communicated a tactical plan that involved off setting their vehicle and gaining distance, while also advising responding officers of the suspect's actions.

At the termination of the pursuit, the suspect exited his vehicle and fired additional rounds at officers. Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat.

After the OIS, officers re-deployed to additional cover and evacuated citizens out of the area. Additionally, officers continued to assess the situation, establish a perimeter, and requested the response of SWAT and multiple RA's.

Sergeant [REDACTED] and Officer [REDACTED], Serial No. [REDACTED] Crisis Negotiator, Metropolitan Division utilized a cell phone to communicate with the suspect for approximately 3 hours, ultimately, gaining compliance and resolving the situation peacefully, without using additional force.

During the review of the incident, the following Debriefing Topic was noted:

Debriefing Point No. 1 Public Safety at Critical Incidents

Reverence for human life is the primary consideration in developing tactics and strategies in pursuit of our motto: "To Protect and To Serve." Whenever an operation designed to achieve an immediate goal such as the arrest of a felon or the gathering of evidence to complete a criminal investigation causes a victim, witness, or other innocent person to be subjected to potential injury or death, our primary objective must be to protect that person. No arrest, conviction, or piece of evidence can outweigh the value of human life (Los Angeles Police Department Manual, Volume 1, Section 130.25).

Lieutenant [REDACTED] allowed a citizen to become involved in the tactical resolution of the incident by receiving handcuffs from the officers and taking them to the suspect.

In this case, officers were faced with an armed suspect in a position of tactical advantage, who was holding hostages. Lieutenant [REDACTED] and the CNT personnel, were faced with limited tactical options to safely resolve what was a complex and perilous situation.

Through negotiations, the suspect agreed to surrender if he could handcuff himself and exit voluntarily. A tactical plan was formulated to have a citizen who was already inside the Trader Joe's take handcuffs to the suspect. Prior to this occurring, Lieutenant [REDACTED] ensured a plan was in place, utilizing the SWAT team inside the Trader Joe's, to take immediate action if the citizens' safety was jeopardized. This plan was approved by Lieutenant [REDACTED]. Lieutenant [REDACTED] acknowledged that this was an unconventional tactic; however, he believed it was the best option to resolve the situation peacefully and without any additional loss of life.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Lieutenant [REDACTED]'s actions were a substantial deviation, with justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Basic Firearm Safety Rules – A review of Officer [REDACTED] Body Worn Video (BWV) captured [REDACTED] cover [REDACTED] right leg with [REDACTED] service pistol while seated inside the police vehicle. In this case, Officer [REDACTED] had understandably unholstered [REDACTED] service pistol in response to Atkins firing at [REDACTED] and [REDACTED] partner. Nonetheless, for [REDACTED] own safety, Officer [REDACTED] is to be reminded of adhering to the Basic Firearms Safety Rules. I will direct that this be a topic of discussion during the Tactical Debrief.

Immediate Action Rapid Deployment (IARD) vs. Barricaded Suspect – The investigation revealed that officers determined the suspect was not actively shooting hostages inside the Trader Joe's and treated the incident as a Barricaded Suspect. In this case, the UOFRB determined, and I concur, that this was the best decision given the circumstances of this specific incident. The UOFRB recommended, and I concur, that the involved personnel discuss the differences between IARD and Barricaded Suspect incidents in order to enhance future tactical performance. I will direct that this be a topic of discussion during the Tactical Debrief.

Firearm's Magazine Inspection – The investigation revealed that Officers [REDACTED] and [REDACTED] conducted a magazine inspection during the tactical incident. In this case, this inspection momentarily left the officers with only one round in their service pistols while still faced with a potentially deadly threat. To maximize performance and safety, the officers are reminded that while faced with a deadly threat, they are to either conduct a tactical reload, in-battery reload, or leave their magazines seated in their service pistols. I will direct that this be a topic of discussion during the Tactical Debrief.

Ballistic Helmets – The investigation revealed that some of the officers did not don their ballistic helmets during this incident. All involved personnel are reminded of the importance of donning their ballistic helmets as soon as feasible while involved in a tactical situation with an armed suspect. I will direct that this be a topic of discussion during the Tactical Debrief.

Command and Control

Sergeant [REDACTED] declared [REDACTED] as the IC during the vehicle pursuit. After the OIS, Sergeant [REDACTED] assessed the situation, directed the deployment of two Patrol Rifles and identified a need for a third Patrol Rifle. Sergeant [REDACTED] was unable to locate a third officer with a Patrol Rifle, so [REDACTED] made a deliberate decision to turn Command and Control over to Sergeant [REDACTED] and deployed [REDACTED] Patrol Rifle.

The UOFRB would have preferred, and I concur, that Sergeant [REDACTED] stay in a position of Command and Control, however, I believe [REDACTED] actions were reasonable given the tactical situation and acknowledge his deliberate act to verify that another supervisor was assuming the position of IC.

Sergeant [REDACTED] assumed the role of IC from Sergeant [REDACTED] and formulated a rescue team to extract [REDACTED] from inside Atkins' vehicle.

Sergeant [REDACTED] arrived and assisted Sergeants [REDACTED] and [REDACTED] with formulating plans to conduct victim rescues. Sergeant [REDACTED] then formulated a tactical plan to rescue multiple children that were inside parked vehicles to the rear of the Trader Joe's.

Sergeant [REDACTED] Serial No. [REDACTED] Northeast Patrol Division, arrived after the OIS and established a Command Post.

Captain [REDACTED] arrived at the location and assumed the role of IC from Sergeant [REDACTED]. Throughout the incident, Captain [REDACTED] was notified of, and approved the tactical operations.

Lieutenant [REDACTED] arrived at scene, directed, and approved all SWAT operations, including CNT.

Sergeant [REDACTED] Serial No. [REDACTED] Northeast Patrol Division, separated, monitored, and obtained a Public Safety Statement (PSS) from Officer [REDACTED].

Sergeant [REDACTED] Serial No. [REDACTED] Gang Enforcement Detail, Northeast Area, separated, monitored, and obtained a PSS from Officer [REDACTED].

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. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

[REDACTED]

Therefore, I will direct that Captain [REDACTED], Lieutenant [REDACTED] and Sergeants [REDACTED], [REDACTED], and [REDACTED] along with Officers [REDACTED] and [REDACTED] attend a Tactical Debrief and 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 August 9, 2018, Officers [REDACTED] and [REDACTED] attended a GTU. All mandatory topics were covered including Barricaded Suspects, Firearm Safety Rules, 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).*

According to Officer [REDACTED], during the vehicle pursuit, Atkins’ vehicle lost speed after losing a tire, which caused Officer [REDACTED] to close the distance on Atkins. Believing that Atkins was armed, Officer [REDACTED] drew [REDACTED] service pistol in the event Atkins stopped his vehicle. Atkins subsequently picked up speed and they continued in pursuit as Officer [REDACTED] re-holstered [REDACTED] service pistol.

Officer [REDACTED] recalled,

And at this time we closed the distance just because that’s just kind of what happened. They lost speed. We kind of maintained, and it was - - it was a side street. It wasn’t a major street where we kind of had room.

So I - - I think I even took my seat belt off then. I was - - I was ready to get out of the car and just draw down on the car because that’s just a felony stop. I was getting ready for a felony stop. We’ve got a Code 6 Charles vehicle. I - - I have reason to believe that they’re armed.

So I'm getting ready to draw down on the car and give commands. And so that -- that's why I unholstered.

According to Officer [REDACTED], after the suspect fired at them during the vehicle pursuit, [REDACTED] drew [REDACTED] service pistol a second time.

Officer [REDACTED] recalled,

That they're shooting -- the suspect is shooting at us. One of the occupants is shooting at us. And so this vehicle -- we've got an attempt 187 suspect. They're armed. They're trying -- they're trying to kill us, that's what's going through my mind.

So, tactically, I'm thinking, okay, I got to get ready to be out of this vehicle whenever I can. I know I unholstered because -- so I unholstered because my reasonable belief that the tactical situation may escalate to the point where deadly force may be necessary. I'm being shot at.

According to Officer [REDACTED], Atkins collided into an electrical pole at Hyperion Avenue and Monon Street in front of a Trader Joe's store. Atkins exited his vehicle, immediately turned towards officers, took a shooting stance while pointing a handgun, and fired at officers. Officer [REDACTED] exited [REDACTED] police vehicle, drew [REDACTED] service pistol, and assumed a position of cover behind [REDACTED] drivers' side ballistic door panel.

Officer [REDACTED] recalled,

I got out of the car, and I unholstered -- unholstered because of the tactical situation at that time. The suspect was trying to kill me by shooting at -- by shooting me. So based on that tactical situation, I believed that deadly force was justified at that time.

According to Sergeant [REDACTED] wanted a rifle operator to provide cover for the officers behind the wall but could not locate any. Sergeant [REDACTED] then made a deliberate decision to turn Command and Control over to Sergeant [REDACTED] and deployed [REDACTED] Patrol Rifle.

Sergeant [REDACTED] recalled,

I could see that there were officers that were -- that were still crouched down by the wall and so I needed another UPR. I -- I kept asking multiple people if there was any other UPRs on sight and there were none.

I'm UPR certified so I decided at that point, you know, I'm going to go ahead and take that cover, take that position and get those officers out of there. And when I did that when I -- during that process I -- I talked to Sergeant [REDACTED] was also Code 6 at that time.

[REDACTED]

And so, I told him what I was going to do. I told him to basically handle -- handle what's going on right here. I'm going to take this position. Once I'm done then I'll come back and I'll -- I'll resume my duties.

So, I went to my car. I -- I slung my -- I loaded my rifle. I slung it and I was -- I was -- as I was getting ready to take my position then there was a woman that came screaming out to where we were at that time and she tells me that she -- she starts screaming that he wants to negotiate

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Sergeant [REDACTED] along with Officers [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] and [REDACTED]' Drawing/Exhibiting to be In Policy, No Further Action.

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.

Use of Force – General

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 Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*

[REDACTED]

- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

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

Officer [REDACTED] – 9mm, five rounds in a southeasterly direction from an approximate distance of 76 feet.

According to Officer [REDACTED], Atkins exited his vehicle, immediately turned towards officers, took a shooting stance while pointing a handgun, and fired at officers. Officer [REDACTED] exited [REDACTED] police vehicle, drew [REDACTED] service pistol, and assumed a position of cover behind [REDACTED] drivers' side ballistic door panel. In fear for [REDACTED] life, Officer [REDACTED] took a kneeling shooting position, and fired five rounds from [REDACTED] service pistol at Atkins to stop his actions.

Officer [REDACTED] recalled,

So the suspect TCs into Hyperion and Monon and he gets out of his vehicle and he shoots at - he shoots at me. So I return fire with my duty weapon. And then from there the suspect went into the Trader Joe's...

I shot at the suspect in order to defend myself against him because he was shooting at me to prevent eminent death on me and my partner...I was scared at the time. I was in fear for my life. And in order for me to survive the situation, I had to stop the suspect's action [REDACTED]

Officer [REDACTED] - 9mm, three rounds in a southeasterly direction from an approximate distance of 82 feet.

According to Officer [REDACTED] heard a gunshot as [REDACTED] exited the vehicle and assumed a position of cover behind her passenger's side ballistic door panel. Officer [REDACTED] observed Atkins exit [REDACTED] vehicle and run towards the entrance of the Trader Joe's. Atkins then turned his body toward officers and crouched towards his right side. Officer [REDACTED] then observed a yellow, orange flash, very close to Atkins body, and knew they were being shot at. Believing that [REDACTED] life, Officer [REDACTED] life, and the lives of the civilians in the parking lot were in imminent threat of death or serious bodily injury, Officer [REDACTED] lined up [REDACTED] sights and fired three rounds from [REDACTED] service pistol at Atkins.

Officer [REDACTED] recalled,

And then he - - he turns, and I'm not sure with which hand it was but fires - - fires a round at us. And I saw, like, a yellow/orange flash of the muzzle.

And at that time I fired back three rounds. They were - - they were rapid rounds. I had a - - I had a very good sight picture because I - - I heard that - - I heard that first one but I wanted to make sure just because I was getting out of the car with, you know, the background and everything. That I had a good sight picture and, you know, that there wasn't anybody else that was going to be in the way.

And so immediate defense of life for me and my partner because he's shooting at us, I fired back three rounds consecutively. And then I broadcast again shots fired, officer needs help [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] and [REDACTED], would reasonably believe Atkins' actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

[REDACTED]

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

Additional/Equipment

Body Worn Video Activations – The investigation revealed that Sergeant [REDACTED] along with Officer [REDACTED], Serial No. [REDACTED], Northeast Patrol Division, did not immediately activate their BWV upon arrival. Captain [REDACTED], Serial No. [REDACTED] Commanding Officer, Northeast Area, was notified and addressed the issue through an Action Item and divisional training. Additionally, Captain [REDACTED] advised that he would ensure 60-day BWV audits are conducted to ensure adherence to BWV protocols. The commanding officers of Operation-Central Bureau (OCB) and the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that [REDACTED] Serial No. [REDACTED] Hollywood Patrol Division, activated his BWV after the OIS. Officers [REDACTED] Serial No. [REDACTED], and [REDACTED], Hollywood Patrol Division, did not activate their BWV during the incident. Captain [REDACTED] Serial No. [REDACTED], Commanding Officer, Hollywood Patrol Division, was notified and addressed the issue through an Action Item and divisional training. Additionally, Captain [REDACTED] advised that [REDACTED] would ensure 60-day BWV audits are conducted to ensure adherence to BWV protocols. The commanding officers of Operation-West Bureau (OWB) and OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Sergeant [REDACTED] BWV was de-activated, possibly [REDACTED] rifle sling, during the incident. Sergeant [REDACTED] re-activated [REDACTED] BWV upon observing it off. Captain [REDACTED] was notified and addressed the issue through divisional training. The commanding officers of OWB and OO concurred with this action. As such, I deem no further action is necessary.

Basic Firearm Safety Rules – The investigation revealed that Officers [REDACTED] Serial No. [REDACTED], and [REDACTED], Serial No. [REDACTED], Hollywood Patrol Division, while responding to the help call, deployed their shotguns between their legs, with the muzzle pointed up, in close proximity to their faces, while seated inside of their police vehicles. Officers are to be reminded of the importance of pointing their muzzles in a safe direction. Captain [REDACTED] was notified and addressed the issue through divisional training, which was documented in the Learning Management System (LMS). The commanding officers of OWB and OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Officer [REDACTED] placed [REDACTED] loaded shotgun on the dashboard of [REDACTED] police vehicle while re-deploying around the perimeter of Trader Joe's. The officer is to be reminded of the importance of either maintaining control or securing firearms at all times. Captain [REDACTED] was notified and addressed this issue through divisional training, which was documented in the LMS. The commanding officers of OWB and OO concurred with this action. As such, I deem no further action is necessary.

Body Armor – The investigation revealed that Officer [REDACTED] was not wearing a ballistic vest during this incident. Captain [REDACTED] was notified and addressed the issue through a Personnel Complaint (CF No. [REDACTED]). The commanding officers of OWB and OO concurred with this action. As such, I deem no further action is necessary.

Maintaining Control of Equipment – A review of Sergeant [REDACTED] Digital In-Car Video System (DICVS) captured Officer [REDACTED] Serial No. [REDACTED] Northeast Patrol Division, service pistol fall out of [REDACTED] holster and onto the ground while [REDACTED] was re-deploying from a position of cover to [REDACTED] police vehicle. Captain [REDACTED] advised the UOFRB this issue was the result of a defective holster, which has since been replaced. As such, I deem no further action is necessary.

Protocols Subsequent to a Categorical Use of Force Incident – The investigation revealed that Captain [REDACTED], Serial No. [REDACTED] Commanding Officer, Hollywood Patrol Division, and Sergeant [REDACTED] did not immediately separate and monitor Officers [REDACTED] and [REDACTED] Serial No. [REDACTED], Hollywood Patrol Division, when advised that they were witnesses to the OIS. Captain [REDACTED] was notified and addressed the issue through a Notice to Correct Deficiencies (NTCD) for Captain [REDACTED] and an Action Item for Sergeant [REDACTED]. The commanding officers of OWB and OO concurred with this action. As such, I deem no further action is necessary.

Additionally, the investigation revealed that Officer [REDACTED] discussed the incident via telephone with Tactical Flight Officer [REDACTED] Serial No. [REDACTED], Air Support Division, prior to being admonished not to discuss the incident. Captain [REDACTED] was notified and addressed the issue through a Comment Card. The commanding officers of OWB and OO concurred with this action. As such, I deem no further action is necessary.

Witness Identification – A review of Officer [REDACTED] Serial No. [REDACTED], Northeast Patrol Division, BWV captured [REDACTED] direct a victim, who had sustained an eye injury during the OIS, to move away from the scene without requesting an RA or obtaining a Field Interview Card. Although I understand that this occurred while the officers were establishing control of the incident, I would have preferred that Officer [REDACTED] request an RA and sought guidance from the IC for a location to send witnesses. Captain [REDACTED] was notified and addressed the issue through divisional training, which was documented in the LMS. The commanding officers of OCB and OO concurred with this action. As such, I deem no further action is necessary.

A review of Officer [REDACTED], Serial No. [REDACTED] Rampart Patrol Division, BWV captured [REDACTED] direct a witness who observed the OIS to leave the scene without obtaining a Field Interview Card. Captain [REDACTED] was notified and addressed the issue through divisional training, which was documented in the LMS. The commanding officers of OCB and OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS)/Body Worn Video (BWV) – Northeast, Hollywood, Newton, Rampart, West Traffic, Wilshire, Central Traffic, and Van Nuys Divisions were equipped with DICVS at the time of the incident. The DICVS from Officers [REDACTED] and [REDACTED] vehicle, along with Officers [REDACTED] and [REDACTED] vehicle captured the OIS. Northeast, Hollywood, Newton, Rampart, West Traffic, Wilshire, and Metropolitan personnel were equipped with BWV at the time of the incident. Officers [REDACTED] and [REDACTED] BWV captured the OIS.

Outside Video – A surveillance camera inside the Trader Joe's grocery store captured Atkins actions upon entering the store. Additionally, the footage captured [REDACTED] inside the store just prior to, and after the OIS.

Respectfully,


MICHEL R. MOORE
Chief of Police

Date: 5-16-19