

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

OFFICER-INVOLVED SHOOTING – 053-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	7/14/17		
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Officer(s) Involved in Use of Force	Length of Service
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Officer G	6 years, 6 months
Officer H	9 years, 2 months

Reason for Police Contact

Officers responded to a radio call of an armed suspect brandishing a knife at family members. Upon the officers' arrival, they set up a perimeter around the house. After several hours of attempting to get the Subject to come outside, SWAT was called for a situation involving a barricaded suspect. The Subject subsequently came out onto the front porch holding what officers believed to be a handgun, resulting in an officer-involved shooting (OIS).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 25 years old.

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 June 26, 2018.

Incident Summary

The Person Reporting (PR) called 911 and spoke with a Los Angeles Police Department (LAPD) Communications Division (CD) operator, and advised that her brother, the Subject, was crazy, and recently threatened her with a knife. The PR added that her brother was under the influence of a narcotic and he was going to kill everyone. The PR stated she became scared and was chased out of the house by her brother.

Uniformed Police Officers A and B responded to the emergency (Code Three) radio call, "ADW suspect there now." Uniformed Police Officers C and D responded as the back-up unit.

While en route to the radio call, Officer B read Officer A the comments of the radio call, which indicated the suspect was armed with a knife had threatened the victim, the suspect was possibly under the influence and it was unknown if he was still armed. Officer A was reminded by Officer B that this was the same location where they had recently placed the same individual on a hold under section 5150 of the Welfare and Institutions Code (WIC) because he was a danger to other people. During that detention, the Subject had been cooperative.

Officers A and B did not specifically talk about tactics while en route to this radio call. However, Officers A and B normally carpool to work together and "always" talk about tactics, contact and cover, lethal and less-lethal roles, and different scenarios that they might come across.

Officers C and D have worked on and off with each other for approximately five months. In those five months, they have discussed tactics and different scenarios at their start of watch. They have also discussed lethal and less lethal roles and being flexible because those roles can change. In regard to this radio call, Officer D was designated as the less-lethal officer with the beanbag, and Officer C was the lethal officer.

Officers A, B, C, and D arrived at the location. Officer A exited his vehicle, approached the residence, unholstered his firearm, and maintained it at a two-handed, low-ready position, with his finger along the frame. Officer A stated the reason he unholstered his firearm was because the radio call indicated the suspect was armed with a knife and had threatened the victim. Officer A walked to the rear of a vehicle that was parked in the driveway for cover. Officer A began giving commands to the Subject to exit the location, and that the officers wanted to help him.

Officers A, B, C, and D heard the Subject making noises, breaking items inside the residence, and on occasions he would state, "Fuck you guys! I'm not coming out." Officer A indicated he remained at his position for approximately two hours, intermittently giving commands to the Subject to come out and that they wanted to help him.

While Officer A issued verbal commands for the Subject to exit the residence, Officer B met with the PR, adjacent to the residence. The PR advised Officer B that she had come to her parents' house to check on the welfare of her father. The PR did not know if anybody was home. While she was inside the house, she was confronted by her brother, the Subject. The Subject was armed with a knife, stabbing at the walls, and threatened to kill her as he chased her out of the house. Officer B requested a supervisor as the PR remained near the apartment building, east of her parents' house.

Upon arrival, Officer D deployed the beanbag shotgun, looked for cover and eventually positioned himself behind the driver's side of the vehicle in the driveway.

Officer D stated that once he got out of the police car, he deployed the beanbag shotgun and loaded one round into the chamber. Officer D then took the safety off and carried the beanbag shotgun pointing to the ground so he would not be aiming it at other officers. Officer D stated that he was taught to take the safety off when you come up on target. However, he wanted to be ready in case the Subject came out with a knife.

Officer D stated he remained behind the vehicle's driver's door for approximately two to two and a half hours, until he was relieved by other officers. During that time, Officer D stated he probably unholstered his firearm one or two times. Officer D stated he slung the beanbag shotgun behind him and unholstered his pistol when the officer next to him, who was designated as the lethal officer, would leave. Officer D unholstered because of the tactical situation, and the suspect was possibly armed with a knife. Officer D stated he would holster once the officer returned and reassumed the role of lethal force.

Officer B was the officer who positioned himself next to Officer D and assumed the role of lethal officer.

Officer C walked to the location where the PR was telling Officer B what had happened. Officer C overheard the PR state that she had come to check on her parents because her older brother (not the Subject), who suffers from mental illness, had assaulted their mother. According to Officer C, the PR stated her other brother (the Subject), who also suffers from mental illness and was possibly under the influence of a narcotic, had threatened her with a knife. Officer C stated, "Our first consideration was we possibly have a barricaded suspect." Officer C saw Officer A attempting to make verbal contact with the suspect but did not know if the suspect could hear him. Officer C used the public address (PA) system in the police vehicle and attempted to call the suspect out, but he did not come out.

Officer C stated that since his partner deployed a beanbag shotgun, he unholstered his firearm to have a lethal force option. Officer C stated he unholstered his firearm because he believed the situation could possibly escalate to a point where deadly force may be justified. Officer C stated he knew the Subject was armed with a knife but did not know if he was armed with a firearm or any other type of weapon.

Officer C holstered his firearm and began to put up crime scene tape to prevent the

public from entering the area. Officer C also moved the primary unit's police vehicle, positioned himself behind the police vehicle for cover, and established containment on the side of the suspect's residence. Officer C unholstered his firearm once he returned and positioned himself behind the police vehicle and covered the side of the location. Officer C stated that while his firearm was unholstered, he maintained it at a two-handed, low-ready position with his finger along the frame. Officer C remained at his position until he was relieved by other officers.

Sergeant A responded to the radio call. Upon arrival, Sergeant A met with Officer A who briefed him on the situation. Sergeant A stated he wanted to maintain containment on the residence and kept Officer A and Officer D in their positions, enabling both lethal and less-lethal force options.

Sergeant A, being a former detective who handled crimes against persons cases, believed he was the most qualified to determine what crime had been committed. Sergeant A re-interviewed the PR, who advised him that she had been informed that her mother was the victim of an assault. The PR went to the residence to check on the condition of her mother. When she walked in, she was confronted by her younger brother, the Subject. The PR stated that her brother was armed with a steak knife and told her, "I'm going to stick this in you." As the PR began leaving the location, her brother added, "And if mom and dad come back here, I'm going to cut them into little pieces." The PR informed Sergeant A that her parents were not home, and this was confirmed when she spoke to her mother on the phone.

Sergeant A instructed Officer B to complete a Criminal Threats Investigative Report (IR). Sergeant A stated, in regard to the crime report, it was his belief that this was a barricaded suspect.

Officer B began filling out the IR, listing the PR as the victim of a criminal threat; however, he declined to sign the crime report. The PR stated she had spoken to her mother on the phone and believed the police were going to hurt her brother, who was the only person inside of the residence, if she signed the crime report. After she declined to sign the report, Sergeant A assigned Officer B to cover the front door of the house with a lethal force option.

Officer B positioned himself on the driver's side of the vehicle in the driveway, next to Officer D. Officer B unholstered his firearm and kept it at a low-ready position, but above the hood of the vehicle. Officer B stated he holstered his firearm when he went to speak with Sergeant A to see if Special Weapons and Tactics (SWAT) was going to respond. Officer B returned to his position, next to Officer D, and unholstered his firearm. Officer B remained there until he was relieved by other officers.

Sergeant A obtained a layout of the residence from the PR and asked if the PR's brother could possibly escape through the rear door. The PR stated that the house is a duplex and that the rear door belongs to the other unit. She explained that the only way her brother could exit the location was either through the front door, or the windows facing the opposite direction. Sergeant A also asked if there were any guns in the

house and the PR stated no. Sergeant A placed officers on the side, but not in the rear of the house.

Once containment was established, Sergeant A notified the Watch Commander, Sergeant B, and advised him of the incident. Sergeant A asked Sergeant B to notify the Area Captains, Mental Evaluation Unit (MEU), and Metropolitan Division, SWAT.

Sergeant B stated he was contacted by Sergeant A who briefed him on the incident. Sergeant B believed this was a barricaded suspect situation because, "He [the Subject] made a threat to cause physical harm to someone, and he was in a position of advantage. He was armed with a knife and he refused to cooperate with an officer and surrender." Sergeant B stated he contacted MEU, Metropolitan Division, and then notified the Patrol Commanding Officer, Captain A.

Captain A stated he received a phone call from the Area Patrol Watch Commander, and the information he received was that the incident was a family dispute, and the person reporting was a female who refused to sign a crime report. Captain A stated when he received the phone call it was still undetermined if there was a criminal threat or if it was a person under the influence of narcotics and possibly a mental illness. Captain A decided to send a more senior supervisor to the scene to get additional information.

Captain A instructed the watch commander to send Sergeant C to respond to the location because the supervisor at the scene was a probationary sergeant. Captain A stated that Sergeant C was a Department chaplain and had experience dealing with people with mental illness.

According to Sergeant C, he was briefed by Sergeant B about a radio call that could potentially be a barricaded suspect and was asked to respond to the location and assess the scene.

Uniformed Police Officers E and F were at the station and had completed an arrest report for the Subject's older brother (arrestee in an earlier ADW on the Subject's parents). Officers E and F advised Sergeant B of the arrest, at which point Sergeant B directed them to respond and assist the officers on scene. Officer E stated that since he and his partner had built a rapport with the family, they might be able to help.

According to Sergeant A, Sergeant B made the notifications and called him back to provide the phone numbers to MEU and SWAT. Sergeant A spoke with personnel from both MEU and SWAT and gave them a detailed account as to what had occurred. Sergeant A was advised that MEU was going to send out two people since this was a barricaded suspect, and MEU had numerous contacts with the suspect.

Sergeant A stated the SWAT lieutenant had some questions that he answered and was advised that they were going to do a work-up on the location. Sergeant A was under the impression that SWAT was going to respond, however, he did not recall if the SWAT lieutenant actually said that they would respond. Sergeant A called Sergeant B and provided a status update in case the captains had any questions. Sergeant A did not

recall if he ever spoke with any captains.

SWAT Lieutenant A stated he began screening a call from Sergeant A. According to Lieutenant A, he was advised of the target location, the Subject, the Subject's six prior MEU contacts, the Subject's prior use of force, his criminal history, the crime that had been committed, and the Suspect being armed. Lieutenant A was also made aware that a crime report had been started, but the victim refused to sign it.

According to Lieutenant A, he had a series of phone calls with Captain A until SWAT was formally requested. According to Lieutenant A, there was apprehension on the part of Captain A about SWAT responding due to potential community impact concerns. According to Lieutenant A, Captain A had asked about sending a Crisis Negotiation Team (CNT) package. Lieutenant A explained to Captain A that the CNT package is for incidents where no crime has been committed and there's a possibility for SWAT to walk away from the circumstance. Lieutenant A stated that Captain A made the determination that they would continue to work on the problem with the Area resources.

According to Asst. Watch Commander, Sergeant D, he was asked by Sergeant B to respond and assess the incident. Sergeant D stated he responded and met with Sergeant A, who updated him on the incident. Sergeant D added that while he was at the scene, Sergeant C and MEU had shown up. According to Sergeant D, there was an issue with overtime, so Sergeant C told him that his GED officers would replace the day watch patrol units.

Sergeant C arrived on scene. He stated that since it was close to end of watch for the patrol units, he was going to have his gang officers respond and replace the patrol units.

Sergeant C met with the PR to get a firsthand account as to what had happened. The PR advised Sergeant C that her brother, the Subject was high on "meth" and was "crazy." According to Sergeant C, the PR told him, "He (the Subject) grabbed a knife and said, 'I'll, don't come here. I'll kill you. And by the way, when mom and dad get home, I'm going to slice them up.'" Sergeant C added that the PR was still reluctant to sign the crime report.

Sergeant C declared himself as the Incident Commander and contacted his officers to respond to the location and replace the patrol units on scene. The following officers responded and were briefed by Sergeant E. Police Officers G, H, I, J, and K.

Sergeant C believed that SWAT had not been notified prior to his arrival. Sergeant C stated he contacted the Watch Commander and Captain A and believed SWAT had been notified. Sergeant C stated he never spoke with SWAT regarding this incident.

Sergeant F arrived at the location with a Department of Mental Health (DMH) supervisor. At the location, they met up with another MEU team, Police Officer L, and DMH Clinician A. Sergeant F stated he checked in with the command post and was tasked with speaking with the family, which included the PR and her parents. Sergeant F stated that the parents spoke Spanish, so DMH Clinician A did most of the talking with

them. Sergeant F was told by the family members that the Subject generally responded better to females.

Once Officers E and F arrived, they met with Sergeant C and asked how they could help. Sergeant C told Officer E that the victim had not signed the crime report. Officer E met and spoke with the PR and explained how she had responded to an earlier radio call, helped her family, and had arrested the Subject's older brother. The PR finally agreed to sign the crime report.

Upon arrival, the GED officers formulated a tactical plan as to how they were going to replace the patrol officers, designated who was going to be assigned to lethal and less-lethal roles, who was going to be the contact officer and give commands, and who was the arrest team. The plan was approved by Sergeant C and included the following assignments.

Officer H was designated as "point" with a shotgun, Officer I was designated as "scout" and lethal with his firearm, Officer E was designated as team leader and communications, Officer G was designated as less-lethal with a beanbag, and Officers F and M, were initially designated as arresting officers. Officers J and K were assigned to replace the officers on containment on one side of the residence.

GED officers deployed breaching tools in case they were tasked with making entry into the residence. All GED officers were also equipped with TASERS.

Officer M had responded to the location with his partner, Police Officer N.

Officer H, who was armed with a shotgun, positioned himself to the rear of the vehicle in the driveway, replacing Officer A. Officers I and L moved behind the driver's side door of the same vehicle and replaced Officers B and D. Officer E had moved his police vehicle onto the street near the Subject's residence, replacing the patrol vehicle that was parked in front. From behind the driver's door of the police vehicle, using the police vehicle PA system, Sergeant C and Officer E attempted numerous times to get the Subject to exit the residence and resolve the incident peacefully. At one point, the Subject's mother was brought to the police vehicle, where she also used the PA system and asked her son to exit and comply, however all efforts were met with negative results.

Officers F and M were then instructed by Sergeant C to go and cover the rear of the house. Officer F stated that he was there for approximately 30 minutes until they were relieved by another unit. After being relieved, Officer F returned to the perimeter and waited for further instructions.

According to Sergeant A, once Sergeant C had his GED officers in place and believed there were enough resources, he departed the location.

Uniform Police Officers O and P responded to the location to relieve one of the units.

Upon Officers O and P's arrival, they were instructed to set up additional crime scene tape and make sure no pedestrians entered. Officers O and P did that until they were instructed by Sergeant C to relieve the patrol officers (F and M) at the rear of the location. Officers O and P unholstered their firearms prior to relieving the officers in the rear. The officers held their firearms at a low-ready position, with their trigger finger along the frame, as they moved through the driveway to the rear residence and took their positions. Officers O and P remained to the rear of the house, until the Subject was subsequently taken into custody.

Officer P stated he also had a beanbag shotgun slung so they would have a less-lethal force option in case the Subject came out and went to the rear.

Officers E and F were assigned as the designated officers to attempt to communicate with the Subject and were briefed by Sergeant F. Officers E and F utilized the PA system of the police vehicle that was parked in front of the residence and attempted to establish communication with the Subject to get him to surrender, with negative results.

According to Officer H, he was to the rear of the vehicle in the driveway for about an hour to an hour and a half, holding the shotgun at a low-ready position. Officer H stated his arms began to get tired, and he asked to switch positions with Officer I. Officer I agreed and moved to the rear of the vehicle. Officer I took over the point position with the shotgun. Officer H unholstered his firearm and positioned himself to the right of Officer G, behind the driver's door of the vehicle in the driveway. Officer H held his firearm at a low-ready position with his trigger finger along the frame.

After nearly four hours of officers attempting to deescalate the incident and the Subject ignoring commands and refusing to come out, Captain A and Sergeant C felt they had exhausted all de-escalation techniques. Captain A called Lieutenant A and advised him that he was now declaring the incident as one involving a barricaded suspect and requested the services of SWAT to the incident.

According to Lieutenant A, when he received the call from Captain A, he explained to him that SWAT officers had been called to another division on another call-out for a barricaded suspect. Lieutenant A told Captain A that as soon as the other incident was established, he would pull personnel and send them to this incident. During his FID interview, Lieutenant A was asked if the circumstances had changed between the first call and when SWAT was formally requested. Lieutenant A stated, "The circumstances hadn't changed. The division resources had attempted to get him into custody without SWAT resources, and so, I think after two and a half hours of attempts, that, you know, he decided to make it a proper barricade. Now in my mind we already had the crime, armed position of advantage and refuse to submit."

Sergeant D, who was at the station, returned to the incident upon hearing that SWAT was responding. Upon Sergeant D's arrival, he met with GED Lieutenant B at the command post. According to Sergeant D, Lieutenant B instructed him to relieve Sergeant C of the tactical operation so that he (Lieutenant B) and Sergeant C could operate the command post.

Sergeant D met with Officer E and advised Officer E that the officers should put on their ballistic helmets. Sergeant D had Officer E escort the Subject's family to the command post.

Sergeant G responded to the scene to supervise the GED officers who were in front of the location, by the vehicle in the driveway. Sergeant G advised the GED officers that SWAT was on their way and to hold their positions.

Metropolitan Division SWAT Sergeant H met with Lieutenant A. Sergeant H was advised that there was a request for SWAT at the location. Sergeant H was instructed to take some SWAT officers from the previous incident and start responding to this incident. Lieutenant A informed Sergeant H that he would send out a Department email request for any available SWAT personnel to supplement his officers in the other incident.

The following is an account of each officers' actions at the time of the OIS:

Officer G estimated he was standing on the driver's side of the vehicle in the driveway behind the engine block for approximately two hours. During that time, Officer G heard several attempts from Officer E, Sergeant C, and a female officer to call out the suspect. Officer G also heard the suspect yelling and breaking items inside the house. Just before the Subject came out, Officer G stated, "And he [the Subject] kept yelling at the top of his lungs something about my country, my country and he kept - - and then he kept saying, [expletive] you. I'm going to kill you. [expletive] you. I'm going to kill you."

Officer G observed the Subject standing behind the security door, as officers continued trying to get him to comply. The Subject then pushed the security door open, keeping his right hand behind his back and then aggressively began to walk out toward them. Officer G focused on his beanbag shotgun sights, which he aimed at the Subject's front mid-section. Officer G, in fear for his safety, fired the first beanbag sock round to stop the Subject and prevent him from hurting any officer. Officer G observed that the first beanbag sock round shocked and startled the Subject, after striking him, but it did not stop him. Officer G saw that the Subject was still being aggressive and waving his arms. Officer G fired a second beanbag sock round at the Subject and simultaneously heard Officer H fire his firearm. Officer G believed he heard Officer H fire approximately four rounds.

Officer G fired both beanbag sock rounds from an approximate distance of 20 feet. Officer G added that prior to the OIS, when Sergeant C was calling out the Subject, Sergeant C had warned the Subject if he did not comply it could lead to him getting hurt by the police using less than lethal or any other option.

Officer G was unsure if the Subject was armed as he exited the house. Officer G added that he believed the Subject was armed with a knife because of his action and statements regarding killing the officers.

After firing the second beanbag sock round, Officer G observed the Subject turn around and run back inside the house. Officer G then heard Officer H state that the Subject had a gun. Officer G proceeded to put down the beanbag shotgun and transitioned to his primary firearm. Officer G remained at a low-ready position with his firearm until he was relieved by SWAT officers.

Officer H, who had been standing to the right of Officer G, stated the efforts continued to ask the Subject to exit the residence. After approximately two and a half hours, the Subject opened the interior wooden door, but the black security door remained closed, and Officer H was unable to see inside. The Subject began to yell and closed the door. The Subject opened the interior door a second time, yelled and then slammed it closed. During this time, the Subject was turning the lights inside the house on and off. Officer H believed that Officer I then began verbalizing, without the use of the PA, for the Subject to come out. The Subject again opened the interior door, but the security door remained closed. The Subject then began to turn the porch lights on and off. Officer H used his flashlight to illuminate the security door but was unable to see the Subject.

According to Officer H, the Subject eventually pushed open the security door and stood by the door way, never crossing the threshold. According to Officer H, the Subject began yelling, "I'm gonna kill you," and "[expletive] the police." Officer H believed that those verbal threats were directed at him and Officer G. Officer H saw the Subject rapidly moving his left arm up to his chest and back down, striking the door as he yelled, "[expletive] the police." Officer H saw that the Subject's right hand was behind his back, until he quickly brought it to the front. The Subject raised his right hand, holding what appeared to Officer H to be a gun, and pointed it at Officer H. Officer H became scared and believed that the Subject was trying to kill him.

According to Officer H, he raised his pistol and fired what he believed were four consecutive rounds, while holding his flashlight under the magazine well of his pistol, from an approximate distance of 20 feet. Officer H stated that he aligned his front sights on the Subject's shirt, but after the first round the Subject was no longer in his sights. Officer H explained that after the first round, he became nervous and scared and tried to become as small a target as possible and moved behind the pillar of the vehicle in the driveway as he fired the additional rounds. Officer H believed that is why his rounds struck the vehicle in the driveway's front windshield. Officer H described his background as being the porch of the house, with the suspect's front door facing him. Officer H advised that lighting was provided by the police vehicle's spot lights and street lights.

The investigation determined that Officer H fired three rounds.

Officer H stated that as he was shooting, Officer G had simultaneously fired two beanbag rounds. Officer H then conducted a tactical reload because according to Officer H, his magazine holds eight rounds and he wanted to have a fully loaded pistol in the event he engaged the Subject again.

Officer I was positioned to the rear of the vehicle in the driveway after switching with

Officer H. Officer I observed the Subject come into view behind the security door, and the Subject began yelling and screaming. Officer I heard the Subject say, “[expletive] you, [expletive] you, I am going to kill you.” According to Officer I, the Subject pushed the security door open, and kept his right hand behind his back. Officer I believed that the Subject was arming himself either with a knife or another type of weapon because of his actions and his statements regarding killing.

Officer I observed the Subject lunge forward. Officer I then heard a beanbag shotgun discharge. Officer I saw the beanbag sock round appear to stun the Subject, but the Subject continued to flail his arm. Officer I used the light on the shotgun to illuminate the Subject. According to Officer I, the light illuminated the security door, and he lost sight of the Subject’s hands due to the glare of the light. Officer I then heard a second beanbag shotgun round being fired, simultaneously with approximately three rounds from a pistol. Officer I saw the Subject fall to the ground, then jump up and run back into the house.

Officer I stated that he and Officers G and H had discussed among themselves that if the Subject came out with a knife, the shotgun would be the last resort.

Officer I stated there was not enough time to give a warning about the beanbag shotgun use as the suspect came out. However, Officer I recalled that Sergeant C gave the Subject a warning about possibly getting hurt if he did not comply.

According to Officer E, he moved his police vehicle onto the roadway close to the Subject’s house and used the police vehicle as cover. Officer E stated the officers held their positions for a long time, but was not sure for how long. As they were waiting, Officer E heard the Subject screaming and several items being broken inside the house. According to Officer E, the front door finally opened, and Officer E could hear the Subject screaming and officers giving him commands.

Officer E unholstered his firearm because he believed the situation could escalate to one involving the use of deadly force because the Subject might be armed and had threatened his family with knives. Officer E moved to the front of the apartment building near the Subject’s residence. Officer E remained there and heard multiple rounds being fired. Officer E believed he heard three or four shots being fired but could not tell if they were shots from a beanbag shotgun or a firearm. Officer E asked what had happened and an unknown officer replied that some beanbag rounds had been fired. Officer H then advised him that he had fired his handgun. Officer E relayed the information to the Command Post via police radio. Officer E stated that from his position he could not see the Subject since his view was obstructed.

Sergeant D instructed the officers as to what their roles were and to hold their positions as they were waiting for SWAT. Sergeant D stated he was standing behind the rear driver’s side of the police vehicle, next to Officer E, when he heard someone say that the Subject was coming out. Sergeant D looked up and saw the Subject come out, then heard the officers yelling orders for the Subject to turn around and put his hands up. Sergeant D observed the Subject come onto the porch. Sergeant D heard the Subject

screaming and saw him waving his hands holding a shiny object, possibly in his right hand. The Subject continued yelling and began to quickly move toward the officers. Sergeant D then heard simultaneous shots being fired, a beanbag shotgun and a handgun, and observed the Subject run back into the house. Sergeant D stated that everything happened within five to ten seconds from the time the Subject came out until he heard the shots. Sergeant D contacted the command post and advised them of the OIS.

After the OIS and prior to SWAT's arrival, Sergeant D had officers in tactical police gear, evacuate the residence on one side of the Subject's residence. Sergeant D also had Officers E, F, M, and N evacuate the residents of the apartment building adjacent to the Subject's location.

Sergeant G stated he was moving back and forth between the officers to make sure everyone was okay, and they were not fatigued. Sergeant G advised that the officers on the containment had their helmets on prior to the OIS. He was in the front of the apartment building near the Subject's residence, when he saw the Subject exit the residence.

Sergeant G then heard what he believed to be a single gunshot. He saw the Subject run back into the house and heard an officer say it was a beanbag, but Sergeant G smelled gunpowder. Sergeant G asked the officers if someone had fired a handgun. An unknown officer responded that they had. Sergeant stated he proceeded to broadcast a "Shots fired, Officer needs help." During his FID interview, Sergeant G was asked about the Subject's arms and hands just prior to the OIS. Sergeant G stated, "He was waving his arms, but I couldn't tell you if he had anything in his hands or anything."

Officers O and P were in the rear yard of the Subject's residence at the time of the OIS. They could hear the officers giving commands to the Subject to come out. Officer O heard what he believed to be three gunshots fired. Officer O, who was unholstered, maintained his firearm at a low-ready position. According to Officer O, he remained in the rear yard until the Subject was taken into custody by SWAT officers and then holstered his firearm. Officer O did not observe who was involved in the OIS.

Officer P heard a pop sound and first believed it to be a firework. However, he then heard an additional two or three pops. Officer P stated he turned to his partner and asked if they had just shot, referring to the officers. According to Officer P, Officer O told him those were gunshots and instructed him to sling the beanbag shotgun and unholster his firearm. Officer P unholstered his firearm and maintained it at the low-ready position until the Subject was taken into custody. Officer P did not observe who was involved in the OIS.

As Officers O and P were providing containment in the rear yard, they were advised on the police radio, prior to the OIS, that the Subject could be coming out. Officer P holstered his firearm and transitioned to the beanbag so that the officers could have both lethal and less-lethal force options in the rear yard.

Officers J and K were tasked with containment on the side of the Subject's residence. Officers J and K had positioned their police vehicle close to the location, on the street, which they used for cover and to block vehicular and pedestrian traffic. As Officers J and K were behind their police vehicle they could hear commands being given to the Subject to come out, but they could not see him at the front door.

According to Officer J, he heard three or four gunshots, but believed they were from a beanbag shotgun. Officer J then heard a lot of yelling and commands, but he could not make out what was being said. Officer J then heard Officer E on the police radio advise that an OIS had occurred and that the Subject was armed with a gun. Officer J slung his beanbag shotgun and transitioned to his firearm because he believed the incident could escalate to the one involving the use of deadly force. Officer J maintained his firearm at a low-ready position with his trigger finger along the frame until he was relieved by SWAT officers. Officer J did not observe who was involved in the OIS.

According to Officer K, he was behind his police vehicle for a long time before he heard what he believed to be four gunshots from the front of the house. Officer K stated he unholstered his firearm, after the OIS, and held it at a low-ready position. Officer K stated he unholstered because he had been informed that the Subject was armed with a knife, there was an OIS, and he believed the incident had risen to the level where deadly force would be justified. Officer K remained unholstered until he was relieved by SWAT officers. Officer K did not observe who was involved in the OIS.

Officer K stated that he and his partner have worked two years together and have discussed tactics many times. Officer K indicated that in regard to this incident, he and his partner had discussed with each other that he would be lethal cover, and his partner was designated as the less-lethal role with the beanbag shotgun.

Sergeant C, who had been relieved of the tactical operation by Sergeant D, responded to the Command Post. As Sergeant C was waiting, he heard on the police radio that the officers had made contact with the Subject. Shortly after, Sergeant C heard on the police radio four shots and then someone saying he's got a gun; he was unsure which he heard first.

After the OIS, Officers H and I transitioned to their police rifles. Officer I added that he felt more comfortable with his police rifle than the shotgun, which was Officer H's personal shotgun. Officer E brought the rifle to Officer I and switched out the shotgun. Officer I then returned to his original position which was behind the driver's door of the vehicle in the driveway. Officer H returned to his police vehicle, which was parked close to the residence and deployed his rifle. Officer H returned to the rear of the vehicle in the driveway. Officers G and I kept asking the Subject to step out without anything in his hands and that they did not want to hurt him. When SWAT officers arrived later, they also asked the Subject to come out. According to Officer I, the Subject responded to SWAT's request by showing one of his legs as he opened the door and stated, "[expletive] you. I don't trust you."

The communication efforts by officers to have the Subject exit the residence continued

after the OIS until they were relieved by SWAT officers.

Officer Q, assigned to SWAT, believed he had arrived just after the OIS because he saw people running around and going back to their cars. Officer Q, along with other SWAT officers, boarded an armored SWAT vehicle and headed toward the Subject's residence. Officer R (SWAT Team Leader) had arrived soon after and advised Officer Q that he would be the primary crisis negotiator for the incident.

Officer Q began calling the suspect out by giving basic commands in a low tone of voice. Officer Q stated that when he began giving commands, the Subject came out a few times, once holding a stainless-steel object in one of his hands, possibly his right hand. Officer Q instructed the Subject, over the loud speaker, to place the object down. According to Officer Q, he used the loudspeaker so that officers at the scene were also made aware that the Subject was armed with something. Officer Q saw the Subject retreat into the house and toward a hallway. Officer Q stated he tried to negotiate with the Subject for about two hours and added that SWAT Officer S, also commanded the Subject to exit the house, with negative results. At one point, a tape-recorded request for the Subject to surrender, was made by the Subject's mother. The tape recording was played, but the Subject did not come out.

Upon arrival, Sergeant H met with Sergeant C. Sergeant H was briefed about the incident, the Subject, and the OIS that had occurred. Sergeant H, along with other SWAT officers, walked to the target location, and began replacing the division officers, and waited for additional resources.

As SWAT officers started making tactical adjustments around the containment, Sergeant H noticed that there were apartment porch lights directly across from their position that were back lighting the officers. Sergeant H contacted the Command Post and requested approval from the Incident Commander to break out the lights. Once approval was granted, SWAT utilized a beanbag shotgun and broke out the two front porch lights on the apartment complex adjacent to the location.

As officers continued to negotiate with the Subject, additional Metropolitan Division officers continued to arrive and re-enforce the perimeter. After two and a half hours, the negotiations with the Subject did not yield any results. The Subject stopped making noises and moving inside the residence. Sergeant H requested approval to break out the windows on the 'one' and 'four' sides of the Subject's house with beanbag shotguns, which was approved by Deputy Chief A. Sergeant H directed officers to break out the windows. Sergeant H believed by breaking out the windows it might stir up some activity from the suspect if he was asleep, passed out, or under the influence, however, this was also met with negative results.

Nearly three hours after the OIS had occurred and still with negative results communicating with the suspect, Sergeant H requested approval to utilize chemical agents, which was approved by Deputy Chief A. Sergeant H directed officers to deploy Ferret rounds into the house, through the windows that were previously broken. After the gas deployment, Sergeant H immediately saw and heard the Subject stirring around

inside the house. The Subject began coughing and yelling, but Sergeant H could not make out what the Subject was saying. Sergeant H believed the Subject was going to the front door, so Sergeant H had officers deploy two more rounds, which caused the Subject to immediately exit via the front door.

Once the Subject exited the front door he was instructed by Officer Q to walk toward the officers, but he ended up lying on the ground near the driveway. The Subject was then taken into custody without further incident. The Subject's residence was then cleared. The residence was secured and held until a search warrant was obtained.

Area detectives responded to the scene and assisted with gathering information regarding the Subject's crime and authored a search warrant for the residence.

A Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) arrived at the shooting scene and was on standby for a few hours, until the Subject was taken into custody and brought to the ambulance. In regard to the Subject's injuries, LAFD personnel stated, "There was nothing obvious other than what appeared to be bruising to the abdomen. He didn't seem to be in any kind of distress. I didn't see any injuries on the patient. He was talking to us, but he was really not making any sense. I don't know if he was under the influence of any drugs or if he had any kind of psychiatric issues." Transfer and care was relinquished to the hospital, and the Subject was treated for his injuries and cleared to be booked at an LAPD jail.

FID detectives attempted to interview the Subject, however, the Subject did not respond to the questions, and they terminated the interview.

FID detectives reviewed all documents and circumstances surrounding the separation, monitoring and admonition to officers not to discuss the incident prior to being interviewed by FID investigators. All protocols were followed and properly documented.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers G and H's tactics to warrant a Tactical Debrief. The BOPC found Captain A's tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Officers G and H's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer G's less-lethal use of force to be in policy

D. Use of Lethal Force

The BOPC found Officer H's lethal use of force to be in policy

Basis for Findings

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

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

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

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

Law Enforcement Officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where 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.

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

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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. 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. (Tactical De-Escalation Techniques, October 2016.)

- During its review of the incident, the BOPC considered the following:

1. Barricaded Suspect

Incidents involving a barricaded suspect present significant safety concerns to first responders, the barricaded individual and the community. To ensure the safety of all involved, these volatile situations often require police to utilize not only special equipment and tactical training, but specific expertise in crisis negotiation. The Department's Special Weapons and Tactics (SWAT) team is equipped and trained to resolve incidents that involve a barricaded suspect.

In this case, Captain A played a significant role in the oversight of the incident even though he was not on scene. The telephonic communication between Captain A and Lieutenant A blurred the line of authority customarily assumed by the IC and resulted in an approximate two hour delayed request for SWAT to respond.

In general, the IC is responsible for the overall management of the incident and possesses the real-time information necessary to make the tactical decisions

relative to the response of appropriate resources.

After reviewing the incident in its entirety, the BOPC determined the situation met the criteria of a barricaded suspect and that no exigent circumstances existed that would have warranted a deviation from protocol when dealing with a barricaded suspect. In this case, Captain A's decision to continue to utilize non-specialist resources limited tactical options and unnecessarily compromised the safety of the officers.

Consequently, the BOPC determined that Captain A's failure to identify the situation as a barricaded suspect and request the appropriate resources was a substantial deviation without justification from approved Department tactical training.

The BOPC determined Captain's tactics to warrant Administrative Disapproval.

2. Cover and Concealment

Officers G and H maintained their positions of cover behind the vehicle in the driveway until they were relieved by personnel from SWAT.

Once containment is established, redeployment can afford officers the added benefit of time and distance while continuing to maintain control of the situation. The addition of time and distance may give officers an opportunity to re-assess, communicate, request additional resources, or deploy other tactics, thereby enhancing the overall effectiveness of a tactical incident.

In this case, Officers G and H assumed positions of cover that had previously been established by Area patrol officers. The investigation determined the distance from the front door of the residence to the officers was approximately 20 feet.

Although the vehicle in the driveway provided the officers with a barrier between themselves and the Subject, redeploying to a secondary position of cover further from the front door would have provided the officers with additional time to react while awaiting the response of SWAT.

Based on the totality of the circumstances, the BOPC determined that the officers' actions were not a substantial deviation from approved Department tactical training.

3. Effective Encounters with Mentally Ill Persons

The investigation revealed that the officers responded to a radio call of an Assault with a Deadly Weapon who was believed to be suffering from mental illness due to prior MEU contacts and family statements. The officers were reminded of the proper tactics and protocols for encountering persons suffering

from mental illness.

4. Non-Conflicting Simultaneous Commands

The investigation revealed several officers at the scene gave non-conflicting simultaneous commands to the Subject when he opened the outer security door. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

5. Shooting Foreground

The investigation revealed, as Officer H fired his service pistol, two of his rounds struck the front windshield of the vehicle he was utilizing as cover. Officer H is reminded of the importance of assessing his foreground while discharging his weapon.

Command and Control

- In this case, Captain A played a significant role in the oversight of the incident even though he did not arrive at the scene until after the OIS. The telephonic communication between Captain A and Lieutenant A had blurred the line of authority that is customarily assumed by the IC, who is at scene and possesses the real-time information necessary to make the tactical decisions relative to the response of appropriate resources.

Although the BOPC recognized Captain A's willingness to take a leadership role as a new commanding officer of a patrol division, the BOPC had concern with Captain A's decision to manage a major incident while not at scene.

Based on the totality of the circumstances and the statements of supervisors who were at scene or had been briefed on the incident, it is clear the incident met the criteria for a barricaded suspect and that Captain A's apprehension to utilize SWAT personnel was unwarranted and resulted in an approximate two-hour delay in their response to the scene.

In conducting an objective assessment of this incident, the BOPC determined Captain A's failure to identify the situation as a barricaded suspect and delay in requesting that appropriate resources of SWAT, was a substantial deviation, without justification, from approved Department tactical training and warrants a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- According to Officer H, as he deployed outside the residence, he deployed the Department shotgun and assumed a position of cover to the rear of the vehicle in the driveway.

After maintaining his shotgun in a low-ready position for approximately one and a half hours, he asked Officer I to switch positions with him. He then re-positioned himself to the right of Officer G, behind the pillar of the vehicle in the driveway, and drew his service pistol.

According to Officer G, following the OIS, he heard Officer H state that the Subject had a gun, immediately grounded his beanbag shotgun, and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers H and G, while faced with similar circumstances, would reasonably believe there was a substantial risk that the situation could escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers H and G's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer G** – (Beanbag Shotgun, two sock rounds)

According to Officer G, the Subject pushed open the outer security door, concealing his right arm behind his back, then bolted out the front door towards him and his partner. Officer G immediately acquired the sights on his beanbag shotgun and fired one sock round right above the Subject's belly button. The Subject appeared startled but did not stop. Officer G then fired a second super sock round at the Subject, targeting the same area.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer G, while faced with similar circumstances, would believe the application of a less-lethal force option to stop the Subject's actions was objectively reasonable.

Therefore, the BOPC found Officer G's less-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer H** – (pistol, three rounds)

According to Officer H, the Subject closed the inner door then reopened it and popped open the outer security screen door, while concealing his right hand behind his back and yelling, "I'm gonna kill you and [expletive] the police!"

The Subject then pulled his right hand out from behind his back and produced what the officer perceived as a black semi-automatic pistol, raised the object, and pointed it at him. Fearing that the Subject was going to kill him or Officer G, Officer H fired three rounds from his service pistol at the Subject to stop the deadly threat.

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

Therefore, the BOPC found Officer H's lethal use of force to be objectively reasonable and in policy.